Accessibility requirements for products and services

2015/0278(COD) - 14/09/2017 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 537 votes to 12, with 89 abstentions, **amendments** to 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 matter was referred back to the committee responsible for interinstitutional negotiations.

The main amendments adopted in plenary concerned the following issues:

Purpose and scope: Parliament clarified that the Directive should aim 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 contribute to the proper functioning of the internal market.

Members called for the Directive to include **persons with disabilities and persons with permanent or temporary functional limitations**, such as elderly persons, pregnant women and persons travelling with luggage.

Products and services covered: the Directive would apply to products and services placed on the Union market after the date of application of the Directive. Among the products and services covered, Members added:

- payment terminals;
- e-book readers;
- consumer banking;
- websites and mobile device-based services of audiovisual media services;
- transport, including urban public transport such as the metro, train, tram, trolley bus and bus, as well as related services;
- tourism services, including the provision of accommodation and catering.

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

Built environment: accessibility requirements shall also cover the ‘built environment’ from which the service is provided, including transport services. However, these accessibility requirements shall apply when building new infrastructure or major renovations to maximise their use by persons with disabilities.

Disproportionate burden: the proposal includes guarantees to ensure that the requirements of the Directive do not create a disproportionate burden for economic operators. When assessing whether compliance with accessibility requirements imposes a disproportionate burden on the competent

When assessing whether compliance with accessibility requirements imposes a disproportionate burden, only **legitimate reasons** should be taken into consideration. Lack of priority, time or knowledge should not be considered to be legitimate reasons.

Structured dialogue: 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.

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 non-accessible products. They should be informed of the possibility of lodging complaints. An interactive system between national databases would allow the dissemination of information on products that are not accessible across Europe.

Working Party: Members proposed that the Commission establish a working group of representatives of national market surveillance authorities and relevant stakeholders, including persons with disabilities.

This working group should (i) facilitate the exchange of information and best practices among market surveillance authorities; (ii) ensuring coherence in the application of accessibility requirements; and (iii) express an opinion on exceptions to accessibility requirements.

Application and transitional period: the provisions of the Directive shall apply from **five years** after its entry into force.