European Accessibility Act

Item 99 CWP 2012

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Justice

European Disability Strategy 2010/2020: a renewed commitment to a barrier-free Europe

Accessibility: Problem Definition

Insufficient accessible goods and services

Fragmentation of the EU Market

Drivers for accessibility in the EU:

- **Ageing of the population**
- **UN Convention on the Rights of Persons with Disabilities**

Weak enforcement

Objectives

- To remove market fragmentation

- To create economies of scale

- To remedy market failures

- To increase competition among industry on accessibility

- To improve the availability in the market of accessible goods and services

EC Work Programme 2012, item 99

European Accessibility Act: improving accessibility of goods and services in the Internal Market

"Proposal for a Directive to improve the market of goods and services that are accessible for persons with disabilities and elderly persons, based on a "design for all" approach. This business friendly initiative will include binding measures to promote procurement and harmonisation of accessibility standards."

Target date: December 2012

http://ec.europa.eu/atwork/programmes/docs/cwp2012_annex_en.pdf

Roadmap

http://ec.europa.eu/governance/impact/planned_ia/docs/2012_just_025_european_accessibiliy_act_en.pdf

European Accessibility Act

Internal Market

Demand -> public procurement

Supply -> manufacturers and service providers

Relevant goods and services

Accessibility requirements

EU harmonised standards

Screening for relevant goods and services

Public consultation

UNCRPD

$\downarrow$

National legislation

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Market problems

Consultations

Eurobarometer

Online public consultation

SME Panel

Targeted interviews with industry and users

Conferences and events

EU Disability High Level Group

Eurobarometer

-Published 3rd December 2012

-Overall more than nine in ten respondents (93%) agree that barriers make it difficult for people with disabilities.

-7 in 10 Europeans believe better accessibility of goods and services would very much improve the lives of people with disabilities, the elderly and others with accessibility issues.

-Two thirds (66%) of respondents say that they would buy, or pay, more for products if they were more accessible and better designed for all, with specific reference to the inclusion of people with disabilities and the elderly.

Eurobarometer

-86% of Europeans agree that having similar accessibility solutions across Europe would enable them to travel, study and work in another EU country.

-96% of Europeans agree that when public authorities provide goods and services they should be obliged to ensure that they are also accessible to people with disabilities.

-94% of Europeans agree that more money should be spent on eliminating physical obstacles which make the lives of people with disabilities and the elderly difficult.

-47% of Europeans believe better accessibility of goods and services would very much improve opportunities for industry to sell products to people with disabilities and the elderly.

Eurobarometer

-93% of Europeans agree that manufacturers and service providers should be required to ensure accessibility of the goods and services that they sell.

-85% of Europeans agree that it should be possible to complain and go to court to seek sanctions against manufacturers and service providers who do not comply with binding measures to improve accessibility.

-Across Europe as a whole, 48% agree that 'existing rules on accessibility are sufficient to ensure them a good access to goods and services', whilst 47% disagree. The reason behind this disparity has to do with the differences on legislation and its enforcement among MS.

-78% of Europeans think that having common rules on accessibility in the EU will make it easier for companies to operate in another EU country.

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Basic rules for EU action

TREATIES of the Eurean Union

Can *the EU act? Competence rules regulates whether the EU can act*

Should *the EU act? Subsidiarity regulates whether the EU should act*

How *should the EU act? The principle of proportionality regulates the nature and form of EU action*

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Cost – Benefit Study
(supporting the preparation of an impact assessment)

PROGRESS Programme

> *Study on the situation of accessibility in Europe and related cost benefit analysis of measures to improve implementation in the areas of transport, ICT and physical environment and related goods, services and infrastructures.*

Key issues of the study

Approach

- **Internal market**
- **Industry problems**
- **Accessibility relevant goods and services**
- **User barriers**
- **Relevant sectors**
- **Problem definition**
- **Objectives**
- **Options**
- **Assessment of impacts**

Initial list of policy options non legislative

No policy changes

No EU action

Non-legislative options:

A) Voluntary response based on a Recommendation referring to common standard based accessibility requirements

B) Foster self regulation by industry and service providers to improve accessibility

C) Action Plan with soft measures
- **Prioritisation of identification of products and services;**
- **development of standards;**
- **dialogue with the sector actors;**
- **Specific sector initiatives.**

Initial list of policy options legislative

Legislative options:

A) A proposal for legislation to make compulsory the purchasing of accessible goods and services in public procurement.

B) The Commission will develop one/two general framework Directives containing general accessibility obligations on manufacturers and service providers to improve accessibility of goods and services.

C) This option would be similar to the previous one but instead of using a Directive it would be based on a Regulation with similar accessibility requirements.

D) This option is a combination of legislative options A and B and could also include an Action Plan containing priority areas for implementation.

The process and instruments

Scope: identified Goods and services

General accessibility requirements

Obligations on market actors

Implementing acts

Standards and presumption of conformity

Enforcement

Accessibility at EU level

UNCRPD - 18 EU legal acts dealing with accessibility

- **Transport**
  Regulations on Rights of persons with reduced mobility
  Rails –TSI

- **Ict**
  eAccessibility Policy
  eComm Legislation

- **Built environment**
  National and local
  Construction Products

- **Public Procurement**
- **Structural Funds**
- **Antidiscrimination (under adoption)**

Accessibility related standardization work at EU level

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

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

Mandate 473 to include Accessibility following **Design For All in relevant standardization activities**

Art 19 TFEU Treaty proposal COM (2008) 426

Scope
- **Social protection, including social security and healthcare**;
- **Social advantages**;
- **Education**;
- **Access to and supply of goods and other services which are available to the public, including housing.**

Principle of equal treatment of persons with disabilities

Art 4
- **Effective non-discriminatory access**
- **Anticipatory**
- **Conditions:**
  - Disproportionate burden
  - Fundamental alteration
  - Provisions of alternatives
- **Reasonable accommodation**
- **Conditions:**
  - Disproportionate burden

Recent developments

●**Revision of the Public Procurement Directives COM(2011) 896** ◦ **article 40 technical specifications**

- ◦ *article 61 quality assurance standards (accessibility)*
- ◦*article 66 award of contracts (accessibility)*
- ◦ *article 84 public oversights (report includes accessibility)*

● **New Structural Funds regulation COM(2011) 615**

- ◦ *Article 7 on discrimination*
- ◦ *Article 87 operational programmes: description   disability and accessibility*
- ◦ *article 100 monitoring: disability and accessibility*
- ◦ *article 101 reporting: disability and accessibility*
- ◦ *ex ante conditionalities: UN Convention and accessibility*

● **Proposal for Trans European Networks**

- ◦ *article 4 objectives (accessibility)*
- ◦ *article 10 priorities (accessibility)*
- ◦*article 39 use of new technologies (accessibility)*
- ◦ *article 43 accessibility for all users*

● **Proposal for web accessibility public sector websites**

essential web accessibility requirements
List of 12 public sector services websites
Reference to standards: Harmonized, European (M376), ISO
Methodology for monitoring
Reporting

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ANED contribution

-Enforcement

- **Conformity assessment**

-Legislative review

- **Fragmentation**
- **Scope**

Adapted time schedule

Impact Assessment early 2013

Commission proposal adoption first half 2013