European ICT accessibility legislation

The European Accessibility Act

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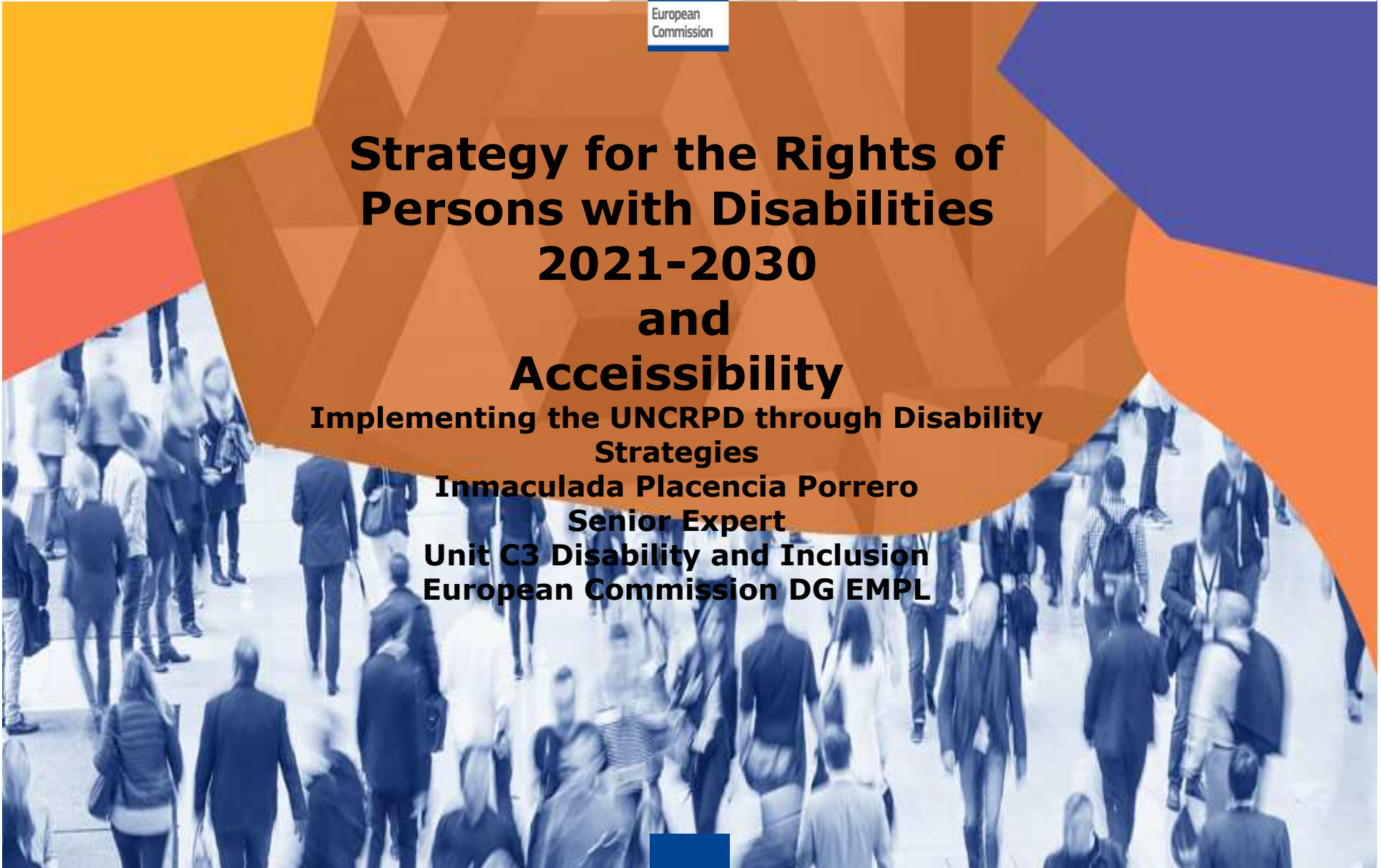**Inmaculada.placencia-porrero@ec.europa.eu**

Strategy for the Rights of Persons with Disabilities 2021-2030
and
Acceissibility

Implementing the UNCRPD through Disability Strategies
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What is the aim of the Strategy?

Objectives: *It aims to ensure that persons with disabilities can experience* **full social and economic inclusion on an equal basis** *with others and live free from discrimination, in line with the* **UN Convention on the Rights of Persons with Disabilities**

Approach: *It takes into account the* **diversity of disability** *(long-term physical, mental and intellectual or sensory impairments) addresses invisible disabilities, and promotes an* **intersectional perspective** *(multiple disadvantage, e.g. refugee children with disabilities)*

Learning from experience: *the Strategy builds on the findings of the evaluation of the previous European Disability Strategy 2010-2020, taking into account* **emerging and pressing policy needs**

What is the current situation?

More than 1 million children and adults with disabilities aged less than 65 and **more than 2 million** aged 65 and over live in institutions

50.8% of persons with disabilities are in employment compared to **75%** without disabilities

20.3% young people with disabilities leave school early, but only **9.8%** of those without disabilities

28.4% of persons with disabilities are at risk of poverty and social exclusion compared to **18.4%** of persons without disabilities

64.3% of persons with disabilities aged 16+ have an internet connection at home compared to **87.9%** of persons without disabilities

National rules deprive **800 000 EU citizens with disabilities** of the right to participate in European Parliament elections justifying on the basis of their disabilities or mental health issues

4 times more persons with disabilities report unmet healthcare needs than those without disabilities

52% of persons with disabilities feel discriminated against

What does the Strategy do?

Combination of disability specific actions + disability mainstreaming

87 actions in total

7 Flagship initiatives:

1. European resource centre **AccessibleEU** (2022);
2. European **Disability Card** (by end of 2023);
3. Guidance (2023) on **independent living** and **inclusion** in the community;
4. European Quality Framework for **Social Services of Excellence** for persons with disabilities (2024);
5. Package to **improve labour market** outcomes of persons with disabilities (2022);
6. Disability **Platform** (2021);
7. A renewed **HR strategy** to promote diversity and inclusion.

How does the Strategy look?

*It contains the following **priority areas:***

1. **Accessibility** – An enabler of rights, autonomy and equality;
    – The EU aims at building a barrier-free Europe in all kinds of environments
2. **Enjoying EU rights** (free movement, participation in the democratic process);
    – Persons with disabilities should enjoy all rights on an equal basis with others
3. **Decent quality of life and living independently** (e.g. independent living, skills, employment);
    – Persons with disabilities have an equal right to live independently and be included in the community
4. **Equal participation and non-discrimination** (e.g. access to justice, health, education);
    – Persons with disabilities have the right to protection from any form of discrimination and violence

How does the Strategy look?

*It contains the following **priority areas:***

5. **Promoting the rights of persons with disabilities globally**;
   - The EU will continue to uphold the human rights of persons with disabilities in all international relations
6. **Efficiently delivering the Strategy** (e.g. mainstreaming, EU funding);
   - The EU will systematically take into account the needs of persons with disabilities when designing policies
7. **The EU - Leading by example** as public administration (e.g. HR strategy, buildings);
   - The EU Institutions will step up their efforts towards a truly inclusive working environment
8. **Awareness, governance and measuring progress.**
   - The EU will work towards higher awareness and better monitoring

- *The Commission will:*
- *provide a practical guidance to MS to support the implementation of the accessibility obligations under the public procurement Directives;*
- *include accessibility and inclusiveness in the reinforced EU digital government strategy;*
- *review the passenger rights regulatory framework;*
- *launch an Inventory of Assets on rail infrastructure;*

review the Regulation on Union Guidelines for the development of the trans-European transport network;

*revise the Urban Mobility Package to strengthen*
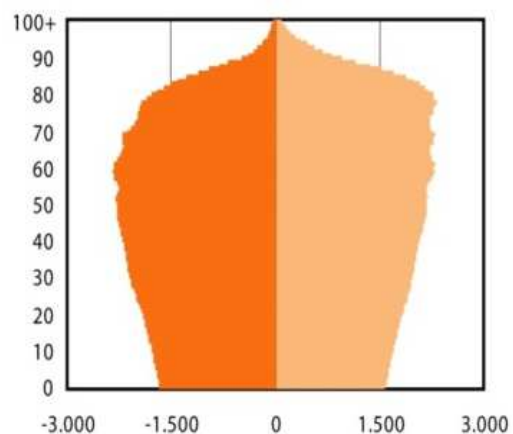
What is Accessibility ?

Accessibility is considered as a wide concept that includes the prevention and elimination of obstacles that pose problems for persons with disabilities in using products, services and infrastructures.

An increasing demand and market for accessible products and services due to population ageing
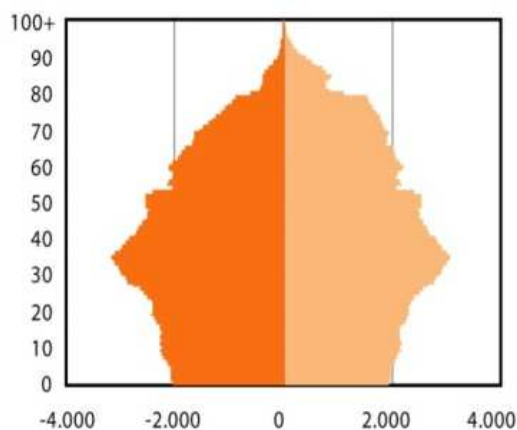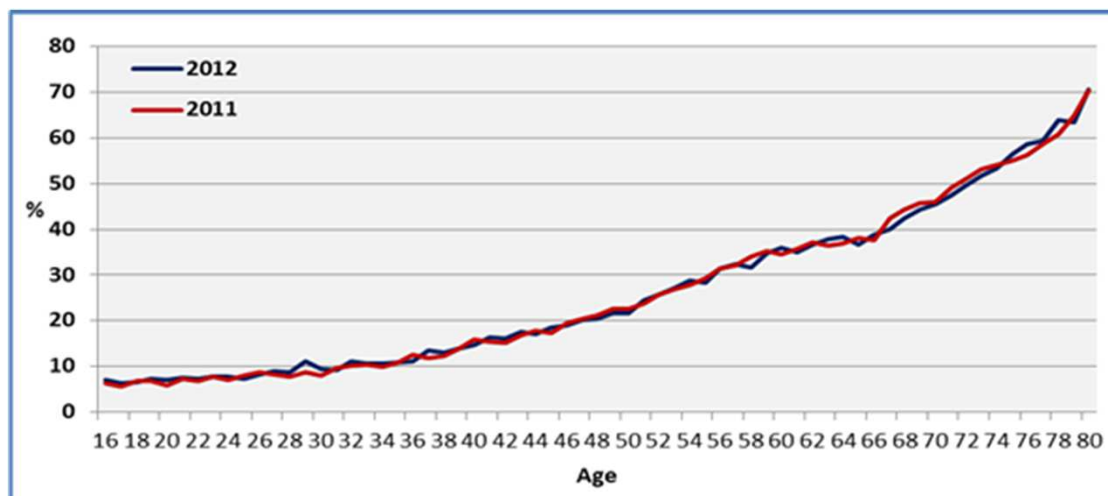
EU15: 2000

- 32 % people aged 55-64 report a disability
- 44 % people aged 65-74 report a disability
- 60 % people aged 75-84 report a disability
- 70 % people aged 85+ report a disability

Persons with disabilities by age, EU 2011 & 2012
Data source: Eurostat, EU-SILC 2012

EU15: 2050

Accessibility in the UN Convention on the Rights of Persons with Disabilities (UNCRPD)

➢ *Article 3 Accessibility a **general principle of the UN CRPD***

➢ *Article 9 Accessibility*
   *State parties to undertake appropriate measures **to ensure equal access** for persons with disabilities to:*

   - the physical environment

   - transportation

   - information and communications, including information and communications technologies and systems & internet

   - other facilities and services open or provided to the public, both in urban and in rural areas

➢ *Article 21Freedom of expression and opinion, and access to information*

   …

   (c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;

   ….

Concepts – UNCRPD

Human Rights - >Non-discrimination ->

Equal access!!!!

=

Accessibility

(following design for all)

+

reasonable accommodation

(assistive technologies, personal assistance….)

Diverging national approaches to accessibility legislation

- Different approaches: technical, discrimination, procurement

- Different material scope of the various legislations, built environment, ICT

- Different level of detail of legislation

- Different level of jurisdiction: national, regional, local

European legislation on Accessibility

Thematic legislation	Horizontal legislation	Funding related legislation
• Transport vehicles (low platform busses, rail, maritime) • Rails TSI (built environment) • Lifts • Electronic Communication (ex 112, service information) • Audiovisual media services • Web Accessibility • Terminals • Electronic Signatures	• European Accessibility Act • Proposed: Draft Antidiscrimination legislation	• Public Procurement • Public passenger transport services • Structural Funds • Trans-European Networks • Common Implementing regulation External Action

Accessibility obligations - EU ICT related legislation

- Accessibility obligations to economic operators
  - **European Accessibility Act**
  - **European Electronic Communications 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**

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What is covered in European Accessibility Act? Directive 2019/882

- Accessibility requirements for carefully selected products and services

- Same accessibility requirements to be used in other EU law (for example Public Procurement)

Services in the scope of the EAA

(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;

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;

Other elements related to the scope

-Answering emergency communications to the single Europan Emergency number 112 by the most appropriate PSAP (art.4.8)

-Built environment (optional) - customer service centres of shops of electronic communications service providers,

-Public Procurement for Products and services in the EAA

- EU Acts containing accessibility obligations (presumption compliance)

Key provisions for products and Services

- **Accessibility obligations** (Art 3)

- **Free movement of products** and **services** meeting the accessibility requirements

- Obligations for **economic operators**

- **CE** marking for products

- Terms and conditions for services

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.

Accessibility related standardization work at EU level

Mandate 376: *Accessibility requirements for public procurement of products and services in the* **ICT** *domain*

Mandate 554: *Web accessibility Directive (WEB + Mobile Apps)*

(H) EN 301 549

Mandate 420: *Accessibility requirements for public procurement in the* **Built Environment (***including* **transport infrastructures)**

prEN 17210

Mandate 473 *to:*

- include Accessibility following Design For All in relevant standardization activities
- Develop standards addressing accessibility following Design for all in the manufacturing and service delivery processes.

EN 17161

Other Key elements

-Enforcement:

- **Self-declaration of conformity (lightest option)**
- **Checks:**
  - -Market surveillance for products
  - -Authority responsible for compliance of services (check, safeguards)
- **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

Timeline for implementation

- **Transposition period -> Three years after entry into force**

- **Enter into application -> Six years after entry into force (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 maximun 5 extra years**

- **Answering emergency comunications to 112:**
  - **2 extra years (2027)**

- **Report -> 5 years**

Access City Award

- Awareness raising on urban accessibility: (transport, buildings and public spaces, ICT, public services provision

- Commitment to improvements in accessibility

- Role model to inspire other cities

- Promote best practices
- First Launch of the competition 2010

- Award 2011 Avila
- Award 2012 Salzburg
- Award 2013 Berlin
- Award 2014 Gothenburg
- Award 2015 Borås

- Award 2016 Milan
- Award 2017 Chester
- Award 2018 Lyon
- Award 2019 Breda
- Award 2020 Warsaw
- Award 2021 Jönköping

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