



Inclusive and Accessible Digital Services and Platforms

European Disability Forum

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Position Paper on the Digital Services Act and the Digital Markets Act



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Introduction

The European Disability Forum

The European Disability Forum is an independent NGO that represents the interests of 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisation 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.

Acknowledgements

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Executive Summary

The legislative framework for regulating digital services and platforms must adequately protect rights of persons with disabilities. For this, both the Digital Services Act (DSA) and Digital Markets Act (DMA) must ensure:

Accessibility: Our main demand is to ensure accessibility of intermediary services for persons with disabilities. It is important that accessibility is ensured for all users, and not only for consumers, to make sure that organisations and businesses run by or employing persons with disabilities

enjoy the same rights as other users of digital services and platforms. We propose a new article under DSA Chapter III, Section 1- Provisions applicable to all providers of intermediary services highlighting accessibility. For DMA, we propose a requirement to ensure accessibility for persons with disabilities amending Article 6 - Obligations for gatekeepers susceptible of being further specified.

Mainstreaming of accessibility throughout the legislation: in addition to the proposed article, accessibility of services, information, feedback and complaints mechanisms, dispute settling systems (Article 18, DSA), as well as reports of services (Articles 13, 23, and 33, DSA), national authorities (Article 44, DSA), and the European Commission is vital, so that this Regulation serves all EU citizens equally.

Consistency with relevant international and Union legal frameworks: This Regulation must be consistent with other Union legislation on accessibility and equality, and be based on EU's obligations under international human rights frameworks, namely the UN Convention on the Rights of Persons with Disabilities (UN CRPD) (see proposed new Recitals, DSA and DMA; Articles 1, DSA and DMA).

Meaningful engagement with persons with disabilities: Involve persons with disabilities through their representative organisations in structures aimed at facilitating the implementation of the current Regulations, for example in the European Board for Digital Services (Article 47, DSA), or when drawing up codes of conduct for proper application of this Regulation (Article 35, DSA), and crisis protocols (Article 37, DSA).

Effective data collection and reporting: Data on infringement of accessibility requirements under this Regulation should be reported by intermediary services to competent authorities, and included in the annual reports of these authorities in order to assess the effectiveness of this Regulation as regards ensuring accessibility of digital platforms and services for persons with disabilities (new Article 10, DSA).

EDF Recommendations for Inclusive and Accessible Digital Services and Platforms

Preface

This position paper is our reaction to the European Commission's proposals for the [Digital Services Act](#) and [Digital Markets Act](#), and highlights our main proposals, including in form of specific amendments, to European legislators in the forthcoming negotiation period.

As signatories to the [United Nations Convention on the Rights of Persons with Disabilities \(UN CRPD\)](#), the European Union (EU) and all Member States are legally obliged to ensure that persons with disabilities have access, on an equal basis with others, to information and communications technologies and systems, and other facilities and services open or provided to the public, both in urban and in rural areas. (Article 9 – accessibility).

Accessibility is a pre-requisite for persons with disabilities to fully enjoy other rights enshrined by the UN CRPD, such as freedom of expression and opinion, and access to information (Article 21), participation in political and public life (Article 29), and participation in cultural life, recreation, leisure and sport (Article 30). The EU and Member States are also obliged to ensure rights of persons with disabilities to equality and non-discrimination (Article 5), freedom from exploitation, violence and abuse (Article 16), as well as protect the integrity of persons with disabilities (Article 17).

Given growing importance of digital services and online platforms, especially of gatekeepers, in the lives of all persons, the protection of the above-mentioned rights and freedoms is equally important in the online domain. As we get more dependent on digital technologies, their impact on Sustainable Development Goals concerning access to education, work, healthcare, social services, housing, transport and other spheres grows. Despite this, millions of persons with disabilities in the EU still face exclusion from digital participation, which hinders their participation in mentioned areas of life. This is largely due to inaccessibility of digital technologies, including of online platforms and services. Online discrimination and hate speech experienced by many persons with disabilities further reinforces their marginalisation and exclusion from the public domain.

Recent EU-initiatives such as the European Accessibility Act, the Web Accessibility Directive, Audiovisual Media Services Directive, and the European Electronic Communications Code have been important drivers

for inclusion and participation of persons with disabilities in society, and have demonstrated that the EU is committed to meet its international human rights obligations under the UN CRPD. There are, however, still large gaps in EU accessibility and anti-discrimination legislation that would ensure full protection of rights of persons with disabilities.

Having provided feedback to the [European Commission's public consultation on the Digital Services Act package](#), we are disappointed with the disregard of accessibility of digital services and platforms for persons with disabilities in EC proposals for Digital Services Act and Digital Markets Act. We strongly call on the European co-legislators to ensure accessibility of digital platforms and services, so that European law best serves the interest of all Union citizens, including of more than 100 million EU citizens with disabilities.

As noted in our feedback to the EC public consultation and [adjacent recommendations document](#), we reinstate our four main recommendations that are vital for making sure that the proposed legislative framework adequately protects rights of persons with disabilities in relation to digital services and online platforms. Those are:

- 1. Ensuring accessibility of digital platforms and services with a universal design approach**
- 2. Preventing discriminatory content, including hate speech on online platforms and services**
- 3. Ensuring right to privacy and protection of personal data of persons with disabilities**
- 4. Strong enforcement mechanisms, including well-resourced EU and national regulatory authorities.**

EDF Proposals for amendments

Annex I: Proposals for amendments to the Digital Services Act

Recital 4 new

Commission proposal	EDF proposed amendments
n/a	<p>As Party to the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), provisions of the Convention are integral part of the Union legal order and binding upon the Union and its Member States. The UN CRPD requires its Parties to take appropriate measures to ensure that persons with disabilities have access, on an equal basis with others, to information and communications technologies and systems, and other facilities and services open or provided to the public, both in urban and in rural areas. General Comment No 2 to the UN CRPD further states that “The strict application of universal design to all new goods, products, facilities, technologies and services should ensure full, equal and unrestricted access for all potential consumers, including persons with disabilities, in a way that takes full account of their inherent dignity and diversity.”¹ Given the ever-growing importance of digital services and platforms in private and public life, in line with the obligations enshrined in the UN CRPD, the EU must ensure a regulatory framework for digital services which protects rights of all recipients of services, including persons with disabilities. Declaration 22 annexed to the final Act of Amsterdam provides that the institutions of the</p>

¹ General comment No. 2 (2014) on Article 9: Accessibility of the UN Convention on the Rights of Persons with Disabilities

Union are to take account of the needs of persons with disabilities in drawing up measures under Article 114 TFEU.

Justification:

The EU and all Member States are Party to the UN CRPD. As is the case in other EU mainstream law (passengers’ rights regulations; European Audiovisual Media Services Directive, European Electronic Communications Code) and specific legislation on accessibility (e.g. European Accessibility Act; Web Accessibility Directive), it is important that legislative framework for digital services and platforms acknowledges rights of persons with disabilities for equal access to digital services and platforms, as enshrined in article 9 of the UN CRPD and is coherent with EU treaties.

Recital 5 new

Commission proposal	EDF proposed amendments
n/a	<p>Given the cross-border nature of the services at stake, EU action to harmonise accessibility requirements for intermediary services across the internal market is vital to avoid market fragmentation and ensure that equal right to access and choice of those services by all consumers and other recipients of services, including by persons with disabilities, is protected throughout the Union. Lack of harmonised accessibility requirements for digital services and platforms will also create barriers for the implementation of existing Union legislation on accessibility, as many of the services falling under those laws will rely on intermediary services to reach end-users. Therefore, accessibility requirements for intermediary services, including their user interfaces, must be consistent with existing Union accessibility legislation, such as the European Accessibility Act² and the Web</p>

² Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services

	<p>Accessibility Directive,³ so that no one is left behind as result of digital innovation. This aim is in line with the Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030⁴ and the Union’s commitment to the United Nations’ Sustainable Development Goals.</p>
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Justification:

It is important that the legislative framework for digital services and platforms is consistent with Union legislation on accessibility, otherwise it will create barriers for implementation of EU law. For example, if an e-commerce service, which must be accessible according to the Accessibility Act, relies on an intermediary service covered by the Digital Services Act, it might end up not being accessible to consumers with disabilities if the user interface of the intermediary service is inaccessible. Or if a mobile application of a public sector body, which must be accessible according to the Web Accessibility Directive, is placed in an app store which is not accessible, citizens will not be able to access the public sector body mobile application. So, the DSA and DMA should reinforce existing Union law through consistency with them, rather than create barriers to their implementation.

Recital 6 new

Commission proposal	EDF proposed amendments
n/a	<p>The notions of ‘access’ or ‘accessibility’ are often referred to with the meaning of affordability (financial access), availability, or in relation to access to data, use of network, etc. It is important to distinguish these from ‘accessibility for persons with disabilities’ which means that services, technologies and products are perceivable, operable, understandable and robust for persons with disabilities.</p>

Justification:

³ Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies

⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions- Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030

This is important for clarity of the legal text. We propose using 'accessibility for persons with disabilities' or 'equal access for persons with disabilities' whenever the term is used with this meaning.

Article 1 - Subject matter and scope

Commission proposal	EDF proposed amendments
<p>2. The aims of this Regulation are to: (b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.</p> <p>5. This Regulation is without prejudice to the rules laid down by the following: (b) Directive (EU) 2010/13/EC; (j - new) n/a</p>	<p>2. The aims of this Regulation are to: (b) set out uniform rules for a safe, accessible, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.</p> <p>5. This Regulation is without prejudice to the rules laid down by the following: (b) Directive (EU) 2010/13/EC; Directive (EU) 2018/1808; (j - new) Directive (EU) 2019/882</p>
<p>Justification:</p> <p>For consistency with relevant EU legislation promoting accessibility for persons with disabilities, it is necessary to reference Directive (EU)2019/882 (European Accessibility Act and the revised Audiovisual Services Directive (EU) 2018/1808.</p>	

Article 2 – Definitions

Commission proposal	EDF proposed amendments
(r -new) n/a	(r - new) 'persons with disabilities' means persons within the meaning of Article 3 (1) of Directive (EU) 2019/882;
<p>Justification:</p> <p>Defining 'persons with disabilities' will ensure that accessibility is interpreted in the meaning of the UN CRPD. This definition will also ensure consistency with existing Union legislation on accessibility of services and products, namely the European Accessibility Act.</p>	

Chapter III title

Commission proposal	EDF proposed amendments
Chapter III - Due diligence obligations for a transparent and safe online environment	Chapter III - Due diligence obligations for a transparent, accessible , and safe online environment
<p>Justification:</p> <p>Accessibility of digital platforms and services is a key prerequisite for millions of persons with disabilities to be able to engage via those services. It is as important</p>	

and should be appreciated as such as online safety and transparency for users. The title of this chapter should reflect that vitality.

Article 10 new - Accessibility requirements for intermediary services

Commission proposal	EDF proposed amendments
n/a	<ol style="list-style-type: none"> 1. Providers of intermediary services which offer services in the Union shall ensure that they design and provide services in accordance with the accessibility requirements set out in Section III, Section IV, Section VI, and Section VII of Annex I of Directive (EU) 2019/882. 2. Providers of intermediary services shall prepare the necessary information in accordance with Annex V of Directive (EU) 2019/882 and shall explain how the services meet the applicable accessibility requirements. The information shall be made available to the public in written and oral format, including in a manner which is accessible to persons with disabilities. Intermediary service providers shall keep that information for as long as the service is in operation. 3. Providers of intermediary services shall ensure that information, forms and measures provided pursuant to Articles 10 new (9), 12(1), 13(1), 14(1) and (5), 15(3) and (4), 17(1), (2) and (4), 23(2), 24, 29(1) and (2), 30(1), and 33(1) are made available in a manner that they are easy to find, accessible to persons with disabilities, and do not exceed a level of complexity superior to level B1 (intermediate) of the Council of Europe’s Common European Framework of Reference for Languages. 4. Providers of intermediary services which offer services in the Union shall ensure that procedures are in place so that the provision of

services remains in conformity with the applicable accessibility requirements. Changes in the characteristics of the provision of the service, changes in applicable accessibility requirements and changes in the harmonised standards or in technical specifications by reference to which a service is declared to meet the accessibility requirements shall be adequately taken into account by the provider of intermediary services.

5. In the case of non-conformity, providers of intermediary services shall take the corrective measures necessary to bring the service into conformity with the applicable accessibility requirements. Furthermore, where the service is not compliant with applicable accessibility requirements, the provider of the intermediary service shall immediately inform the Digital Services Coordinator of establishment or other competent national authority of the Member States in which the service is established, to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.
6. Provider of intermediary services shall, further to a reasoned request from a competent authority, provide it with all information necessary to demonstrate the conformity of the service with the applicable accessibility requirements. They shall cooperate with that authority, at the request of that authority, on any action taken to bring the service into compliance with those requirements.
7. Intermediary services which are in conformity with harmonised standards or parts thereof the references of which have been

	<p>published in the Official Journal of the European Union, shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those standards or parts thereof cover those requirements.</p> <p>8. Intermediary services which are in conformity with the technical specifications or parts thereof adopted for the Directive (EU) 2019/882 shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those technical specifications or parts thereof cover those requirements.</p> <p>9. All intermediary services shall, at least once a year, report to Digital Service Coordinators or other competent authorities on their obligation to ensure accessibility for persons with disabilities as required by this Regulation.</p> <p>10. In addition to Article 44 (2), Digital Services Coordinators shall include measures taken pursuant to Article 10 new.</p>
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Justification:

We propose this as the 1st article under Chapter III, Section 1- Provisions applicable to all providers of intermediary services. The article is consistent with similar requirements for services under the European Accessibility Act. Only through ensuring accessibility for all users, EU can ensure that more than 100 persons with disabilities have equal access to digital platforms and services. This includes ensuring equal playing field for organisations and business users run by and employing persons with disabilities, as well as private entrepreneurs with disabilities offering services via digital platform and services. As adequate monitoring is vital for effective implementation, reporting on accessibility should also be ensured (points 9 and 10).

Article 18 - Out-of-court dispute settlement

Commission proposal	EDF proposed amendments
2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established shall, at the request of that	2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established shall, at the request of that

body, certify the body, where the body has demonstrated that it meets all of the following conditions: (c) the dispute settlement is easily accessible through electronic communication technology; (d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union;	body, certify the body, where the body has demonstrated that it meets all of the following conditions: (c) the dispute settlement is easily accessible, including for persons with disabilities , through electronic communication technology; (d) it is capable of settling dispute in a swift, efficient, accessible for persons with disabilities , and cost-effective manner and in at least one official language of the Union;
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Justification:

Ensuring accessibility means not only ensuring services and platforms are accessible, but also that the whole 'ecosystem', including systems of legal remedies and bargaining measures are accessible. So, for example, if an out-of-court dispute mechanism is not accessible for persons with disabilities, they will have far less protection of rights as consumers or other users (e.g. businesses).

Article 34 - Standards

Commission proposal	EDF proposed amendments
1. The Commission shall support and promote the development and implementation of voluntary industry standards set by relevant European and international standardisation bodies at least for the following: (g - new) n/a	1. The Commission shall support and promote the development and implementation of voluntary industry standards set by relevant European and international standardisation bodies at least for the following: (g - new) accessibility of elements and functions of online platforms and digital services for persons with disabilities aiming at consistency and coherence with existing harmonised accessibility requirements when these elements and functions are not already covered by existing harmonised European standards

Justification:

The European Commission, as obliged by the UN CRPD, should promote and facilitate accessibility for persons with disabilities, including through promotion of technical standards such as [EN301 549 \(Accessibility requirements for ICT products and services\)](#). This is already done for other Union laws aiming to advance accessibility for persons with disabilities (e.g. Web Accessibility Directive).

Article 37 - Crisis protocols

Commission proposal	EDF proposed amendments
<p>2. The Commission shall encourage and facilitate very large online platforms and, where appropriate, other online platforms, with the involvement of the Commission, to participate in the drawing up, testing and application of those crisis protocols, which include one or more of the following measures: (a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level</p> <p>4. The Commission shall aim to ensure that the crisis protocols set out clearly all of the following: (g -new) n/a</p>	<p>2. The Commission shall encourage and facilitate very large online platforms and, where appropriate, other online platforms, with the involvement of the Commission, to participate in the drawing up, testing and application of those crisis protocols, which include one or more of the following measures: (a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level which are accessible for persons with disabilities</p> <p>4. The Commission shall aim to ensure that the crisis protocols set out clearly all of the following: (g -new) measures to ensure accessibility for persons with disabilities during implementation of crisis protocols, including by providing accessible description about these protocols</p>

Justification:

The EU is also obliged by the UN CPRD to protect persons with disabilities in situations of risk and humanitarian emergencies (Article 11). Vitality of emergency public information (Audiovisual Media Services Directive) and emergency communications (European Electronic Communications Code) is well established and appreciated in Union legislation. The DSA should be consistent with this approach as means of implementation of the UN Convention.

Annex II: Proposals for amendments to the Digital Markets Act

Recital 52 new

Commission proposal	EDF proposed amendments
n/a	As Party to the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), provisions of the Convention are integral part of the Union legal order and binding upon the Union and its Member States. The UN CRPD requires its Parties to take appropriate measures to ensure that

persons with disabilities have access, on an equal basis with others, to information and communications technologies and systems, and other facilities and services open or provided to the public, both in urban and in rural areas. General Comment No 2 to the UN CRPD further states that “The strict application of universal design to all new goods, products, facilities, technologies and services should ensure full, equal and unrestricted access for all potential consumers, including persons with disabilities, in a way that takes full account of their inherent dignity and diversity.”⁵ Given the ever-growing importance of digital services and platforms, especially of gatekeepers, in private and public life, in line with the obligations enshrined in the UN CRPD, the EU must ensure a regulatory framework for gatekeeping services which protects rights of all recipients of services, including persons with disabilities. Declaration 22 annexed to the final Act of Amsterdam provides that the institutions of the Union are to take account of the needs of persons with disabilities in drawing up measures under Article 114 TFEU.

Justification:

The EU and all Member States are Party to the UN CRPD. As is the case in other EU mainstream law (passengers’ rights regulations; European Audiovisual Media Services Directive, European Electronic Communications Code) and specific legislation on accessibility (e.g. European Accessibility Act; Web Accessibility Directive), it is important that legislative framework for gatekeepers acknowledges rights of persons with disabilities for equal access to these services and platforms, as enshrined in article 9 of the UN CRPD and is coherent with EU treaties.

⁵ General comment No. 2 (2014) on Article 9: Accessibility of the UN Convention on the Rights of Persons with Disabilities

Recital 53 new

Commission proposal	EDF proposed amendments
n/a	<p>Given the cross-border nature of the services at stake, EU action to harmonise accessibility requirements for gatekeepers across the internal market is vital to avoid market fragmentation and ensure that equal right to access and choice of those services by all consumers and other recipients of services, including by persons with disabilities, is protected throughout the Union. Lack of harmonised accessibility requirements for gatekeepers will also create barriers for the implementation of Union legislation on accessibility, as many of the services falling under those laws will rely on gatekeepers to reach end-users. Therefore, accessibility requirements for gatekeepers, including their user interfaces of their services, must be consistent with existing Union accessibility legislation, such as the European Accessibility Act⁶ and the Web Accessibility Directive,⁷ so that no one is left behind as result of digital innovation. This aim is in line with the Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030⁸ and the Union's commitment to the United Nations' Sustainable Development Goals.</p>
Justification:	

⁶ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services

⁷ Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies

⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions- Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030

It is important that legislative framework for gatekeepers is consistent with Union legislation on accessibility, otherwise it will create barriers for implementation of EU law. For example, if an e-commerce service, which must be accessible according to the Accessibility Act, relies on a gatekeeping service, it might end up not being accessible to consumers with disabilities if the user interface of the gatekeeper is inaccessible. The DMA should reinforce existing Union law on accessibility through consistency with them, rather than create barriers to implementation.

Recital 54 new

Commission proposal	EDF proposed amendments
n/a	The notions of ‘access’ or ‘accessibility’ are often referred to with the meaning of affordability (financial access), availability, or in relation to access to data, use of network, etc. It is important to distinguish these from ‘accessibility for persons with disabilities’ which means that services, technologies and products are perceivable, operable, understandable and robust for persons with disabilities.

Justification:

This is important for clarity of the legal text. We propose using ‘accessibility for persons with disabilities’ or ‘equal access for persons with disabilities’ whenever the term is used with this meaning.

Article 1 - Subject-matter and scope

Commission proposal	EDF proposed amendments
6. This Regulation is without prejudice to the application of Articles 101 and 102 TFEU. It is also without prejudice to the application of: national rules prohibiting anticompetitive agreements, decisions by associations of undertakings, concerted practices and abuses of dominant positions; national competition rules prohibiting other forms of unilateral conduct insofar as they are applied to undertakings other than gatekeepers or amount to imposing additional obligations on gatekeepers; Council Regulation (EC)	6. This Regulation is without prejudice to the application of Articles 101 and 102 TFEU. It is also without prejudice to the application of: national rules prohibiting anticompetitive agreements, decisions by associations of undertakings, concerted practices and abuses of dominant positions; national competition rules prohibiting other forms of unilateral conduct insofar as they are applied to undertakings other than gatekeepers or amount to imposing additional obligations on gatekeepers; Council Regulation (EC)

No 139/2004 ⁹ and national rules concerning merger control; Regulation (EU) 2019/1150 and Regulation (EU) .../.. of the European Parliament and of the Council ¹⁰ .	No 139/2004 ¹¹ and national rules concerning merger control; Regulation (EU) 2019/1150 and Regulation (EU) .../.. of the European Parliament and of the Council ¹² ; Directive (EU) 2019/882¹³; Directive (EU) 2018/1808¹⁴.
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Justification:

For consistency with relevant EU legislation promoting accessibility for persons with disabilities, it is necessary to reference Directive (EU)2019/882 (European Accessibility Act and the revised Audiovisual Services Directive (EU) 2018/1808.

Article 2 – Definitions

Commission proposal (24 -new) n/a	EDF proposed amendments (24-new) 'persons with disabilities' means persons within the meaning of Article 3 (1) of Directive (EU) 2019/882;
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Justification:

Defining 'persons with disabilities' will ensure that accessibility is interpreted in the meaning of the UN CRPD. This definition will also ensure consistency with existing Union legislation on accessibility of services and products, namely the European Accessibility Act.

Article 6 - Obligations for gatekeepers susceptible of being further specified

Commission proposal	EDF proposed amendments
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⁹ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

¹⁰ Regulation (EU) .../.. of the European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.

¹¹ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

¹² Regulation (EU) .../.. of the European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.

¹³ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance)

¹⁴ Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities

<p>In respect of each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall: (I -new) n/a</p>	<p>In respect of each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall: (I -new) ensure their services, including user interfaces, are accessible to persons with disabilities in accordance with Article 13 of Directive (EU) 2019/882. They shall also ensure that business users which rely on their core platform service to reach consumers for offering services and products in the scope of Directive (EU) 2019/882, comply with the requirements of Directive (EU) 2019/882.</p>
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Justification:

As the Digital Markets Directive is without prejudice to the Digital Services Directive, we have proposed a more elaborate new article for the DSA on Accessibility requirements for intermediary services: these would apply to gatekeepers as well. It is, however, important to highlight accessibility of service provided by gatekeepers with a small addition to the text to ensure that this Regulation is also consistent with the European Accessibility Act.

Article 7 - Compliance with obligations for gatekeepers

Commission proposal	EDF proposed amendments
<p>1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.</p>	<p>1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, Directive (EU) 2019/882, and with legislation on cyber security, consumer protection and product safety.</p>

Justification:

For millions of persons with disabilities, accessibility is as vital for their equal engagement as privacy and security. If accessibility is not ensured, millions of

people will simply not be able to access digital gatekeeping platforms and services.

Article 10 - Updating obligations for gatekeepers

Commission proposal	EDF proposed amendments
1.A practice within the meaning of paragraph 1 shall be considered to be unfair or limit the contestability of core platform services where: (c -new) n/a	1.A practice within the meaning of paragraph 1 shall be considered to be unfair or limit the contestability of core platform services where: (c - new) rights of consumers, including in relation to privacy, equal access and choice to services for consumers with disabilities, is not ensured by gatekeepers.
Justification: Protecting rights of consumers, including of consumers with disabilities should be one of the core responsibilities of the EU, not least because consumers are often in the most disadvantaged position to defend their rights, especially against gatekeepers many of which are global corporations. EU (and Member States) should assume stronger position to defend these rights, and the text of the DMA should emphasise that.	

Article 36 - Implementing provisions

Commission proposal	EDF proposed amendments
The Commission may adopt implementing acts concerning: 3, 6, 12, 13, 15, 16, 17, 20, 22, 23, 25 and 30 (c - new) n/a	The Commission may adopt implementing acts concerning: 3, 6, 12, 13, 15, 16, 17, 20, 22, 23, 25 and 30 (c -new) further specification of accessibility requirements pursuant point (l - new) of Article 6(1).
Justification: Given the evolving nature of digital technologies and consumer habit trends, the Commission should have the possibility to further specify accessibility requirements for gatekeeping services if such need arises in the future.	

Related Documents

1. [EDF feedback to European Commission's public consultation on the Digital Services Act \(PDF\)](#)
2. [EDF feedback to European Commission's public consultation on the Digital Services Act \(Word\)](#)

3. [UN Convention on the Rights of Persons with Disabilities \(UN CRPD\)](#)
4. [European Accessibility Act \(Directive \(EU\) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services \(Text with EEA relevance\)\)](#)
5. [Web Accessibility Directive \(Directive \(EU\) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies\)](#)
6. [Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030](#)
7. [European Standard on Accessibility requirements for ICT products and services \(EN 301 549 V3.1.1 \(2019-11\)\)](#)
8. [European Standard EN 17161:2019 'Design for All - Accessibility following a Design for All approach in products, goods and services - Extending the range of users'](#)
9. [Web Content Accessibility Guidelines \(WCAG\) 2.1](#)
10. [W3C Authoring Tools Accessibility Guidelines \(ATAG\)](#)
11. [Council of Europe's Common European Framework of Reference for Languages](#)

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