

MEMO

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Disabilities: proposal for an Accessibility Act - frequently asked questions

See also an [accessible version](#) and a [press release](#)

How different are the rules on accessibility in Member States?

There are different approaches among Member States. Some have general requirements linked to anti-discrimination laws, whereas others have technical detailed requirements, some requirements focus on public procurement.

All Member States have legislation addressing accessibility of buildings, covering features like ramps, doors and toilets, but few cover issues related to acoustics and signalling. For transport, rules are mainly shaped after EU Regulations requiring the provision of assistance to passengers with reduced mobility and accessibility of vehicles. In areas not covered by EU legislation with regard to accessibility, like computers, private websites or ticketing machines, national laws vary.

For instance, almost all Member States have obligations for public websites, while fewer include also private websites, and obligations differ on issues like addressing the needs of people with intellectual disabilities or those of deaf people. In the case of ATMs, at least one third of EU countries have regulated their accessibility, but, for instance, the degree of coverage of ICT-related accessibility features differs from one country to another.

How have the products/services covered by the Act been identified?

The European Commission launched a public consultation to identify the products and services considered the most relevant by the public. At the same time, it took into account the obligations deriving from the UN Convention on the Rights of Persons with Disabilities, and consulted stakeholders and experts on accessibility. Furthermore, an in-depth analysis of legislation was carried out in nine EU Member States representing about 80% of the EU GDP and 77% of the EU population.

Which products and services are covered by the Directive?

- computers and operating systems;
- ATMs; ticketing and check-in machines;
- smartphones;
- TV equipment related to digital television services;
- telephony services and related equipment;
- audiovisual media services (AVMS) and related equipment;
- air, bus, rail and waterborne passenger transport services;
- banking services;
- e-books;
- e-commerce;

What are the common requirements like?

The requirements imposed in the Directive are of general character and based on functionality. They tell what features of products and services need to be accessible but not the specific technical details of the solutions.

For products, for example, the Directive requires their user interface to be accessible by, among others, providing an alternative to speech for communication, flexible magnification and contrast adjustment or allowing the user to control the volume. However, the requirements don't say what technical solutions should be used to achieve those functionalities. That is left to the economic operators.

Similarly, for services it is required, for example, that the related websites should be accessible and contain information about the accessibility features of the services. Websites should be designed in a way that users would be able to perceive the information on the website, to operate its functionality and to understand its content and structure, to be able to navigate through the pages. Once more, technical implementing details are not provided at this stage.

This flexibility allows for innovation. The Directive would also help the identification of harmonised standards which can be voluntarily followed to comply with those functional requirements.

The requirements imposed in the Directive also serve to define general accessibility obligations laid down in other EU law, such as in the areas of public procurement and the European Structural and Investment Funds. As this Directive is aimed at improving the functioning of the internal market, its requirements could in the same vein help to define the concept of accessibility in other instances, such as in the context of the Commission proposal for a horizontal equal treatment Directive.

How will this Directive improve the accessibility of transport services?

The Directive complements already existing EU legislation concerning the rights of persons with reduced mobility and with disabilities when travelling in the various modes of transport as well as standards on the accessibility of vehicles in the different transport modes.

The implementation of the common accessibility requirements of the Directive will allow passengers with disabilities to be able to book their tickets on the transport companies' websites or directly via accessible ticketing machines. For example, a blind person will be able to use voice or tactual interfaces to interact with the ticketing machines and also to get information about the schedule of his/her journey. Deaf and hard of hearing persons will get information about the changes in the schedule of their train/bus journeys in real time in text format, complementing the oral announcements.

How will this Directive improve the accessibility of banking services?

The Directive will facilitate the management by persons with disabilities of their personal banking activities in an autonomous manner. ATMs will provide sockets for headphones so that blind persons can withdraw money with the support of audio instructions. Keyboards will provide tactual clues. ATMs will also have visual alerts (blinking lights) in addition to audible signals to indicate where the cards need to be introduced or where the money comes out. This will also help older persons and those with intellectual disabilities. In addition banking websites will become accessible for example by describing pictures and buttons, by having a logical structure allowing flexible time for navigation and by providing the possibility to adjust the sizes of the letters, the colours and the contrasts used.

How will this Directive improve the accessibility of digital devices and services?

The Directive has a strong focus on digital technologies given their increasing importance for communication and participation in society and economy. Digital technologies offer new opportunities to people with disabilities for independent living and autonomous decision-making.

The Directive will trigger the introduction of accessibility features in key digital products and services. For example for the operation of TV sets, remote controls would need tactile clues in the key pads and the text in the electronic programming guide would need to be available in a format that can be read aloud. In addition, TV programmes need to have subtitles or sign language interpretation to convey oral messages to deaf and hard of hearing persons. Oral commentary describing images will help blind and partially sighted persons to follow programmes.

Smartphones with advanced telephony services combining voice, text and speech facilitate communication not only to deaf and hard of hearing persons, but to all other people in noisy environments or in meetings where it is not possible to speak on the phone.

The Directive contributes to the realisation of an e-inclusive society put forward in the Digital Single Market Strategy by ensuring the accessibility of websites from providers of basic services to citizens. The web-accessibility requirements used in this Directive are identical to those of the proposal for a Directive on the accessibility of public sector bodies' websites.

Accessibility features in websites include, for example, having a logic structure which helps persons with intellectual disabilities and all of us to better understand the pages, allowing for navigation between headings and links, having information describing pictures and separating the content from the structure. These features allow persons with various types of disabilities to use the websites: to get information, to buy products and services online or to make financial transactions. In addition the same features improve the portability of websites among devices, reduce the time for loading pages and simplify their maintenance.

When will Member States have to apply the Act?

Member States shall adopt national rules to transpose the Directive within two years after it enters into force. Those provisions should become applicable within an additional period of four years. This means six years after its entry into force, it will be applicable in all Member States.

How will this proposal save costs for companies and Member States?

Thanks to this harmonising proposal, which removes existing fragmentation and prevents future fragmentation, the cost for companies and Member States will be reduced by about 50%.

How are small-scale operators protected from unnecessary regulatory burden?

Most jobs in the Union are provided by SMEs and micro-enterprises. They have a crucial importance for future growth, but are very often particularly affected by hurdles and obstacles in the context of cross-border trade stemming from divergent national requirements. It is therefore necessary to facilitate the work of the SMEs and micro-enterprises operating across borders by harmonising the national provisions on accessibility while maintaining the necessary safeguards.

In line with the 'think small first' principle, 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. These clauses take into account inter alia the size, resources and nature of the economic operators concerned.

In line with Commission policy, a full exemption for microenterprises was considered but discarded in favour of the above mentioned clauses as these will better target the actual population of economic operators for which burdens may, in individual well justified cases, potentially be disproportionate relative to benefits.

For example, a small-scale bakery opening a webshop can examine whether the compliance with the accessibility requirements of the Directive would impose a disproportionate burden and can on the basis of its own assessment decide not to apply these, without having to notify the relevant market surveillance authorities.

How does the European Accessibility Act contribute to growth and job creation?

Firstly, the initiative is likely to generate growth of market opportunities for businesses developing accessible products and services.

Secondly, it can contribute to economic growth and employment, as it will improve the chances for people with disabilities of following education or finding a job, helping the EU to reach the Europe 2020 targets in these areas. In addition, jobs related to accessibility expertise will be further developed and the demand for them is likely to increase. This has been the case in the US, where as a result of legislative obligations, new companies, in particular SMEs, emerged creating new business and employing people with disabilities as experts. Large companies also offer jobs for accessibility experts.

Finally, the Directive is expected to have a positive impact on public budgets. By bringing more people with disabilities to education and jobs, as well as by allowing older people to have longer working lives, the proposal will enable them to be active citizens and tax payers. It can thus reduce dependency and pressure on pensions and public budgets.