

Accessibility requirements for products and services

2015/0278(COD) - 08/05/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Morten LØKKEGAARD (ADLE, DK) 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.

The committee recommended that the position of the European Parliament adopted in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Consistency with the international context: Members recommended restricting the scope of application of the directive to **persons with disabilities only** and not to extend the scope to persons with permanent or temporary functional limitations, in order to align the directive with the United Nations Convention on the Rights of Persons with Disabilities (UNCRD),

A new recital explains, however, that the legislation will have a positive effect on people with permanent or temporary functional **limitations** such as elderly people or pregnant women or people traveling with luggage.

Objective and scope: the Directive aims to eliminate and prevent barriers arising from divergent requirements for accessibility to the free movement of products and services covered by this Directive in the Member States, and to contribute to the proper functioning of the internal market.

It applies to products and services placed on the market **after the date of application of the Directive**. To the list of services and products covered, Members have added: payment terminals; e-book readers; consumer banking services; websites and mobile device-based services of audiovisual media services; existing Regulations dealing with transport services. Some content from websites and mobile applications will be excluded.

The Directive **does not apply to microenterprises** that manufacture, import or distribute products and services that fall within its scope.

A coherent European legal framework: transport services should comply with the requirements of the directive when they are not already covered by Union legislation on rail transport, bus and coach transport, sea transport, inland waterway transport or flights by air.

Member States should include the **built environment used by clients of passenger services**, ensuring compliance with the accessibility requirements. However, Member States that have already adopted national law covering adequately the built environment only need to comply with the requirements set out in the directive to the extent that the services in questions are not covered by this legislation.

Obligations of economic operators: manufacturers shall ensure that products placed on the market have been designed and manufactured in accordance with the applicable accessibility requirements, unless those requirements are not achievable because the adaptation of the product concerned would require a fundamental alteration of the basic nature of that product or would impose a disproportionate burden for the manufacturer.

The **EU declaration of conformity** shall clearly indicate that the product is accessible.

Structured dialogue: 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.

Presumption of conformity: the Commission shall request one or more European standardisation organisations to draft **harmonised standards** for each of the accessibility requirements of products set out in the directive. It may adopt implementing acts establishing technical specifications that meet the accessibility requirements, only if certain conditions are met – for example, no reference to harmonised standards has been published in the Official Journal of the European Union.

National database: each Member State shall establish a publicly accessible database to register **non-accessible products**. Consumers shall be able to consult and log information about such products. They shall be informed of the possibility of lodging complaints. An interactive system between national databases shall be envisaged so that information on non-accessible products can be disseminated across the Union.

Procedure applicable to products that present a risk regarding accessibility: Members recommended that where, following notification that the product does not comply with the requirements of the directive, the relevant economic operator fails to take any adequate corrective action, the market surveillance authorities shall require that economic operator to withdraw the product from the market within a reasonable period.

Working group: members proposed that the Commission establish a working group consisting of the representatives of the national market surveillance authorities and the relevant stakeholders, including persons with disabilities. The working group shall: (i) facilitate the exchange of information and best practices among the market surveillance authorities; (ii) ensure coherence in the application of the accessibility requirements; (iii) express an opinion on exceptions from the accessibility requirements.

Implementing measures: the means of ensuring compliance with the directive should include the possibility, for the consumer **directly affected** by the non-conformity of a product or service, of taking action under national law before the courts or having recourse to a **complaint mechanism**. Prior to an action being brought before the courts or before the competent administrative bodies, alternative dispute resolution mechanisms should be in place.

Application and transitional period: the provisions of the directive should apply **five years** after its entry into force. In order to give service providers enough time to comply with the requirements of the directive, Members provided for a transition period during which products used for the provision of a service do not need to comply with the accessibility requirements.