



# EDF initial position on the proposal for a European Accessibility Act

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The European Disability Forum is an independent NGO that represents the interests of 80 million Europeans with disabilities. EDF is a unique platform which brings together representative organisations of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.



## EDF initial position on the proposal for a European Accessibility Act

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### Summary

EDF welcomes the publication of the long awaited Accessibility Act. It is of key importance that the Accessibility Act takes the form of a Directive. Following an initial analysis of the [published document](#), EDF calls attention to the following issues in the published draft:

1. **Scope:** Extend the scope of the Accessibility Act to cover all areas where market fragmentation is happening, or possible: e.g. to the built environment related to the provision of products and services. This limitation in the scope of the Act leads to a situation where parts of a service will be accessible, and other parts not, rendering the service itself inaccessible.
2. **Definitions and accessibility requirements:** Provide clear definitions and explanations of all key concepts and accessibility requirements in order to avoid problems in implementation and enforcement. The following definitions and requirements need further clarification: the concept of “retailer, a definition of “service provider”, the accessibility requirements in the Annex, etc.
3. **Labeling:** ensure that labeling of accessible products and services will be adequate to ensure persons with disabilities can recognize accessible products and services easily and clearly. CE-marking is proposed in the Act; however CE-marking reflects many different criteria - how would a customer know they were really buying an accessible product when CE-marking covers products not covered by the Act, or products pre-dating the Act. CE-marking also does not apply to service, so the aspect of a label for services is not covered by this proposal.
4. **Disproportionate burden:** this important concept needs to be clarified so it does not provide an easy way to avoid making mainstream products and services accessible. Currently the text of the Act does not clarify the parameters which would be used to justify disproportionate burden, risking that this could be used as an easy opt out clause without a thorough analysis.
5. **Enforcement:** enforcement bodies will play a key role in the success of the Accessibility Act. Their powers and capacity will be critical, as will an accessible, easy to use complaint mechanism, and an appropriate penalty system. The Act should more clearly identify the powers of enforcements bodies, and the mechanisms by which customers can complain, in an accessible, inclusive way.
6. **Transposition time:** The transposition time for the application of the accessibility requirements should be progressive and according to the life cycle of products. The proposed time of six years is too long for certain products with a short life span (such as smart phones). If built environment related to the provision of products and services is included, the transposition time could be longer.



EDF would also like to recall here the necessity for the European Union to make progress towards the adoption of the proposal for a Directive on the accessibility of public sector bodies' websites (COM (2012)721)<sup>i</sup> and the proposed Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation COM(2008)426).<sup>ii</sup>

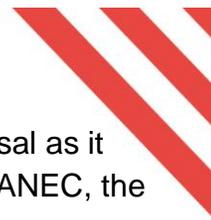
## Introduction

After almost five years of [campaigning](#)<sup>iii</sup> EDF welcomes the [proposal for a European Accessibility Act](#)<sup>iv</sup> ("Accessibility Act"). It confirms the European Commission's commitment to improve accessibility for persons with disabilities in the EU and it follows the recommendations made by the United Nations Committee on the Rights of Persons with Disabilities ("The Committee") in September 2015. The Accessibility Act was one of the three issues that the Committee asked for follow-up on within one year. EDF would like to thank the Commissioner, Marianne Thyssen, for the publication of the Accessibility Act and EDF is now looking forward to working on the proposal and to promoting its swift adoption.

It is important to keep in mind that the main purpose of the proposed Accessibility Act is to align and harmonize the Member States' legislation concerning accessibility. Incorporating accessibility in national legislation is already a legal obligation for the Member States that have ratified the [United Nations Convention on the Rights of Persons with Disabilities](#)<sup>v</sup> (CRPD). According to Article 9 CRPD "States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communication, including information and communication technologies systems, and to other facilities and services open or provided to the public". The EU is thus helping the Member States to fulfil their obligations by harmonizing those rules to avoid fragmentation of the Internal Market of the EU.

The Committee also issued a specific recommendation in its [Concluding Observations](#) on the initial CRPD report of the European Union, stating that "The Committee recommends that the European Union take efficient measures towards the prompt adoption of a European Accessibility Act that is aligned to the Convention, as developed in the [Committee's general comment No. 2 \(2014\) on accessibility](#)<sup>vi</sup>, including effective and accessible enforcement and complaint mechanisms. The Committee also recommends that the European Union ensure the participation of persons with disabilities, through their representative organizations, in the adoption process."<sup>vii</sup>

EDF welcomes the proposal and sees its potential to facilitate inclusion of persons with disabilities in the EU. However, EDF also has some deep concerns about the effectiveness of



the Act in certain areas and the fact that its potential will not be fulfilled by the proposal as it currently stands. EDF has engaged in dialogue with its membership as well as with ANEC, the European consumer voice in standardisation and AGE Platform Europe, the network representing over 40 million older people in Europe in the development of this first analysis.

## Analysis

### Legislative Form

The proposal takes the form of a [Directive](#)<sup>viii</sup>, which is very positive because it is a legally binding piece of legislation. This is what EDF has been campaigning for and it will ensure that the obligations are sufficiently strong and have to be transposed into national law by the Member States. Having the Accessibility Act in the form of a Directive ensures that Member States will take the commitment seriously. The Accessibility Act in this form is an appropriate measure for implementation of EU commitments to the rights of persons with disabilities under the EU treaties and the CRPD within the context of the internal market.

### Scope (Article 1)

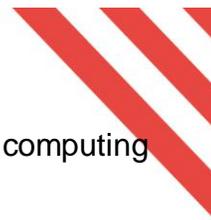
Concerning the scope, i.e. the products and services that are covered in the Act, it is first of all important to keep in mind that the legal base of this proposal is [Article 114 of the Treaty on the Functioning of the European Union](#)<sup>ix</sup> (TFEU) which deals with the Internal Market of the EU. That means, the scope is not determined by non-discrimination principles but by market principles. The products and services covered in the current text of the proposal are the following:

#### Products:

- general purpose computer hardware and operating systems
- Automatic Teller Machines (ATMs)
- Ticketing machines
- Check-in machines
- Consumer terminal equipment with advanced computing capability related to telephony services
- Consumer terminal equipment with advanced computing capability related to audio-visual media services

#### Services:

- Telephony services and related consumer terminal equipment with advanced computing capability



- Audio-visual media services and related consumer equipment with advanced computing capability
- Air, bus, rail and waterborne passengers transport services
- Banking services
- E-books
- E-commerce

Products and services related to Information and Communication Technologies (ICT) have been extensively covered, which is extremely important and welcome. Nevertheless, the scope of the Accessibility Act is a point which should be extended: Article 114 TFEU as legal base allows the scope to be broader including a more comprehensive range of products and services.

In particular, EDF highlights the built environment related to the provision of products and services in this context. It is reduced to a voluntary “enabling clause” in Article 3 and should be addressed more fully and concretely based on the findings in the [Impact Assessment](#) which was conducted prior to the publication of the proposal. Under the products and services listed on p.5 that are likely to be addressed by diverging national accessibility legislation, both the built environment related to the provision of passenger transport services, e.g. train stations, and hospitality services, such as hotels, are clearly mentioned.<sup>x</sup>

It is also pointed out that “*Knowing that national accessibility requirements already exist in all Member States and considering that, as an annual average, 5 % of the existing built environment is refurbished, we can assume that in 10 years, half of the existing buildings will already be renewed according to the criteria of the related national legislation*”<sup>xi</sup>. Including these aspects of the built environment in the text of the Accessibility Act, as well as making the “enabling clause” a binding obligation is therefore consistent with the objectives of the Act and the findings of the Impact Assessment. It would benefit persons with disabilities, but also create a common approach to accessibility of the built environment in the EU which will be beneficial to businesses. A mandatory requirement to make at least all new built environment related to the provision of products and services comply with the accessibility requirement of this Directive could be a reasonable solution.

The obligations of retailers and retail premises to be accessible should also be clarified within the Accessibility Act; accessible goods or services, being available in an inaccessible built environment would not be in line with the obligations under Article 9 CRPD and the EU Concluding Observations of the CRPD Committee.

The present Directive does also not sufficiently cover the right to access websites, including websites of private companies. Although one of the items of the scope is e-commerce, this will



leave websites of manufacturers and services providers uncovered. Therefore, all websites of economic operators should be made accessible. This argument is supported by two main reasons: Firstly to avoid the fragmentation of web accessibility legislation across Member States. In this regard, EDF would like to remind the EU institutions that the proposal for a Directive on the accessibility of public sector bodies' websites<sup>xii</sup> (currently in process), covering also websites of public services regardless of the nature of the entity delivering them, and the Accessibility Act on private sector's websites should be complementary and should not create further gaps on web accessibility in Europe.

Secondly, persons with disabilities have the right to make informed decisions as any other consumer and consequently need to be able to access the necessary information for consumers on the website of the economic operators, despite not having an e-commerce service in these websites.

Payment terminals (i.e. point of sale customer card payment systems) are a big barrier for persons with disabilities. These terminals do not clearly fall into the scope of the Directive as a self-service terminals or banking services, therefore it should be clearly stated that they are included as they can share the same accessibility requirements as other ICT goods and services included in the Directive.

## Definitions (Article 2)

The Commission has specified that the Accessibility Act will benefit “persons with functional limitations” and persons with disabilities. It includes older people, and any person who has a temporary or permanent functional limitation which correctly reflects that accessibility measures are positive for a huge proportion of our population. However, it is not clear from these definitions what makes “functional limitations” temporary and how this is different from “persons with reduced mobility” as used in other pieces of EU-legislation.<sup>xiii</sup>

EDF welcomes specific references to persons with disabilities in all their diversity, as persons with disabilities face a whole range of barriers to accessibility. The Accessibility Act reflects this diversity well.

A definition of “service providers” should also be added for clarification even if this definition<sup>xiv</sup> already exists in the [Services Directive](#)<sup>xv</sup>. But since the Services Directive does not cover all services listed in the Accessibility Act, such as banking services and audio-visual media services for example, the Accessibility Act should have its own definition.



Certain definitions have been omitted completely, such as a definition of “website”. Such a definition should enable coverage of different types of online content and interaction modes as they can be currently observed in relation to online services, ranging from rather simple websites designed for the purposes of mere information provision up to fully automated transaction services and mobile versions of websites. In other words, this definition should cover the third-party content and services; the mobile and language versions of the website, and the parts of the website that may not be easily identified as such, but are fundamental to fulfil a task, for instance, the payment mechanism that has a different web address but is still considered to be part of the website<sup>xvi</sup>.

### Accessibility requirements (Article 3)

The European Commission chose to provide only functional requirements, i.e. the aspects of the product/service which have to be accessible are determined, but it does not specify how this is technically done. It is less descriptive than detailed technical specifications or standards. This permits further innovation by the economic operators, giving more flexibility in implementation.

However, it has to be ensured that the requirements are accompanied by comprehensive and more detailed requirements and explanations in the Annex of the proposal, addressing the needs of all persons with disabilities including women and girls with disabilities, persons with disabilities requiring more intensive support and persons with cognitive, psychosocial and sensorial disabilities.

Due to this relatively open formulation, it is imperative that the implementation of the accessibility requirements – no matter how it is done by the Member States – is scrutinized carefully and on a regular basis.

Furthermore, as mentioned above, the requirements for the built environment related to the provision of products and services are not sufficient. It is stated that Member States “may decide” to include the built environment if it is related to the provision of the product or service. This has to be strengthened by requiring that the related built environment **must** be accessible as persons with disabilities will not be able to use the accessible product or service when they have no access to it. Under the current proposal, the online banking service or the ATM may be accessible, but the physical premises of the bank, including access to the ATM if it is located inside, would not be covered. This example shows that it is absolutely necessary to include the built environment related to the provision of products and services in the Act in order to make the requirements outlined in this proposal effective.

See more detailed comments about accessibility requirements in the section on Annex I.



## **Obligations of manufacturers (Article 5), Authorised Representatives (Article 6), Obligations of importers (Article 7), Obligations of distributors (Article 8)**

EDF welcomes the fact that the proposal for the Accessibility Act covers the following economic operators: manufacturers, representatives, importers and distributors . The proposed Directive should cover all economic operators, public and private, without exception. This will make sure that the whole product chain is included and there are multiple points of control. EDF would also like to point out that under Article 5 (9), manufacturers should be in the position to provide information on the accessibility features of the products at any moment and not only further to a “reasoned request from a competent national authority”.

## **Fundamental alterations and disproportionate burden (Article 12)**

While it is understandable that there may be exceptions and this has to be taken account of in the proposal for the Accessibility Act, the principles of “Fundamental alterations” and “disproportionate burden” have to be scrutinized carefully and it has to be made certain that they are not used as a loophole to avoid compliance. The text in its current form does not guarantee that economic operators will invest to make their products and services more accessible.

EDF fears that this provision might jeopardize the implementation of the proposed Directive as the current wording would allow economic operators to still place an inaccessible product on the market if they can prove that it would either require an alteration of the good that changes its basic nature or if it means that it would be too expensive to make it accessible. Even if the economic operator will need to notify the market surveillance authorities if they make use of this exception and include an assessment based on costs and benefits, it is not entirely clear from the wording of the proposal how this will be enforced in practice, or what parameters would be used to measure the disproportionate burden.

A clearer definition of what “fundamental alterations” and “disproportionate burden” represent is necessary, including on how the analysis will be carried out in practice. For example, how would the economic operators calculate the benefit to persons with disabilities as mentioned in Article 12 (3) b?

One possibility to ensure a correct enforcement and scrutiny of the proposed exemptions would be to establish a structured dialogue between Disabled Persons’ Organisations (DPOs) and the Market Surveillance Authorities. In this way it could be ensured that adequate principles for the assessment of the exemptions are established to make sure they are coherent.



In addition, the UN Committee in its [Committee's general comment No. 2 \(2014\) on accessibility](#) absolutely disagreed with the notion of disproportionate burden. It states that the “obligation to implement accessibility is *unconditional*, i.e. the obliged entity may not excuse the omission referring to the burdens of provision the access for persons with disabilities”.

To sum up, this Article should be regarded with caution: it will require close surveillance to make sure that the exception is not misused as this could render the Directive void.

## **Presumption of conformity (Article 13) & Common technical specifications (Article 14)**

European harmonised standards, meaning those published in the Official Journal of the EU for the purpose of proving compliance with EU harmonised legislation (such as this Directive), will be a way for economic operators to meet the accessibility requirements of this Directive (those in Annex I).

DPOs are not systematically involved in establishing these standards given the barriers that users' organisations, and especially DPOs, face in the standardisation processes which are mainly led and decided by industry representatives. EDF believes that standardisation as a tool to implement accessibility should be included, but the standardisation system should become more inclusive to systematically facilitate DPOs' involvement in the process.

In case there are no European standards available that meet the requirements of the Directive, the Commission will be able to publish Common Technical Specifications (CTS) following a procedure that involves Member States and the European Parliament. This is positive, however, this can also be a lengthy and complicated procedure in which DPOs and other relevant stakeholders should be able to provide their views.

## **General principles of the CE-marking of products (Article 16)**

The European Commission has chosen CE-marking rather than a new label for accessibility because CE-marking already exists and has been tested in practice. But this has its pitfalls which could undermine the effectiveness of the Accessibility Act.

First of all, it only applies to products and not to services (see Article 18 – Compliance of services) so it does not cover everything under the proposed Directive. Secondly, it is self-assessed by manufacturers and not awarded by an independent body. That means the manufacturer can attach the CE-mark to a product and the market surveillance authority can only



check it afterwards, i.e. an inaccessible product might be already circulating on the market and only be recognised as inaccessible later.

EDF is also not aware of exceptions for businesses due to size or resources when applying CE-marking to their products for the current criteria such as health and safety. If a manufacturer wants to apply the CE-marking to his product, all of the award criteria should be the same and accessibility should not be singled out in this respect.

Furthermore, CE-marking is already used on non-accessible products – how would a consumer be able to make a difference between new goods, that are CE-marked with accessibility requirements, and old ones? How this would work in practice is unclear.

It is also not at all clear how customers would be able to recognise accessibility products; at this point, CE-marking is not associated with accessibility. For EDF it is crucial that any labelling solution chosen has to enable persons with disabilities and other consumers to recognize accessible products easily and without looking at the “small print”. So if CE-marking is used in order to certify the compliance with the accessibility requirements contained in the proposed Accessibility Act, it has to be very clear what the marking stands for.

If CE-marking can not fulfil its purpose, i.e. informing the consumer about accessibility, EDF would recommend introducing a label uniquely associated with accessibility. This would enable consumers to identify products for sale across the EU and purchase those which are accessible.

### **Market surveillance of products (Article 17)**

Information about non-compliance with the accessibility requirements that is held by the authorities should be made public systematically and not just upon request. A database such as [RAPEX](#), which was developed in the context of consumer safety, would give an overview of non-compliant products. It is important that persons with disabilities and their representative organizations are involved in the market surveillance process as they will be the end users of the products and services.

According to Article 17 (3), exceptions from this obligation to provide information are allowed for “reasons of confidentiality”. EDF fears that this exception could be misused as information about products can be justified too easily as being commercially sensitive, at least in the development stage.



## Compliance of services (Article 18)

As mentioned above, there is currently no way to certify the compliance of services with accessibility requirements under the proposed Directive. This means that the provider does not have to draw up a technical file and notify the authorities as it is the case for products. Services will be documented in a lighter way than products. The documentation can be done by including information about the accessibility requirements in the general terms and conditions but this will be less detailed than the technical documentation required for products.

A new label developed to indicate compliance with accessibility requirements could be used for services to make sure customers can identify accessible services. Checks could be done on sample cases to encourage compliance by service providers. Furthermore, it should also be ensured that service providers receive the necessary training to be aware of the accessibility requirements for all persons with disabilities, including persons with intellectual disabilities or psychosocial disabilities. Persons with disabilities, through their representative organisations, will be an excellent resource for such training.

EDF believes that the Directive should include more than a requirement to “periodically update adequate procedures” and there should be a more clearly defined timeline and method for checking the compliance of services. The compliance of services with the accessibility requirements outlined in the proposed text should also be assessed in cooperation with persons with disabilities and their representative organisations.

## Applicability of accessibility requirements to other Union acts (Article 21)

The Article details the relationship with the [Public Procurement Directive](#), the [Structural Funds](#), the [PSO-Regulation](#) (rail) and the [TEN-T Regulation](#) (rail). It does not clarify how far other pieces of legislation such as the [TSI-PRM](#) are affected.

It is important that the relationship is clear so that the provisions for accessibility are not lowered or watered down due to interaction or overlap with another piece of legislation. For example, the possibility to use EU-funding to produce or procure inaccessible products and services should be eliminated by aligning the legislation listed above according to the highest standard.

## Enforcement (Article 25)

The inclusion of an enforcement mechanism is a very important element of the proposed Accessibility Act and a strong feature that should be retained.



However, the burden of enforcement should not rely on individual actions of consumers but should be done first and foremost through a comprehensive system of implementation and monitoring, combined with a consumer complaints mechanism adequately resourced as it is done by the US Department of Justice for the Americans with Disabilities Act<sup>xvii</sup>. To this end, Member States would have to give sufficient powers and resources to the market surveillance authorities to monitor and enforce the correct application of the Directive. It is also essential that the Market Surveillance Authorities will be equipped with the necessary expertise on accessibility to be able to work efficiently.

Since the article refers to “individual legal action” that consumers can take, it is important to point out that this should only be the last resort considering that many persons with disabilities have difficulties accessing the justice system and court proceedings are costly and time-consuming.

### **Penalties (Article 26)**

This provision goes hand in hand with Article 25 and is crucial to the proposal. To strengthen this aspect, the necessary resources should be put in place to collect penalties. Funds raised should be re-invested in accessibility related measures. It also has to be avoided that paying penalties can be seen as an “easy” option, i.e. that economic operators rather pay a fine than apply the accessibility requirements of the Directive, as that is perceived as less burdensome.

It is also not clear from the proposed text what actions the European Commission may take if Member States do not comply with the rules on penalties and do not set up an effective system to collect and enforce them.

### **Transposition (Article 27):**

The transposition period for the Member States to adopt and publish the Directive is two years - which is welcome, and will assist the Member States in their implementation of the CRPD.

However, the proposed timeline of six years after the entry into force of the Directive for the application of the provisions in the Directive is too long. Considering that most products and services under the proposed Accessibility Act are related to ICT and are subject to a quick evolution and relatively short lifespan, EDF suggests a progressive transposition period adjusted according to the life-cycle of the product or service.



This would also take into account a possible widening of the scope to the built environment related to the provision of products and services where a longer transposition period could be justified.

## Annexes:

The Annexes of the Directive give details about the functional accessibility requirements mentioned in Article 3 of the Directive (Annex I), and the process and documentation on how manufacturer (Annex II) and the service provider (Annex III) can assess and prove compliance with the accessibility requirements.

For this first assessment of the proposed text, EDF will make some more general remarks about the requirements listed in Annex I. EDF will at a later stage explore Annex 1 in more depth, in collaboration with its members, experts and other relevant stakeholders. In any case, EDF would like to stress that whatever the requirements in the Annexes to the proposed Accessibility Act will be they should under no circumstances lower the requirements of existing accessibility legislation and standards on national level.

It has to be determined whether it would require additional accessibility requirements or strengthening through definitions, rephrasing or examples. For instance, in the section of audio-visual services, when the requirement reads “the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel;” in practical terms we will be referring to closed captions, audio subtitles and audio output when navigating in the TV set. Additionally, this can be complemented by other alternative methods of communication such as translation in easy-to-read, sign language, or pictograms/signage.

As a general comment, the language should be understandable to economic operators and consumers. It is positive to note that the requirements listed in Annex I are based on existing standards and accessibility resources, such as WCAG (standard on web accessibility) or CEN-CENELEC Guide 6 (a guide to address accessibility in standards). Using this familiar wording can facilitate their understanding to those manufacturers and service providers familiar with accessibility. However, the language can still be simplified so that the economic operators can easily implement them in practice. One suggestion would be to include a glossary or list of concepts used to clarify the technical terms so that they can be used without losing any of the details.

Furthermore, the accessibility requirements in relation to transport services mentioned under Section V are too narrowly focused on the accessibility of information (see also EDF comments



on Article 1). In order to make transport services available for persons with disabilities on an equal basis with others it is essential to also include the accessibility of transport related infrastructure in Annex I.

## Conclusion:

EDF welcomes the publication of the Accessibility Act. It reflects one of many steps which the EU should take to ensure that persons with disabilities have equal rights as Europeans. This position paper is a first response from EDF, based on discussions with our members on the Commissions proposal. In the coming weeks and months EDF will go into deeper analysis and work together with partners to support the next steps in improvement and adoption of the Accessibility Act.

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## Related documents

- [EDF members' positions on the EAA](#)
- [Commission proposal for a Directive on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services \(European Accessibility Act\), COM \(2015\) 615](#)
- [EDF report: European Accessibility Act – State of play \(2014\)](#)
- [EDF Position on the European Accessibility Act \(2013\)](#)
- [EDF reply to the Commission consultation on the European Accessibility Act \(2012\)](#)

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Federation (HSO), the EDF Expert Groups on ICT and Transport, and the EDF Executive Committee.

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<sup>i</sup> Proposal for a Directive on the accessibility of public sector bodies' websites, COM (2012)721, <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1454067198630&uri=CELEX:52012PC0721>

<sup>ii</sup> Proposal for a Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, COM(2008)426, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52008PC0426>

<sup>iii</sup> EDF website, Freedom of Movement campaign, [http://www.edf-feph.org/Page\\_Generale.asp?DocID=13854&thebloc=27027](http://www.edf-feph.org/Page_Generale.asp?DocID=13854&thebloc=27027)

<sup>iv</sup> <http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=2400&furtherNews=yes>

<sup>v</sup> <http://www.un.org/disabilities/convention/conventionfull.shtml>

<sup>vi</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/2&Lang=en)

<sup>vii</sup> UN Committee on the Rights of Persons with Disabilities, Concluding Observations to the initial report of the European Union of 2 October 2015, paragraph 29, p. 4, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/226/55/PDF/G1522655.pdf?OpenElement>

<sup>viii</sup> [http://europa.eu/eu-law/decision-making/legal-acts/index\\_en.htm](http://europa.eu/eu-law/decision-making/legal-acts/index_en.htm)

<sup>ix</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12008E114&from=EN>

<sup>x</sup> Impact Assessment accompanying the proposal for a Directive on the approximation of the laws, regulations and administrative provisions of the Member States as regards accessibility requirement for products and services COM (2015) 615 final, p. 5, [http://ec.europa.eu/smart-regulation/impact/ia\\_carried\\_out/docs/ia\\_2015/swd\\_2015\\_0264\\_en.pdf](http://ec.europa.eu/smart-regulation/impact/ia_carried_out/docs/ia_2015/swd_2015_0264_en.pdf)

<sup>xi</sup> Ibid, p. 20

<sup>xii</sup> <http://ec.europa.eu/digital-agenda/en/news/proposal-directive-european-parliament-and-council-accessibility-public-sector-bodies-websites>

<sup>xiii</sup> Definition used in Transport legislation such as Passengers' Rights (Regulations 1107/2006, 1177/2010, 1371/2007, 181/2011) and the TSI-PRM Regulation (1300/2014)



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<sup>xiv</sup> Definition under the Services Directive: “‘provider’ means any natural person who is a national of a Member State, or any legal person as referred to in Article 48 of the Treaty and established in a Member State, who offers or provides a service;”

<sup>xv</sup> Directive 2006/123 on services in the internal market, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32006L0123>

<sup>xvi</sup> This definition would be in accordance with the methodology requirement 1.a of WCAG-EM: available at: <https://www.w3.org/TR/WCAG-EM/#step1a>

<sup>xvii</sup> Information on how to lodge a complaint with the US Department of Justice: [http://www.ada.gov/filing\\_complaint.htm](http://www.ada.gov/filing_complaint.htm)