

ROADMAP	
TITLE OF THE INITIATIVE	<b>European Accessibility Act: legislative initiative to improve accessibility of goods and services in the Internal Market</b>
TYPE OF INITIATIVE	<input checked="" type="checkbox"/> CWP <input type="checkbox"/> Non-CWP <input type="checkbox"/> Implementing act/Delegated act
LEAD DG – RESPONSIBLE UNIT	DG JUST D3 and D1
EXPECTED DATE OF ADOPTION	Month/Year: September 2012
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This indicative roadmap is provided for information purposes only and is subject to change. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content and structure.

A. Context, problem definition
<p>(i) What is the political context of the initiative?  (ii) How does it relate to past and possible future initiatives, and to other EU policies?  (iii) What ex-post analysis of the existing policy has been carried out and what results are relevant for this initiative?</p>
<p>(i) The European Commission is committed to removing the economic and social barriers that prevent people with disabilities from enjoying their rights and full and complete participation in all areas of life.</p> <p>Equality of opportunity for people with disabilities is at the centre of the multiannual European Disability Strategy 2010-2020. The overarching goal of the EU Strategy is the continuous and sustainable improvement in the situation of persons with disabilities in economic, social and participatory terms.</p> <p>To this end the European strategy identifies actions at EU level to supplement national measures in eight main areas. Accessibility is at the heart of the strategy and is defined as meaning that people with disabilities have access, on an equal basis with others, to the physical environment, transportation, information and communications technologies and systems (ICT), and other facilities and services in line with the UN Convention on the Rights of Person with Disabilities</p> <p>(ii) Accessibility has been from the beginning one of the pillars of the European Disability Action plan, predecessor of the current Strategy. Since 2003 actions have been undertaken in the area of built environment, transport and new technologies including the web. There are accessibility provisions in sector legislation, such as for example transport and electronic communication services and some general provisions related to public procurement and the Structural Funds.</p> <p>The Commission issued in 2008 a proposal for a Council Directive on equal treatment on access to goods and services <i>inter alia</i> for persons with disabilities that contains an article addressing accessibility. However, the legal base used does not provide the possibility of detailing specifications of the accessibility of goods and services. The proposal is still under discussion in the Council.</p> <p>Concerning future initiatives the Commission is reviewing options to make a proposal by 2011 addressing web accessibility of public sector websites and websites providing basic services to the public.</p> <p>(iii) The Commission carried out a mid term evaluation of the European Disability Action plan that devoted attention to accessibility initiatives undertaken and concluded that "tackling accessibility barriers will only be achievable over the long term, which will require ongoing commitment at EU and MS level". Some data are available on the situation of ICT accessibility across Europe. However, on the built environment data are limited to some Member States only.</p>
<p>What are the main problems which this initiative will address?</p>
<p>Complaints from users and research provide evidence that:</p> <ul style="list-style-type: none"> <li>- there are not enough accessible goods and services on the EU market. As a consequence of this, there are barriers for disabled people's economic, social and political participation in society. Market responses for goods and services with accessibility features in areas like built environment, transport and information and communications are insufficient and the markets seem to be fragmented at Member State and regional level.</li> </ul>

- there are increasing barriers to the free movement of accessible goods and services, due to the individual initiatives of the Member States to define their own standards in order to respond to the needs of disabled persons and of an increasingly ageing population. The fragmentation of existing and emerging markets of accessible products and services will continue to grow and in many cases the national market will be too small to be attractive for industry, whereas an EU market would be more attractive.

- the current underdevelopment in the market is often also due to weak enforcement mechanisms of the existing regulations. Some national regulations can *de facto* act as obstacles or at least not facilitate the free movement of goods, persons and services.

For example customers with disabilities often complain that they have problems to use trains and other modes of transport like busses. They also complain that shops and other services like restaurants, financial services (including ATMs), cultural services and products like books are not accessible enough. Many complaints are in the area of ICT where persons with disabilities report that they have difficulties in using the web or finding the mobile phones they need.

Who will be affected by it?

The act will address public authorities that procure goods and services, on the one hand, and the manufacturers of goods, distributors, sellers and services providers on the other hand. These will benefit from having a European harmonised framework for accessible goods and services. Persons with disabilities represent approximately 10% of the working age population in Europe with figures increasing as people grow older. Given the correlation between disability and ageing and the demographic change in Europe it is expected that over 20% of the EU population would benefit from improvements in accessibility of goods and services. Industry and service providers that address accessibility in their products and services would also be affected. Finally, public authorities would be involved in the practical implementation measures.

- (i) Is EU action justified on grounds of subsidiarity?
- (ii) Why can Member States not achieve the objectives of the proposed action sufficiently by themselves? (Necessity Test)
- (iii) Can the EU achieve the objectives better? (Test of EU Value Added)

(i) The market of accessible goods and services remains fragmented due to national and sometimes regional regulations, often underdeveloped due to lack of enforcement mechanisms, and expensive mainly due to lack of competition.

The potential of persons with disabilities as a relevant segment of consumers is mostly overlooked. As a consequence they do not benefit from the single market opportunities as much as other citizens.

For these reasons, the benefits of the free movement of goods and services often are not fully exploited for accessible goods and not enough advantage is taken of the freedom of establishment and the freedom to provide services.

The EU intervention would aim to remove existing and to prevent new barriers across Member States and would improve free circulation of accessible goods and services.

(ii) The markets of accessible goods in the Member States have limited sizes that are not attractive enough for industry. Furthermore it is possible to argue that detailed technical accessibility standards at national level could act as a barrier for the free circulation of goods and services

(iii) The EU has already been trying for years to improve accessibility of goods and services in Europe through soft measures with limited results in the markets so far. Common accessibility requirements at EU level will reduce the burden for industry to comply with multiple national regulations and will improve the offer of accessible goods and services.

## B. Objectives of the initiative

What are the main policy objectives?

- Improvement of the functioning of the Internal Market in relation to accessible goods and services in creating economies of scale and remedying market failures;
- The harmonisation of accessibility requirements in Europe addressing barriers across Member States due to diverging legislations;
- Stimulating innovation in the accessibility field through the development and use of European standards
- Improvement of the effectiveness of accessibility legislation to create an EU level playing field.
- Increase of the incentives in the accessibility markets by increasing public procurement of accessible goods and services;
- Improve availability in the market of accessible goods and services as well as increase competition among industry on accessibility;
- Improve the inclusion and participation of persons with disabilities in the European society and economy.

Do the objectives imply developing EU policy in new areas?

There are already European policies in the areas of disabilities and accessibility concerning the built environment, ICT and transport. The initiative is not about developing EU policy in new areas but rather to enhance the use of available EU tools in combination with new tools, including EU legislation, in already addressed areas.

### C. Options

- (i) What are the policy options being considered?
- (ii) What legislative or 'soft law' instruments could be considered?
- (iii) How do the options respect the proportionality principle?

The following preliminary options would be considered

- No policy changes: In this option the Commission will continue mandating the development of European standards, raising awareness about their use and promoting voluntary measures for the implementation.

- Non-legislative options:

A) Voluntary response from Member States based on a Recommendation referring to common standard-based accessibility requirements.

B) Foster self-regulation by industry and service providers to improve accessibility as they do in some technical domains for interoperability.

C) Action Plan with soft measures containing the identification of products and services, examine sector regulations, development of standards, dialogue with the sector actors, reflect on the possible development of accessibility legislation targeting that specific product or service, dialogue with Member States about strengthening enforcement of national regulations.

- Legislative options:

A) A proposal for legislation to make compulsory the purchasing of accessible goods and services in public procurement. The legal act would identify for the relevant sectors a set of European standards that would provide presumption of conformity.

B) The Commission will develop one/two general framework directives containing general obligations, to be put in place by the Member States on manufacturers and service providers to improve accessibility of goods and services before their placing on the market. The directive(s) would also contain the component on mandatory accessibility requirements in public procurement mentioned in the previous option. The technical description of the requirements on both cases would be based on the development of standards and would follow a universal design approach.

C) This option would be similar to the previous one but instead of using a directive it would be based on a Regulation with similar accessibility requirements focusing on the possible impacts of direct application and timing.

(ii) The Commission will consider available instruments like awareness raising, research, standardisation, and dialogue with industry and service providers.

(iii) Legislation on accessibility is already in use in some Member States and it is considered to be an effective instrument around the world when strong enforcement mechanisms are applied. Current soft measures at EU level seem insufficient as accessibility problems persist and new products and services continue to emerge with new accessibility problems. Stepping up the strength of the EU measures seems to be proportional to the nature of the challenge. Costs of implementing EU wide accessibility requirements would not necessarily be higher than those due to national implementation; in fact costs can be reduced for example by avoiding duplication of efforts when developing and implementing European accessibility standards instead of 27 national ones. Most one-off costs will relate to the learning of the accessibility requirements, training personnel, adapting the production process and modifying venues and products used in service delivery. Recurring costs such as product design and services development cost would in most cases be small if accessibility is addressed from the beginning of the design phase. In any case it is expected that increased costs would at least be partially compensated by an increased base of customers.

### D. Initial assessment of impacts

What are the benefits and costs of each of the policy options?

The option of no policy change and to continue investing mostly in current non-legislative measures will have little cost but also little additional benefit. Improvements would continue but at a slow pace. It would perpetuate existing barriers across Member States and would not prevent new ones. Persons with disabilities will continue to remain partially excluded from society, with problems to use goods and services, and will have limited access to education and work resulting in many cases in poverty.

The option to focus on voluntary measures would be easily accepted by industry and services providers but would most probably be considered insufficient by users given the difficulties to assess and ensure compliance.

<p>The option with additional measures including new legislative ones has the potential to enlarge the size of the accessibility market in Europe, improving competition and attracting industry attention resulting in better and cheaper accessible products and services for persons with disabilities. While the legislative options are expected to produce significant benefits, that based on public procurement would have more impact on public administrations while the one based on general obligations when placing goods and services in the market would have more impact on industry and service providers.</p> <p>Industry and public authorities thus will have costs related to the implementation. These costs will be one-off, related to the need to adapt to the new requirements. At the same time a more active inclusion and participation of persons with disabilities increases their access to the labour market and creates the possibility of converting a large number of European recipients of social benefits into active tax payers with major benefits for the economy. Furthermore the potential of persons with disabilities as consumers will be exploited opening new markets to industry with bigger returns on its investments.</p>
<p>Could any or all of the options have significant impacts on (i) simplification, (ii) administrative burden and (iii) on relations with other countries, (iv) implementation arrangements? And (v) could any be difficult to transpose for certain Member States?</p>
<p>(i) Not in general, as it is about identifying new measures and some could be new legislative measures. However the adoption of common EU standards could simplify the work for industry. The Commission will examine this issue in the process of the preparation of the Impact assesment given that there are already a number of EU legislative acts that concern accessibility.</p> <p>(ii) Administrative burden and transposition costs could occur if the policy options based on adoption of new legislation are selected. The costs will be one-off, required by the adaptation to the new legislation. Administrations would have to bear the costs of transposing new legislation and adopting new standards. However at EU level it is also expected that savings will be made by the development of one set of standards instead of 27 national ones.</p> <p>(iii) No significant impact but it could lead to larger international markets.</p> <p>(iv) The legislative options would have an impact on implementation arrangements.</p> <p>(v) At this moment there is no particular problem identified for any Member State in relation to possible transposition of accessibility legislation based on the lack of significant problems reported to transpose existing EU accessibility legislation. On the contrary the signature and ongoing ratification of the UN Convention on the Rights of Persons with Disabilities signals their intention to comply with the obligations in relation to accessibility legislation.</p>
<p>(i) Will an IA be carried out for this initiative and/or possible follow-up initiatives? (ii) When will the IA work start? (iii) When will you set up the IA Steering Group and how often will it meet? (iv) What DGs will be invited?</p>
<p>The above described policy options will be subject to an impact assessment that will determine whether EU action is necessary and the content of a possible Commission proposal.</p> <p>The Impact assesment work has already started.</p> <p>A Steering Group has been set up for the preparation of the Impact Assesment and given the broad coverage of the initiative, the steering group includes the following DGs: JUST, MARKT, ENTR, INFISO, SANCO, MOVE, SG and LS.</p>
<p>(i) Is any of options likely to have impacts on the EU budget above €5m?</p> <p>(ii) If so, will this IA serve also as an ex-ante evaluation, as required by the Financial regulation? If not, provide information about the timing of the ex-ante evaluation.</p>
<p>(i) Not directly. Normally existing EU budgets could suffice for example to cover new actions in the areas of research, or standardisation. In any case, specific initiatives identified will be further tested.</p> <p>(ii) If in the course of the analisys of the options there is evidence that the possible selected option would have an impact on the EU budget above 5M Euros the IA will serve as an ex-ante evaluation.</p>

## E. Evidence base, planning of further work and consultation

- (i) What information and data are already available? Will existing impact assessment and evaluation work be used?
- (ii) What further information needs to be gathered, how will this be done (*e.g. internally or by an external contractor*), and by when?
- (iii) What is the timing for the procurement process & the contract for any external contracts that you are planning (*e.g. for analytical studies, information gathering, etc.*)?
- (iv) Is any particular communication or information activity foreseen? If so, what, and by when?

### (i) Available information

In addition to some literature on this issue mostly at national level, some studies have been made at the request of the Commission's services in the areas of ICT and Transport. A general study on disability for the preparation of the new European Disability Strategy 2010 - 2020 also contains relevant information. This study also looked at the results of the European Disability Action plan.

See for example:

[http://ec.europa.eu/information\\_society/activities/einclusion/library/studies/meac\\_study/index\\_en.htm](http://ec.europa.eu/information_society/activities/einclusion/library/studies/meac_study/index_en.htm)

[http://ec.europa.eu/transport/passengers/air/prm\\_en.htm](http://ec.europa.eu/transport/passengers/air/prm_en.htm)

Furthermore reports prepared by the European standardisation organisation in relation to ICT and the Built environment in the context on Mandates 376 and 420 contain useful information on the state of the art of accessibility standards and legislation at national level.

### (ii) Further information

A contract with external experts for a comprehensive study is planned in 2011 on the assessment of the situation of accessibility in Europe and a related cost benefit analysis of measures to improve implementation in the areas of transport, ICT and physical environment and related goods, services and infrastructures.

### (iii) Timing for procurement

The call was closed in September and the evaluation is finished. The contract is expected to be signed in October 2011. It is too early to include here the mid-term evaluation of the European Disability Strategy, which was adopted only in 2010 and covers the period 2010-2020.

(iv) The Communication on the EU Disability Strategy 2010-2020 already contains a reference to this initiative informing the European Institutions and the public. Furthermore, information will be disseminated during a Presidency conference and stakeholders meetings.

Which stakeholders & experts have been or will be consulted, how, and at what stage?

The Commission departments are in regular contact with persons with disabilities and their organisations, as well as with industry and service providers. Furthermore, there are ongoing contacts with accessibility experts involved in research and standardisation as well as the European academic network of disability experts.

In the framework of the EU Disability High Level Group the Member States are regularly consulted about and informed of accessibility initiatives undertaken by the Commission.

The Council issued Resolutions in 2008, 2010 and 2011 referring to accessibility for persons with disabilities. The European Parliament is discussing an own initiative report that refers to legislative measures related to accessibility. The Economic and Social Committee has issued an opinion in 2010 and is currently preparing another one requesting additional accessibility measures.

A public consultation of stakeholders for the preparation of the European Disability Strategy 2010 - 2020 containing some relevant accessibility questions was carried out in 2010.

A more specific consultation of stakeholders (person with disabilities, accessibility experts, Member States authorities, and industry and service providers) during 2011 focusing on accessibility would be useful. This will include the specific issues set out in the roadmap.