Basic information

2015/0278(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Accessibility requirements for products and services **Subject** 2.10 Free movement of goods 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 2.40 Free movement of services, freedom to provide 4.10.06 People with disabilities 4.10.07 The elderly	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
IMCO Internal Market and Consumer Protection	LØKKEGAARD Morten (ALDE)	02/02/2016
	Shadow rapporteur VERHEYEN Sabine (PPE) SEHNALOVÁ Olga (S&D) VAN BOSSUYT Anneleen (ECR) MAŠTÁLKA Jiří (GUE/NGL) ŠOLTES Igor (Verts/ALE) ZULLO Marco (EFDD) PRETZELL Marcus (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs	The committee decided not to give an opinion.	
EMPL Employment and Social Affairs (Associated committee)	KÓSA Ádám (PPE)	08/06/2016
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
TRAN Transport and Tourism (Associated committee)	TAYLOR Keith (Verts/ALE)	25/02/2016

REGI Regional Development	The committee decided not to give an opinion.	
CULT Culture and Education	KAMMEREVERT Petra (S&D)	02/02/2016
JURI Legal Affairs	The committee decided not to give an opinion.	
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
FEMM Women's Rights and Gender Equality	ESTARÀS FERRAGUT Rosa (PPE)	18/02/2016
PETI Petitions	KUNEVA Kostadinka (GUE/NGL)	23/02/2016

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3685	2019-04-09
Employment, Social Policy, Health and Consumer Affairs	3475	2016-06-16
Employment, Social Policy, Health and Consumer Affairs	3548	2017-06-15
Employment, Social Policy, Health and Consumer Affairs	3583	2017-12-08

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	THYSSEN Marianne

European Economic and Social Committee

Key events

Date	Event	Reference	Summary
02/12/2015	Legislative proposal published	COM(2015)0615	Summary
18/01/2016	Committee referral announced in Parliament, 1st reading		
16/06/2016	Debate in Council		
15/12/2016	Referral to associated committees announced in Parliament		
25/04/2017	Vote in committee, 1st reading		
08/05/2017	Committee report tabled for plenary, 1st reading	A8-0188/2017	Summary

15/06/2017	Debate in Council		
13/09/2017	Debate in Parliament		
14/09/2017	Decision by Parliament, 1st reading	T8-0347/2017	Summary
14/09/2017	Matter referred back to the committee responsible for interinstitutional negotiations		
22/01/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE633.060 PE634.700	
12/03/2019	Debate in Parliament		
13/03/2019	Decision by Parliament, 1st reading	T8-0173/2019	Summary
13/03/2019	Results of vote in Parliament		
09/04/2019	Act adopted by Council after Parliament's 1st reading		
17/04/2019	Final act signed		
17/04/2019	End of procedure in Parliament		
07/06/2019	Final act published in Official Journal		

Technical information

Procedure reference	2015/0278(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 61 Treaty on the Functioning of the European Union TFEU 114
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/8/05279

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	CULT	PE582.315	14/07/2016	
Committee draft report		PE597.391	06/01/2017	
Committee opinion	PETI	PE583.968	06/02/2017	
Amendments tabled in committee		PE599.675	14/02/2017	
Committee opinion	FEMM	PE592.148	23/03/2017	
Amendments tabled in committee		PE599.726	27/03/2017	

Committee opinion	EMPL	PE594.023	06/04/2017	
Committee report tabled for plenary, 1st reading/single reading		A8-0188/2017	08/05/2017	Summary
Committee opinion	TRAN	PE595.734	09/05/2017	
Text adopted by Parliament, partial vote at 1st reading /single reading		T8-0347/2017	14/09/2017	Summary
Text agreed during interinstitutional negotiations		PE633.060	19/12/2018	
Committee letter confirming interinstitutional agreement		PE634.700	04/02/2019	
Text adopted by Parliament, 1st reading/single reading		T8-0173/2019	13/03/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00081/2018/LEX	17/04/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2015)0615	02/12/2015	Summary
Document attached to the procedure	SWD(2015)0264	03/12/2015	
Document attached to the procedure	SWD(2015)0265	03/12/2015	
Document attached to the procedure	SWD(2015)0266	03/12/2015	
Document attached to the procedure	SWD(2016)0233	08/07/2016	
Commission response to text adopted in plenary	SP(2019)393	30/04/2019	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	RO_SENATE	COM(2015)0615	16/02/2016	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0050/2016	25/05/2016	

Additional information

Source	Document	Date
European Parliament	Briefing	
European Commission	EUR-Lex	

Final act	
Directive 2019/0882 OJ L 151 07.06.2019, p. 0070	Summary

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.

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.

Accessibility requirements for products and services

2015/0278(COD) - 07/06/2019 - Final act

PURPOSE: to make products and services more accessible to the citizens of the European Union, in particular the elderly and people with disabilities.

LEGISLATIVE ACT: Directive (EU) 2019/882 of the European Parliament and of the Council on the accessibility requirements for products and services.

CONTENT: it is estimated that more than 80 million people in the EU have some degree of disability. This accessibility legislation provides for accessibility requirements for essential products placed on the market after 28 June 2025, such as:

- self-service terminals for the purchase of passenger transport tickets;

- consumer banking services;

- telephone and internet services;

- e-commerce;

- e-books;

- calls to the emergency number 112.

Common accessibility requirements

The new Directive makes products and services more accessible by (i) establishing technical standards, (ii) introducing compliance monitoring and (iii) setting up a monitoring mechanism.

Under the Directive:

- products must be designed and manufactured in such a way as to ensure optimal predictable use by people with disabilities and must be accompanied by accessible information on their functioning and accessibility features, as far as possible included in or on the product;

- the product, including its user interface, shall include features and functions that enable persons with disabilities to access, perceive, use, understand and control the product;

- where appropriate, helpdesks (helpdesks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication.

Accessibility requirements shall only apply to the extent that compliance: (i) does not require a significant change in a product or service that results in a fundamental change in its nature; and (ii) does not impose a disproportionate burden on the economic operators concerned.

The Directive provides for lower requirements and obligations for microenterprises operating in the field of manufacture, import or distribution of products falling within its scope. All microenterprises are encouraged to provide services that comply with the requirements set out in the Directive.

Possible solutions

Annex II of the Directive provides a list of non-binding indicative examples of possible solutions to help meet the essential accessibility requirements, such as:

- provide visual, tactile and auditory information so that blind and deaf people can use a self-service terminal;

- include in an ATM a software connector and software to connect a headset that will retransmit the text on the screen in sound form;

- allow users to enlarge a text, zoom in on a specific pictogram or enhance contrast, so that people with visual impairments can perceive the information;

- avoid flashing images, so that people with epilepsy are not put at risk.

Working Group

The Commission shall establish a working group consisting of relevant authorities and stakeholders to facilitate exchange of information and of best practices and to provide advice. This working group shall facilitate the exchange of information and best practice between market surveillance authorities, foster cooperation between authorities and relevant stakeholders.

By 28 June 2030 at the latest and every five years thereafter, the Commission shall present a report on the application of the Directive.

ENTRY INTO FORCE: 27.6.2019.

TRANSPOSITION: no later than 28.6.2022.

APPLICATION: from 28.6.2025.

Member States shall provide for a transitional period ending on 28 June 2030 during which service providers may continue to provide their services using products which were lawfully used by them to provide similar services before that date. Service contracts agreed before 28 June 2025 may continue without alteration until they expire, but no longer than five years from that date.

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.

Accessibility requirements for products and services

2015/0278(COD) - 13/03/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 613 votes to 23, with 36 abstentions, a legislative resolution 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 relating to accessibility requirements for products and services.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Purpose and scope of application

The purpose of this Directive is to contribute to the proper functioning of the internal market by approximating laws, regulations and administrative provisions of the Member States as regards accessibility requirements for certain products and services by, in particular, eliminating and preventing barriers to the free movement of certain accessible products and services arising from divergent accessibility requirements in the Member States.

People with disabilities, but also people with functional limitations, such as the elderly, pregnant women and people travelling with luggage, would benefit from the Directive.

Products and services covered

The Directive shall set requirements to make a number of products more accessible. It shall apply, six years after the date of entry into force of the Directive, to products such as:

- general-purpose hardware computer systems for the general public (e.g. personal computers, including desktops, laptops, smartphones and tablets);

- payment terminals and self-service terminals such as ATMs, automatic ticket machines and check-in machines;

- consumer terminal equipment with interactive computing capabilities, used for electronic communications services;

- e-readers;

- electronic communications services and services providing access to audiovisual media services;

- websites, integrated services on mobile devices, including mobile applications and the provision of information on transport services, including real-time travel information;

- consumer banking services;

- e-books and dedicated software;

- e-commerce services.

The answering of emergency communications to the single European emergency number '112' shall also be covered.

Accessibility requirements

Member States shall ensure that economic operators place on the market only products, and provide only services, which comply with the requirements of the Directive. The CE marking should be affixed before the product is placed on the market.

Accessibility requirements shall only apply to the extent that compliance: (i) does not require a significant change in a product or service that results in a fundamental change in its nature; and (ii) does not impose a disproportionate burden on the economic operators concerned.

The Directive provides for lower requirements and obligations for microenterprises operating in the field of manufacture, import or distribution of products falling within its scope. While some microenterprises are exempt from the obligations of the Directive, they should all be encouraged to provide services that comply with the accessibility requirements of the Directive.

Member States may decide, taking into account national circumstances, that the 'built environment' used in the provision of services must comply with the accessibility requirements set out in Annex III, in order to ensure optimal use by people with disabilities.

Annex II of the amended Directive provides a list of non-binding examples of possible solutions to contribute to meeting the accessibility requirements in Annex I.

Working Group

The Commission shall establish a working group consisting of relevant authorities and stakeholders to facilitate exchange of information and of best practices and to provide advice. This working group shall facilitate the exchange of information and best practice between market surveillance authorities, foster cooperation between authorities and relevant stakeholders and provide advice, in particular to the Commission.

Reports and review

No later than 11 years after the date of entry into force of the Directive and every five years thereafter, the Commission shall report on the application of the Directive.

The reports shall address, *inter alia*, developments in the accessibility of products and services, possible technology lock in or barriers to innovation and the impact of the Directive on economic operators and people with disabilities. They shall also assess whether the Directive has contributed to approximate diverging accessibility requirements of the built environment of passenger transport services, consumer banking services and customer service centres of shops of electronic communications service providers.