Accessibility requirements for products and services

2015/0278(COD) - 02/12/2015 - Legislative proposal

PURPOSE: to improve the proper functioning of the internal market and remove and prevent barriers for the free movement of accessible products and services, including for disabled people.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with Council.

BACKGROUND: the Commission notes that 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. Taking into account demographic ageing, **it is expected that in 2020 approximately 120 million persons in the European Union will have multiple and/or minor disabilities.** An environment where products and services are more accessible allows for more inclusion and facilitates autonomy.

Accessibility is at the heart of the **United Nations Convention on the Rights of Persons** with Disabilities, to which the EU is a party together with 25 of its Member States. It is one of the priorities of the European Disability Strategy 2010-2020 that sets actions for the implementation of the UNCRPD at EU level. Accessibility prevents or removes barriers to the use of mainstream products and services. It allows the perception, operation and understanding of those products and services by persons with functional limitations, on an equal basis with others.

Differences in legislation, standards and guidelines on accessibility exist and are very likely to increase as Member States develop new accessibility rules. National authorities, manufacturers and service providers face uncertainties concerning the accessibility requirements for potential cross-border services, and concerning the policy framework applicable for accessibility. **Harmonisation of national measures on accessibility** is being proposed as a necessary condition to put an end to the legislative divergence.

IMPACT ASSESSMENT: a preliminary screening showed that this EU initiative should only cover **selected priority areas**, where obstacles to the functioning of the single market were most visible and likely to increase or where action at European level would add more value. **Regulatory intervention** appeared to be the most efficient form of EU intervention for tackling current and expected problems in the functioning of the single market.

CONTENT: the proposed Directive will provide for a **common EU definition and implementation framework for accessibility requirements of certain products and services**, so that the latter might benefit from free circulation on the internal market and ensure the full participation of persons with disabilities in society.

The proposal is **complementary to existing EU law** addressing assistance to persons with disabilities or with reduced mobility like the regulation of passenger rights in all modes of transport (air, rail, waterborne, bus and coach). It also complements the proposal for a web accessibility Directive that covers in its scope only certain public sector websites.

The main aspects of the proposal are as follows:

Scope: the proposed directive aims to:

- **harmonise accessibility requirements for a list of products and services**, selected on the basis of the needs of industry and people with disabilities. It concerns particularly transport ticket machines and check-in machines, banking services, consumer terminal equipment, telephony and audio visual services, passenger transport services, e-books and e-commerce;
- **use the same accessibility requirements to define and give content to the – already existing, but undefined – obligation of accessibility** laid down in EU law, such as in the area of public procurement and the structural and investment Funds.

Accessibility requirements and free movement: the proposed Directive ensures that all products and services complying with the accessibility requirements will benefit from free circulation on the internal market. It supports industry to address accessibility issues by using the same functional accessibility requirements to render operational the obligation to buy/fund accessible products and services as laid down in EU law.

In line with the **'think small first'** principle, light conformity assessment and safeguard clauses are introduced to protect economic operators from carrying a disproportionate burden or avoiding (the costs imposed by) the fundamental alteration of their products and services

Implementation by Member States: the proposed directive:

- harmonises accessibility requirements at EU level for a number of products and services but **does not prescribe in detail how the obligation to render a product or service accessible** by complying with the defined accessibility requirements has to be achieved in practice. In case this still leads to obstacles in the internal market, the Commission can consider other options in the future to provide guidance to Member States such as standardisation or implementing measures;
- includes the option of using voluntary harmonised standards to provide presumption of conformity with the accessibility requirements;
- provides that Member States must transpose the Directive within two years after its entry into force at the latest;
- requires Member States to apply all measures, within six years after the entry into force of the Directive.

BUDGETARY IMPLICATIONS: the proposal has very limited budgetary implications. The only operational costs relate to the preparation of the report on the application of this Directive, i.e. operational appropriation of **EUR 0.2 million** under the existing budget line, as well as administrative expenditure of around **EUR 0.182 million per year** after the adoption of the Directive for running the related committee meetings. This expenditure will be borne by internal redeployment and not entail an increase in funds.