



The European Accessibility Act & AVMS

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The EU and the UNCRPD

30 March 2007: the European Community signs the UN Convention on the Rights of Persons with Disabilities (UNCRPD)

26 November 2009: Council Decision on the conclusion (ratification) of the UNCRPD by the EU

Adoption of the **European Disability Strategy 2010-2020**

22 January 2011: entry into force of the UNCRPD for the EU

August 2015: Dialogue with UN Committee on the implementation of the UNCRPD by the EU

September 2015: UNCRPD recommendations to the EU (Concluding Observations)

February 2017: Publication of progress report on the implementation of the European Disability Strategy 2010-2020 – includes an overview of the UNCRPD recommendations' implementation

Accessibility in the UN CRPD

➤ *Accessibility is a general principle of the UN CRPD (Art. 3)*

➤ **Article 9 Accessibility**

*State parties to undertake appropriate measures **to ensure equal access** for persons with disabilities to:*

- the physical environment
- transportation
- information and communications, including information and communications technologies and systems & internet
- other facilities and services open or provided to the public, both in urban and in rural areas

➤ **Article 30 Participation in cultural life, recreation,**

➤ **leisure and sport**

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

- (a) Enjoy access to cultural materials in accessible formats;
- (b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;



ACCESSIBILITY

EC European Disability Strategy 2010-2020

*"The Commission proposes to **use legislative and other instruments as standardisation**, to optimise the **accessibility** of the built environment, transport and ICT [...]. Based on smarter regulations principles, **it will explore the merits of adopting regulatory measures** to ensure accessibility of products and services, including measures to step up the use of **public procurement**[...]. Following further consultations with Member States and stakeholders, the Commission will consider whether to **propose a European Accessibility Act**."*

What will be covered in European Accessibility Act?

(disclaimer: political agreement)

- Accessibility requirements for carefully selected products and services
- Same accessibility requirements to be used in other EU law (for example Public Procurement)

Products in the scope of the EAA

(a) consumer general purpose computer hardware systems and operating systems intended for use in these hardware systems;

(b) Self Service terminals:

- (ia) payment terminals;
- (iia) the following self-service terminals dedicated to the provision of services covered by this Directive in accordance with Article 1(2) (also urban):
 - (iia-i) Automated Teller Machines;
 - (iia-ii) ticketing machines
 - (iia-iii) check-in machines
 - (iia-iv) interactive self-service terminals providing information, excluding machines installed as integrated parts of vehicles, aircrafts, ships or rolling stock;

“(c) consumer terminal equipment with interactive computing capability, used for electronic communication services;”

(d) consumer terminal equipment with interactive computing capability, used for accessing audio-visual media services;

(e) e-readers;



Services in the scope of the EAA

- (a) electronic communications services with the exception of transmission services used for the provision of machine-to-machine services”.**
- (b) services providing access to audiovisual media services;]**
- (c) Certain elements of air, bus, rail and waterborne passenger transport and limited urban transport services (websites, mobile based devices, information to consumer, electronic ticketing , self-service terminals...)**
- (d) consumer banking services;**
- (e) e-books and dedicated software**
- (f) e-commerce;**

- (x) answering of emergency Communications to 112**

Interaction with European legislation with accessibility provisions

Public Procurement: obligations for P+S in EAA

Presumed compliance of accessibility requirements:

- **Examples:**

- **Public Procurement Directives**
- **Structural Funds regulations**
- **Trans-European Networks**
- **Common Implementing Regulation External Action and contract procedures**
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Other issues:

- **Sector-specific legislation (Low platform buses; Lifts; TSI-PRM, etc.)**
- **Draft Antidiscrimination legislation ????**

Other components of the scope

- Built environment (optional)**
- Public Procurement for Products and services in the EAA**
- Additional requirements**
- Other EU Acts containing accessibility obligations (presumption of compliance)**

Key provisions for products (I)

- **Accessibility obligations (Art 3)**
- **Free movement of products and services** meeting the accessibility requirements
- **Obligations for manufacturers, authorized representatives, importers, distributors**(
Decision 768/2008)
- **CE marking** (Regulation 765/ 2008)
- **Self-declaration of conformity** (lightest option)
- **Market surveillance (compliance, safeguards)**

Key provisions for services (II)

- **Accessibility obligations (Art 3)**
- **Free movement of products and services** meeting the accessibility requirements
- Obligations for **service providers**
- **Authority responsible for compliance of services** (check, safeguards)

Other issues

Material scope

- **Exemption micro enterprises for services**
- **Mitigating measures for micro enterprises for product:**
 - Reduction of administrative burden
 - guidelines

Safeguards:

- **Disproportioned burden (Annex, persons with functional limitations COM)**
- **Fundamental alteration**

Other Key elements

- Standards and technical specification**
- Enforcement and Penalties**
- Timeline for implementation**
- Report**

Annexes:

- **Annex I – accessibility requirements andFunctional performance criteria**
- **Annex Ia – examples**
- **Annex II – Conformity assessment of products**
- **Annex III- Information on services meeting accessibility requirements**
- **Annex IV – Assessment of disproportionate burden**

Timeline for implementation

- **Transposition period -> Three years after entry into force**
- **Enter into application -> Six years after entry into force**
- **Transition periods:**
 - **SST – end of economic life – max 20 years**
 - **Ongoing services contract 5 years**
 - **Emergency answering services:**
 - 2 years
 - Relay services - technology mature

Interaction with European legislation with accessibility provisions

- **Web Accessibility:**
 - same accessibility requirements
 - Public - private
- **Electronic Communication Code**
 - Accessibility – equal access
 - Accessibility requirements
- **Audio Visual Media Directive**
 - Access to AVMS – accessibility of AVMS
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Audiovisual Media Services Directive (AVMSD) Dir 2018/ 1808

Facilitates cross border circulation of audiovisual media services

Harmonises rules in areas of general public interest (eg protection of rights of persons with disabilities, protection of minors, protection of consumers, promotion of European works)

Country of origin principle

Accessibility of audiovisual content (1)

Old directive: No obligation placed on media service providers

- *rather political commitment: Member States **shall encourage** media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability.*

➤ **Impact:**

- *Member States stepped up efforts to progressively increase accessibility*
- *Lack of harmonisation led to divergences between linear and no linear (on demand providers regulated only in few MSs)*



Accessibility of audiovisual content (2)

Revised AVMSD

Services continuously and progressively more accessible

Regular reporting by the media service providers to the national authorities

Reporting by Member States to the Commission every three years (with 1st report 4 years from the entry into force of the Directive)

Accessibility action plans

Online point of contact

Emergency information

ERGA – exchange of experience and best practices



Accessibility related standardization work at EU level

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

EN 301 549

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
- Develop standards addressing accessibility following Design for all in the manufacturing and service delivery processes.

EN 17161

Useful weblinks

European Disability Strategy 2010-2020: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF>

Initial plan to implement the Strategy: List of Actions 2010-2015: <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010SC1324:EN:NOT>

United Nations Convention on the Rights of Persons with Disabilities: <http://www.un.org/disabilities/>