COMMISSION IMPLEMENTING DECISION

of XXX

on a standardisation request to the European standardisation organisations as regards the accessibility requirements of products and services in support of Directive (EU) 2019/882 of the European Parliament and of the Council

**Version of DD of Month YYYY**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council,[[1]](#footnote-1) and in particular Article 10(1) thereof,

Whereas:

1. Directive (EU) 2019/882 of the European Parliament and of the Council[[2]](#footnote-2) lays down rules establishing common accessibility requirements to ensure that certain products and services are made more accessible in order to end fragmentation of the internal market by eliminating and preventing barriers to the free movement of products and services covered by that Directive and arising from divergent accessibility requirements in the Member States
2. Directive (EU) 2019/882 establishes provisions that render operational general accessibility requirements for products and services set out in Union acts other than that Directive, in order to facilitate the implementation of accessibility and contribute to the legal certainty and to the approximation of accessibility requirements across the Union.
3. Directive (EU) 2019/882 contains accessibility requirements with regard to the design and the production of products covered by Article 2(1) of that Directive in order to maximise their foreseeable use by persons with disabilities, as well as accessibility requirements regarding provision of information, instructions for the use, user interface and functionality design of such products.
4. Directive (EU) 2019/882 contains accessibility requirements with regard to the provision of services covered by Article 2(2) of that Directive in order to maximise their foreseeable use by persons with disabilities, as well as accessibility requirements regarding provision of information of such services.
5. The products referred to in articles 2(1) of Directive (EU) 2019/882 for which a high level of accessibility should be ensured are the following: consumer general purpose computer hardware systems and operating systems for those hardware systems; payment terminals; automated teller machines; ticketing machines; check-in machines; interactive self-service terminals providing information, excluding terminals installed as integrated parts of vehicles, aircrafts, ships or rolling stock; consumer terminal equipment with interactive computing capability, used for electronic communications services; consumer terminal equipment with interactive computing capability, used for accessing audiovisual media services; e-readers;
6. The services referred to in articles 2(2) of Directive (EU) 2019/882 for which a high level of accessibility should be ensured are the following: electronic communications services with the exception of transmission services used for the provision of machine-to-machine services; services providing access to audiovisual media services; the following elements of air, bus, rail and waterborne passenger transport services, except for urban, suburban and regional transport services for which only the elements under point (v) apply: (i) websites; (ii) mobile device-based services including mobile applications; (iii) electronic tickets and electronic ticketing services; (iv) delivery of transport service information, including real-time travel information; this should, with regard to information screens, be limited to interactive screens located within the territory of the Union; and (v) interactive self-service terminals located within the territory of the Union, except those installed as integrated parts of vehicles, aircrafts, ships and rolling stock used in the provision of any part of such passenger transport services; consumer banking services; [excluding] e-books and dedicated software; e-commerce services.
7. Directive (EU) 2019/882 contains accessibility requirements with regard to the built environment where the services under the scope of that Directive are provided, in order to maximise the foreseeable use of such environment by persons with disabilities.
8. In accordance with Directive (EU) 2018/1972, Member States are to ensure that access for end-users with disabilities to emergency services is available through emergency communications and is equivalent to that enjoyed by other end-users, in accordance with Union law harmonising accessibility requirements for products and services. Directive (EU) 2019/882 contains accessibility requirements with regard to emergency communications as well as answering emergency communications to the single European emergency number ‘112’ in order to ensure equivalent access to emergency services for, and maximise the foreseeable use by, persons with disabilities.
9. In accordance with Article 15 of Directive (EU) 2019/882, products and services which are in conformity with harmonised standards or parts thereof the references of which have been published in the *Official Journal of the European Union* should be presumed to be in conformity with the accessibility requirements of that Directive covered by those standards or parts thereof.
10. In accordance with Article 25 of Directive (EU) 2019/882, products and services, which are in conformity with harmonised standards or parts thereof which are adopted in accordance with Article 15 of that Directive should be presumed to be in compliance with the relevant accessibility requirements set out in Union acts other than that Directive.

The harmonised framework set out by Directive (EU) 2019/882 should ensure that designers and producers of accessible products and providers of accessible services face fewer barriers to operating in the internal market. In order to make this harmonised framework fully operational it is essential that harmonised standards express such specifications regarding the requirements set by Directive (EU) 2019/882.

1. Voluntary harmonised standards should help ensure high level of accessibility of products and services, including the built environment where the services under the scope of that Directive are provided, and the answering of emergency communications to the single European emergency number ‘112’ for persons with disabilities throughout the Union and thus contribute free movement of those products and services in the Union. Given that such standards are technology-neutral and performance-based, they also contribute to ensuring equal conditions of competition among relevant economic operators dealing with accessibility of products and services, in particular small and medium-sized enterprises. Indirectly those standards also contribute to lower design, production and provision costs of accessible products and services benefitting consumers in particular.
2. Voluntary harmonised standards should help ensure high level of accessibility of products and services, including the built environment where the services under the scope of that Directive are provided, and the answering of emergency communications to the single European emergency number ‘112’ throughout the Union, contributing to the legal certainty for local and public authorities and to the approximation of accessibility requirements across the Union, thereby guaranteeing the facilitation of the fulfilment of accessibility obligations in public procurement processes, and obligations regarding accessibility set out in Union acts other than Directive (EU) 2019/882 easing the access to for example EU Funds and, eventually facilitating the use of products and services for all consumers, and in particular by persons with disabilities.
3. The European Union and all its Member States are Parties to the United Nations Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006 (UN CRPD). Since the Union became a Party to the UN CRPD, its provisions have become an integral part of the Union legal order and are binding upon the institutions of the Union and on its Member States. The UN CRPD calls on its parties to undertake or promote research and development of, and promote the availability and use of, new technologies, including information and communication technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities. This standard will support Member States in their efforts to fulfil their national commitments, as well as their obligations under the UN CRPD, regarding accessibility requirements in a harmonised manner.
4. The four principles of accessibility of websites and mobile applications, as used in Directive (EU) 2016/2102, are: perceivability, meaning that information and user interface components must be presentable to users in ways they can perceive; operability, meaning that user interface components and navigation must be operable; understandability, meaning that information and the operation of the user interface must be understandable; and robustness, meaning that content must be robust enough to be interpreted reliably by a wide variety of user agents, including assistive technologies. Those principles should also be relevant for this harmonised standard in relation to the accessibility of websites including the related online applications and mobile device based services including mobile applications.
5. The Commission has already issued a standardisation mandate M/376[[3]](#footnote-3) to the European standardisation organisations to develop a European standard specifying the functional accessibility requirements for public procurement of products and services in the ICT domain. To this end, the European standardisation organisations adopted the European standard EN 301 549 V1.1.2[[4]](#footnote-4) (2015-04). In addition, to support the use of the standard the European standardisation organisations adopted CEN/CLC/ETSI TR 101551:2014[[5]](#footnote-5), and CEN/CLC/ETSI/TR 101 552:2014[[6]](#footnote-6).
6. Directive (EU) 2016/2102 of the European Parliament and of the Council[[7]](#footnote-7) establishes common accessibility requirements to ensure that the websites and mobile applications of public sector bodies are made more accessible in order to improve the functioning of the internal market.
7. A harmonised standard EN 301 549:2019 has been drafted in support of Directive (EU) 2016/2102 on the basis of Commission Implementing Decision C(2017) 2585 of 27 April 2017[[8]](#footnote-8) to CEN, Cenelec and ETSI in the field of accessibility of websites and mobile applications of public sector bodies. The harmonised standard needs to be revised and completed to take into account essential accessibility requirements set out in Directive (EU) 2019/882 and the scope of products and services, covered by Directive (EU) 2019/882. When establishing this new harmonised standard, for the purpose of Directive (EU) 2019/882, the accessibility levels already established in EN 301 549 should be maintained as a minimum and revisions to that harmonised standards for the purposes of Directive (EU) 2016/2102 should be done on the basis of this request.
8. The Commission has already issued a standardisation mandate M/420[[9]](#footnote-9) to the European standardisation organisations to develop a European standard specifying the functional accessibility requirements for public procurement in the built environment. To this end, the European standardisation organisations adopted the European standard EN 17210:2021[[10]](#footnote-10). The standardisation activities under the current request should be built upon the outcome of the work under the standardisation mandate M/420 and ESOs should try to benefit from the work arrangements established under that mandate. The accessibility levels already established in EN 17210:2021 should be maintained as a minimum for the purpose of this request.
9. The Commission has already issued a standardisation mandate M/473[[11]](#footnote-11) to the European standardisation organisations to develop a European standard aimed at including ‘Design for All’ approach in relevant standardisation initiatives for products and services. To this end, the European standardisation organisations adopted the European standard EN 17161:2019[[12]](#footnote-12). The standardisation activities under this request should be built upon the outcome of the work under the standardisation mandate M/473 and ESOs should try to benefit from the work arrangements established under that mandate. The accessibility levels already established in EN 17161:2019 should be maintained as a minimum for the purpose of this request.
10. The intention to request drafting of harmonised standards in support of Directive (EU) 2019/882 is stated in point 12 of the table entitled ‘Standardisation requests for development/revision of harmonised European standards in support of Union legislation’ set out in of the annual Union work programme for European standardisation[[13]](#footnote-13) and in point 2.1 of that programme.
11. CEN, Cenelec, ETSI have indicated that the work covered by the request falls entirely within their area of competence.
12. In accordance with Directive (EU) 2019/882 the accessibility requirements are to be interpreted and applied in such a way as to take into account the state of the art and current practice at the time of design and production of products and provision of services, including the built environment where the services under the scope of that Directive are provided, the emergency communications and the answering of emergency communications to the single European emergency number ‘112’ for persons with disabilities throughout the Union, as well as technical and economic considerations which are consistent with a high degree of accessibility. This apply similarly to relevant obligations set out in Union acts other than Directive (EU) 2019/882, as regards accessibility requirements.
13. It is therefore appropriate to request the European standardisation organisations to revise the relevant European and harmonised standards in support of Directive (EU) 2019/882 and Directive (EU) 2016//2102 and to revise the technical reports CEN/CLC/ETSI TR 101551:2014, and CEN/CLC/ETSI/TR 101 552:2014. Those deliverables should be adopted by the European standardisation organisations by the deadlines set in this Decision. Given that the execution of the request may require more time than initially foreseen, it may be necessary to extend those deadlines taking into account the progress made in the implementation of the work programme prepared by CEN and Cenelec and ETSI for the execution of the request. It may therefore be necessary to review the respective deadlines accordingly.
14. Recalling that all relevant interested parties, including the Member States and the European stakeholders’ organisations receiving Union financing in accordance with Regulation (EU) No 1025/2012, and in particular organisations representing persons with disabilities, may identify needs to develop additional standards, it may be necessary to consider adding new items to the list of standards set out in Annex I to this Decision. It may therefore be necessary to adjust the scope of this request accordingly.
15. Harmonised standards should include detailed technical specifications of the accessibility requirements, especially with respect to the design and construction of products and provision of services, set out in Directive (EU) 2019/882 and Directive (EU) 2016/2102 and that can also be used for other Union acts as set in Article 24 and Article 25 of Directive (EU) 2019/882 as regards accessibility requirements. They should also indicate clearly correspondence between technical specifications and the accessibility requirements they aim to cover. They should also be based on risk assessment and risk reduction methodologies and reflect the generally acknowledged state of the art.
16. The European standardisation organisations have agreed to follow the Guidelines for the execution of standardisation requests[[14]](#footnote-14).
17. With a view to establishing, in the most efficient way, harmonised standards and technical specifications that meet the accessibility requirements of Directive (EU) 2019/882 and Directive (EU) 2016/2102, the Commission should involve European umbrella organisations of persons with disabilities and all other relevant stakeholders in the drafting process. The process itself needs to satisfy accessibility requirements including in relation to its means of communication, meetings, including venues and documents.
18. In order to ensure transparency and facilitate the execution of the requested standardisation activities CEN, Cenelec and ETSI should prepare a work programme and submit it to the Commission.
19. In order to enable the Commission to better monitor the requested standardisation work, CEN, Cenelec and ETSI should provide the Commission with access to an overall project plan containing detailed information on the execution of the standardisation request. CEN, Cenelec and ETSI should promptly inform the Commission if they consider that additional standards would need to be developed or if they consider that more time is necessary for the execution of this request.
20. Information as to which accessibility requirements are covered by a harmonised standard is necessary when assessing, in accordance with Article 10(5) of Regulation (EU) 1025/2012, the compliance of the documents drafted by ESOs. Such information is also necessary before publication of references of harmonised standards in the *Official Journal of the European Union* in accordance with Article 10(6) of Regulation (EU) 1025/2012. In each harmonised standard CEN, Cenelec and ETSI should therefore describe the extent to which it aims to cover one or several accessibility requirements set out in Directive (EU) 2019/882 and in Directive (EU) 2016/2102.
21. It is important to facilitate the use by stakeholders of the revised harmonised standard EN 301549 in support of Directive (EU) 2019/882 and Directive (EU) 2016/2102. To that end CEN, Cenelec and ETSI should provide support material and update the technical reports CEN/CLC/ETSI TR 101551:2014, and CEN/CLC/ETSI/TR 101 552:2014 to reflect the content of the revised harmonised standards resulting from this request. This revised content should be reflected on the related website and toolkit prepared. The toolkit and technical reports should be adapted to represent a current resource enabling exchange of ideas, FAQs and information useful to a variety of stakeholders, such as developers, policy officers and content managers. The toolkit should be continuously maintained, whilst it might at one point be archived, it should be kept available and accessible until a suitable replacement has been created.
22. In accordance with Article 10(3) of Regulation (EU) No 1025/2012 each standardisation request is subject to acceptance by the relevant European standardisation organisation. It is therefore necessary to provide for the rules on validity of this request if it is not accepted by CEN or Cenelec or ETSI.
23. In order to ensure legal certainty as to the validity of the request after its execution, it is appropriate to provide for a date of expiry of this Decision. Given that the execution of the request may require more time than initially foreseen, it may be necessary to extend the date of expiry taking into account the progress made in the implementation of the work programme prepared by CEN and Cenelec and ETSI for the execution of the request.
24. Given that the harmonised standard EN 3015 549 has been drafted on the basis of Commission Implementing Decision C(2017)2585 (M/554)[[15]](#footnote-15) and this Decision provides for a basis to complete work on draft harmonised standards based on that request, it is appropriate to provide for the end of validity of the for that request.
25. Given that several European standards and European standardisation deliverable on accessibility has been drafted on the basis of standardisation mandates M/376, M/420 and M/473, and this Decision provides for a basis to complete work on draft harmonised standards and revise relevant European standards and European standardisation deliverables, it is appropriate to provide for the end of validity of the for those mandates.
26. The European standardisation organisations, the European stakeholders' organisations receiving Union financing and the High Level Group on Disability and the National contact points established for the of Directive (EU) 2019/882 have been consulted.
27. The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 22 of Regulation (EU) No 1025/2012.

HAS ADOPTED THIS DECISION:

Article 1
Requested standardisation activities

1. The European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (Cenelec) and the European Telecommunications Standards Institute (ETSI) (‘the ESOs’) are requested to draft new harmonised standards listed in Table 1 of Annex I to this Decision and to revise existing European standards listed in Table 2 of Annex I to this Decision in order to draft harmonised standards in support of Directive (EU) 2019/882 for the accessibility requirements of products and services set in its Annex I, and Annex III by the deadlines set in that Annex.
2. The European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (Cenelec) and the European Telecommunications Standards Institute (ETSI) are requested to revise the harmonised standard listed in Table 1 of Annex II in support the implementation of Article 4 of Directive (EU) 2016/2102 by the deadline set in that Annex.
3. The European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (Cenelec) and the European Telecommunications Standards Institute (ETSI) are requested to revise the European standardisation deliverables listed in Table 1 of Annex III by the deadline set in that Annex.
4. The standards referred to in paragraphs 1, 2 and 3 shall meet the requirements set out in Annex IV.

*Article 2
Work programme and standardisation work*

1. The ESOs shall prepare joint work programme indicating all the standards referred to in the first, second and third paragraphs of Article 1, the responsible ESO, the responsible technical bodies and a timetable for the execution of the requested standardisation activities in line with the deadlines set out in Annex I. It shall also contain a description of which clauses or provisions of current standards EN 301 549, EN 17210 and EN 17161 are intended to be used without modification, which clauses or provisions will have to be amended, and in what area it is necessary to develop new provisions.
2. The ESOs shall submit the draft [joint] work programme[s] to the Commission by [day].[month]. 20xx [xx months after the notification of this Decision by the Commission][[16]](#footnote-16) and provide it with access to an overall project plan.
3. The ESOs shall inform the Commission of any amendments to the joint work programme.
4. The work shall ensure inclusiveness of persons with disabilities and their representative organisations. The work processes, meetings venues and documents shall be accessible for persons with disabilities.

*Article 3
Reporting*

1. The ESOs shall report annually to the Commission on the execution of the request referred to in Article 1 indicating the progress made in implementation of the work programme referenced to in Article 2.

2. They shall submit the first [joint] annual report to the Commission by [day].[month]. 20xx [xx months after notification of this Decision by the Commission] Subsequent [joint] annual reports shall be submitted by [day] [Month] each year.

3. The ESOs shall provide the Commission with the [joint] final report[s] by [day],[month]. 20xx.

4. Without prejudice to the reporting obligations set out in paragraphs 1 to 3, The ESOs shall promptly report to the Commission any major concerns relating to the scope of the request referred to in Article 1 and the deadlines set out in Annex I.

*Article 4
Harmonised standards*

The ESOs shall include in each harmonised standard a clear and precise description of the relationship between its content and the corresponding accessibility requirements set out in Annex I and III of Directive (EU) 2019/882 and in article 4 of Directive (EU) 2016/2102 that it aims to cover. Each harmonised standard developed on the basis of the request referred to in Article 1 of this Decision shall refer to this Decision.

The ESOs shall include in each revised standard information on significant changes that were introduced in that standard.

The ESOs shall provide the Commission with the titles of the requested harmonised standards in all the official languages of the Union.

*Article 5
Validity of the standardisation request*

If CEN or Cenelec or ETSI do not accept the request referred to in Article 1 within a month of receiving it, the request may not constitute a basis for the standardisation activities referred to in that Article.

This Decision shall expire on [date].

*Article 6
Expiry of existing standardisation mandates and repeal of Implementing Decision C(2017)2585*

1. Standardisation mandates M/ 376 of 7 December 2005, M420 of 21 December 2007, M/473 of 1 September 2010 shall expire.
2. Implementing Decision C(2017)2585 is repealed.

Article 7
Addressees

This Decision is addressed to the European Committee for Standardisation, the European Committee for Electrotechnical Standardisation and the European Telecommunications Standards Institute.

Done at Brussels,

 For the Commission

 […]

 (PE/PO/PH)
 The President (choose the correct position)
 Vice-President (choose the correct position)
 Member of the Commission (choose the correct
 position)

1. OJ L 316, 14.11.2012, p. 12. [↑](#footnote-ref-1)
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 OJ L 151, 7.6.2019, p. 70-115. [↑](#footnote-ref-2)
3. M 376 of 7 December 2005, Standardisation mandate to CEN, Cenelec and ETSI in support of European accessibility requirements for public procurement of products and services in the ICT domain [↑](#footnote-ref-3)
4. EN 301549 (2015-04) Accessibility requirements for ICT products and services [↑](#footnote-ref-4)
5. CEN/CLC/ETSI TR 101551:2014 Guidelines on the use of accessibility award criteria suitable for public procurement of ICT products and services in Europe [↑](#footnote-ref-5)
6. CEN/CLC/ETSI/TR 101 552:2014 Guidance for the application of conformity assessment to accessibility requirements for public procurement of ICT products and services in Europe [↑](#footnote-ref-6)
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 (OJ L 327, 2.12.2016, p. 1–15) [↑](#footnote-ref-7)
8. C(2017) 2585 Commission Implementing Decision of 27.04.2017 on a standardisation request to the European standardisation organisations in support of Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of websites and mobile applications of public sector bodies. [↑](#footnote-ref-8)
9. M/420 of 21 December 2007, Standardisation mandate to CEN, Cenelec and ETSI in support of European accessibility requirements for public procurement in the built environment [↑](#footnote-ref-9)
10. EN 17210:2021 Accessibility and usability of the built environment - Functional requirements [↑](#footnote-ref-10)
11. M/473 of 1 September 2010, Standardisation mandate to CEN, CENELEC and ETSI to include “Design for All” in relevant standardisation initiatives [↑](#footnote-ref-11)
12. EN 17161:2019 Design for All - Accessibility following a Design for All approach in products, goods and services - Extending the range of users [↑](#footnote-ref-12)
13. COM(2019) 486 final of 28.10.2019. [↑](#footnote-ref-13)
14. SWD(2015) 205 final of 27 October 2015 [↑](#footnote-ref-14)
15. Commission Implementing Decision C(2017)2585 of 27.4.2017 on a standardisation request to the European standardisation organisations in support of Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies [↑](#footnote-ref-15)
16. [↑](#footnote-ref-16)