

The European Accessibility Act: Inclusive products and services

28 May 2024

Paragraph 2, Directive (EU) 2019/882

“An environment where products and services are more accessible allows for a more inclusive society and facilitates independent living for persons with disabilities.”

The European Accessibility Act (EAA) took effect in April 2019 and intends to increase the accessibility for and independence of disabled persons in relation to specific products and services. It addresses the high prices and limited competition in accessible products and services and assistive technologies. The Directive provides that the elderly, pregnant women and persons travelling with luggage will also benefit from the provisions.

The EAA applies to all businesses trading in the EU, other than microenterprises providing services, and to a range of goods and services, including smartphones, tablets, ATM's, ticketing and check-in machines, transport service information, e-commerce, websites and consumer banking services.

The requirements are due to come into force on 28 June 2025. However, those that have placed products on the market or agreed service contracts before this date will have until the end of the additional five year transition period until the accessibility requirements apply, provided that they do not replace the product in this time. Self-service terminals have up to 20 years from the date of application.

Products

Businesses must ensure that the relevant products are designed and manufactured to maximise their foreseeable use by persons with disabilities. This includes creating the relevant technical documentation in accordance with the Directive and ensuring that products are accompanied with clear and understandable instructions and safety information in language that can be understood by the consumer. Where a product is not compliant, it must immediately be rectified or withdrawn from the market, with the relevant authority notified. The EAA also applies to importers, who must ensure that the manufacturer has completed the adequate assessment, and to distributors who must act with due care to ensure that the product bears the CE marking and has the relevant documentation.

Service providers

Service providers are required to design and provide services to maximise their foreseeable use by persons with disabilities and prepare publicly available information explaining how the services are compliant. As with products, where a service is not compliant the provider must rectify this or remove the service from the market. Specified services such as consumer banking and e-commerce have specific requirements to maximise use.

The duties under the Directive are not reduced where a service is subcontracted, with service providers still needing to ensure compliance. Service providers are required to train their staff so that they are knowledgeable about the use of accessible products and services.

Subject to member state discretion, the requirements can also extend to the built environments where the services are provided, specifying that persons with disabilities can access aspects of the environment in an independent manner, such as outdoor facilities, toilets, emergency exits and the service equipment.

How can businesses comply?

Information on or accompanying products and about the functioning of a service must be available by more than one sensory channel, presented in an understandable way that users can perceive and in a font of adequate size and shape. This also applies to products used in services. The EAA includes examples of how businesses can comply with the requirements, which include the following:

- providing information in a visual, tactile and an auditory format to assist blind and deaf persons;
- using the same words consistently and in clear and logical structures to assist understanding for those with intellectual disabilities and using diagrams alongside text;
- equipping interfaces with the ability to enlarge, zoom or increase contrast for those who are visually impaired or have low vision and avoiding flickering images for those who experience seizures;
- instead of using colour specific buttons e.g., red or green, provide written information on the buttons detailing what they are, for those with colour blindness;
- increasing the size of touch screen buttons and the space in between them and reducing the force needed to press the buttons to assist those with tremors or motor impairments;
- ensuring software reacts in a predictable manner, providing enough time to enter passwords;
- noting on packaging that the phone contains accessibility features;
- printing in braille and providing subtitles on video instructions.

The accessibility requirements only apply where compliance does not significantly change the product or service to fundamentally alter its basic nature and does not impose a disproportionate burden on the economic operator. This disproportionate burden can be assessed by reference to costs such as those associated with human resource with accessibility expertise, accessibility training, developing new processes for the inclusion of accessibility in product development or the provision of services, understanding the legislation and establishing and developing relevant documentation.

As the EAA has been transposed into national law by the member states, some exceptions may apply and the penalties for non-compliance can vary at national level.

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