



The voice of blind and partially sighted people in Europe

European Accessibility Act

Position Paper and Analysis
for Trilogue Negotiations
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Position Paper

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The **European Blind Union (EBU)** is a non-governmental, non-profit making European organisation founded in 1984. It represents and promotes the interests of blind and partially sighted persons. EBU operates within a network of 42 national members, including from 27 EU member states.

Since 2015, EBU has contributed to the development of the European Accessibility Act (EAA). On 1 March 2018, **inter-institutional Trilogue negotiations** will begin in Brussels. This position paper formulates the EBU recommendations to legislators following the publication of the Amendments adopted by the European Parliament and of the General Approach of the Council of the European Union.

Objective: Accessible Products and Societal Participation

Most people take access to products and services for granted. For 30 million blind or partially sighted Europeans and millions more with other disabilities or functional limitations, this access is a constant struggle. Booking a vacation online, taking the train to work or reading a book for school often pose unsurmountable challenges. This lack of accessibility precludes our free and independent participation in Europe's open and mobile societies.

Our objective is that by reducing the barriers for a European market of accessible goods and services, the **EAA enables ample societal participation of blind and partially sighted Europeans**. By formulating European criteria for functional accessibility, the Directive provides tools to public and private operators across the continent to meaningfully implement accessibility legislation. This cannot be achieved if the EAA is reduced to a vague, narrow and unambitious document during the Trilogue negotiations.

In order to create a meaningful European market for accessible products and services, which complements the United Nations Convention on the Rights of Persons with Disabilities (UN-CRPD), we **appeal to all**



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Trilogue negotiations participants to address our four demands on the EAA.

Demand 1: Inclusive Scope with Horizontal Purpose

European legislation with reference to accessible goods or services already exists. One example is Directive 2010/13/EU, which encourages the establishment of accessible audio-visual media services. However, these texts are only sectorial in nature and fail to provide binding blanket provisions. **The EAA offers the unique opportunity for a horizontal legislation**, whose inclusive scope forms the backdrop for the entire European legal order. Therefore, EBU strongly appreciates the extensions proposed by the Parliament, in particular in three areas.

First, **we welcome the Parliament's clarifications on urban modes of transportation**, especially regarding Article 1, Paragraph 2(c). As the majority of transport takes place in an urban context, the inclusion of underground, rail, tramway, trolleybus and bus services is crucial for a meaningful Act. Additionally, this provision successfully links this Directive to the requirements of Article 20 of the UN-CRPD (Personal Mobility).

Second, **we welcome the new references to tourism**, for instance in Annex I, Section VIIIa. Opening travelling services to the 80 million Europeans with disabilities is the most concrete embodiment of the cross-border purpose of this Directive. The clear criteria for accommodation standards create a level playing field for economic operators across Europe. At the same time, this inclusion meets the requirements on Article 30, Paragraph 1(c) of the UN-CRPD (Participation in Leisure).

Third, we are convinced that **public procurement is an essential element of this horizontal legislation**. If the procurement of ticketing terminals, handrails and many other goods by public authorities follows accessibility guidelines, the EAA will be implemented faster, smoother and more comprehensively. Consequently, we reject the Council's deletion of all references to procurement in Article 1, Paragraph 3.



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EBU believes that the benefits of the EAA manifest itself in its horizontal nature. As such, it needs to apply to a wide, inclusive scope. Therefore, we demand to protect the good steps in this direction.

The following steps address this demand during the Trilogue:

- (a) Support all references to urban transport, especially in Article 1, Paragraph 2(c) to improve personal mobility of persons with functional limitations.
- (b) Retain references to tourism services throughout the text as well as clear functional requirements offered in Annex I, Section VIIIa
- (c) Support the Parliament's amendment on Article 1, Paragraph 3 over the proposed deletion by the Council.

Demand 2: Comprehensive and Comprehensible Annexes

The Annexes of the EAA are the core of this Directive. They are the essential element to enable economic operators to achieve maximum accessibility of their products and services. This is the crucial precondition for Europeans with functional limitations, including with disabilities, to benefit from the EAA.

Therefore, EBU welcomes the positive development of the Annexes achieved during the first phase of the negotiations. In particular, EBU **strongly supports the comprehensive restructuring of Annex I proposed by the Council**. This amendment sets the EAA on the right path for ensuring clear criteria for economic operators as well as for consumers.

However, EBU is convinced that further amendments are necessary to improve the Annexes. For instance, it is not sufficient to define accessibility of self-service terminals by access through more than one sensory channel. A terminal with discernible keys is not suitably accessible for our constituency, despite allowing access through vision and touch. Full accessibility for 30 million blind and partially sighted Europeans requires the terminal to be additionally equipped with the option of changing script colours and font size, as well as spoken menus. This level of detail needs to be inscribed into the Annexes for comprehensive accessibility and comprehensible guidelines.



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The Annexes allow standardisation bodies, including the European Commission, to develop or harmonise adequate technical specifications. This not only facilitates cross-border markets for accessible goods and services, but also manifests the benefit for European consumers. To achieve a **clear compulsory checklist, which guides the work of standardisation bodies**, EBU demands comprehensive and comprehensible Annexes.

The following steps address this demand during the Trilogue:

- (a) Full support for the Council's amendment for a restructured Annex I, Section I on general accessibility requirements.
- (b) Support for the Council's amendment for a restructured Annex I, Section IV, while clarifying the specifications for audio-visual access services.
- (c) Rejection the proposed deletion of Annex I, Section V, Parts B & C by the Parliament and Council, as accessible digital infrastructure is a precondition for enjoyment of e-commerce and other services.

Demand 3: Binding Requirements on Built Environment

An EAA without provisions on the built environment is a weak and ineffective Directive. Persons with functional limitations, including 80 million Europeans with disabilities, **cannot benefit from accessible ATMs, if the bank building, in which these are located, is not accessibly built**. They cannot benefit from accessible tourism services, if airports and train stations continue to be built inaccessibly.

Therefore, EBU warmly welcomes the strengthening of built environment clauses by the Parliament's amendments. In particular, EBU strongly appreciates the Parliament's position on Article 3, Paragraphs 6 and 10 of this Directive in conjuncture with recitals 13 and 23. Their value for this Directive cannot be overemphasized in comparison to the Council's proposal to eradicate the accessibility of built environment altogether from the text.

In its impact assessment, the European Commission has identified the built environment likely to be addressed by diverging national legislation, risking a **fragmentation of the internal market of accessible products and services**. Accessible built environments benefit the consumers. This



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applies not only to Europeans with disabilities, but also to those with temporary functional limitations. Society at large advances if the built environment facilitates societal participation of the elderly, pregnant women or pedestrians with crutches. In turn, economic operators stand to profit from an expansion of their customer base through accessible infrastructure.

For EBU it is **absolutely essential that the EAA includes binding clauses and clear specifications on built environment**. Without this mandate, the Act fails its purpose and potential. EBU therefore demands to maintain all relevant sections of the text.

The following steps address this demand during the Trilogue:

- (a) Strong support for the Parliament's amendments on built environment for Article 3, especially its Paragraph 10, and strong rejection of the Council's proposed deletion of parts thereof.
- (b) Strong support for the Parliament's amendments on Article 1, Paragraph 2(c) to include built environments in the scope of this Act.
- (c) Strong support for the Parliament's amendments on Annex I, Section IX, Part B to formulate clear criteria for accessible built environments.

Demand 4: Minimal Exemptions and Restrictions

Exceptions, restrictions and long transposition timelines undermine the potential of the EAA. While EBU acknowledged the time needed for transition to true accessibility, we nonetheless support an overarching, horizontal act. Therefore, we are particularly concerned about two proposed changes.

First, EBU **rejects** the approaches of both Parliament and Council to allow a **parallel usage of accessible and inaccessible products until the end of their lifespan**. On the one hand, this proposal renders this Directive impractical. 30 million blind and partially sighted Europeans are not able to independently differentiate between an accessible ATM and an inaccessible one. This exemption creates new barriers instead of removing them. On the other hand, this proposal **delays the implementation of this Directive by more than a decade**. ATMs have



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a life span of up to 12 years, credit card terminals for more than 10 years. This is too long to wait for, until the EAA can enter fully and unreservedly into force.

Second, **EBU does not support the exclusion of microenterprises from the scope of this Directive**. Especially in the fields of e-commerce and e-publishing, many economic operators qualify as microenterprises. By not formulating helpful accessibility criteria for them, this Directive fails to open the benefits that 80 million European customers with disabilities bring to microenterprises. Additionally, exemptions in the realm of e-books continue to disadvantage blind and partially sighted readers, which stands contrary to the spirit of Article 30 of the UN-CRPD (Participation in Cultural Life).

To close **possible loopholes to subvert this Directive**, we demand a minimisation of exemptions and restrictions for burdensome application.

The following steps address this demand during the Trilogue:

- (a) Strongly reject amendments proposed to Article 12, Paragraph 7 as well as Article 27a, Paragraphs 1-2. Creating new exemptions and extended transposition rules for inaccessible payment terminal and self-service stations until the end of their life-cycle delays the effective implementation of this Directive by another decade.
- (b) Reject the exemption for microenterprises in Article 1a, but instead support incentive measures developed in Article 12, Paragraph 6(c).
- (c) Reject Recital 18, which sets the tone for multiple restrictions.



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Analysis

This analysis lists all EBU comments on the amendments brought forward in advance of the Trilogue negotiations on the European Commission's "*Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services*" (European Accessibility Act, EAA).

For each amendment by the European Parliament (Amendments adopted by the European Parliament) or the Council of the European Union (General Approach of the Council of the European Union), which EBU deems important, details and justifications on our position are provided. EBU has tabled own amendments in cases where we believe stronger legislative approaches or clarity is urgently needed.

The analysis follows the structure of the original proposal. The first section covers the recitals, the second one the articles and the third one the annexes. A Table of Contents is added at the end of this analysis. We acknowledge the contribution of the European Disability Forum (EDF) to our arguments.

Recitals

Recital 2

Parliament: Amendment 3

Council: Recital 2a (new) and 2b (new)

Parliament	EBU
(2) The demand for accessible products and services is high and the number of persons with functional limitations, including persons with disabilities within the meaning of Article 1 of the United Nations Convention on the Rights of Persons with	Support



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<p>Disabilities (“the Convention”), will increase significantly with the ageing of the Union’s population. An environment where products and services are more accessible allows for a more inclusive society and is a prerequisite for independent living.</p>	
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Council	EBU
<p>(2a)(new) This Directive defines persons with disabilities in line with the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), to which the European Union is a party as of 21 January 2011. The UN CRPD states that persons with disabilities "include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others". This Directive promotes full and effective equal participation by improving access to mainstream products and services that through their initial design or subsequent adaptation address the particular needs of persons with disabilities.</p> <p>(2b)(new) Other persons who experience functional</p>	<p>Partial support</p>



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<p><i>limitations, stemming from other physical, mental, intellectual or sensory impairments, older age, or other human body performance related causes, permanent or temporary, which in interaction with various barriers may likewise hinder their full and effective participation in society on an equal basis with others, would also benefit from this Directive.</i></p>	
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Justification:

EBU agrees with the Parliament’s proposal and in part with the Council’s proposal. Both underline that the scope of the Directive comprises disabled persons and **persons with temporary or long-term functional limitations**. We appreciate the Council’s clear reference to the UN-Convention on the Rights of Persons with Disabilities (UN-CRPD), but this should not undermine the comprehensive importance of accessibility. It is not only disabled citizens that require accessibility for inclusive participation in society. The Parliament’s formulation better emphasises that accessibility applies to the entire society, by fostering independence and participation.

Recital 9a (new)

Parliament: Amendment 250

Parliament	EBU
<p><i>(9a) Better accessibility to products and services will improve the lives not only of persons with disabilities but also of persons with other permanent or temporary functional limitations, such as elderly persons, pregnant</i></p>	<p>Support</p>



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<p>women and persons travelling with luggage. Therefore, it is essential that this Directive includes persons with disabilities as well as persons with temporary or permanent functional limitations, in order to ensure genuine benefits and an independent life for a wider portion of society.</p>	
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Justification:

EBU agrees with the Parliament’s proposal, which substantiates the spirit of Recital 2. By including the elderly, pregnant women and travellers with luggage, the inclusive approach of the Directive becomes visible. The entire society is set to benefit from this Directive. This is why the term “persons with functional limitations” should be retained throughout the Directive, especially in Art. 2.

Recital 12b (new)

Parliament: Amendment 232

Parliament	EBU
<p>(12b) In the rail transport sector, Directive (EU) 2016/797 of the European Parliament and of the Council and Commission Regulation (EU) No 1300/20141b (PRM TSI) explicitly refer to, and implement, the accessibility requirements set out in Article 9 of the Convention. Accordingly, accessibility for persons with disabilities and persons with reduced mobility in the rail transport sector is regulated under those instruments. In order to ensure consistency</p>	<p>Support</p>



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between Directive (EU) 2016/797 and Commission Regulation (EU) No 1300/2014, on the one hand, and this Directive on the other, any future revision of the PRM TSI should also take into account the accessibility requirements resulting from the EAA.

Justification:

EBU supports the Parliament’s amendment. It underlines the **importance of congruence between the EAA and existing legislation** in the transport sector. The need for uniform provisions is vital for the functioning of the internal market of the EU and the EU-wide enforcement of UN-CRPD Art. 9.

Recital 13

Parliament: Amendment 233

Council: Recital 13

Parliament	EBU
(13) The entry into force of the Convention in the Member States' legal orders entails the need to adopt additional national provisions on accessibility of products and services <i>and on the built environment related to the provision of goods and services</i> which without Union action would further increase disparities between national provisions.	Support

Council	EBU
(13) The entry into force of the UN CRPD in the Member States' legal orders entails the need to adopt	Rejection



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additional national provisions on accessibility of products and services, **and** without Union action, **those provisions** would further increase disparities between **the laws, regulations and administrative provisions of the Member States.**

Justification:

EBU is convinced that a consistent approach to the accessibility of the built environment across the EU is paramount to implementing the UN-CRPD for over 80 million disabled Europeans. Consequently, EBU supports the Parliament’s amendment. In turn, **the Council’s position on removing built environments from the scope of the Directive will render the Act’s purpose and potential void.** Disabled citizens will not be able to enjoy accessible services, if an inaccessible built environment prevents them from reaching the service. Therefore, EBU strongly rejects the amendment of the Council here and in other parts of the proposal.

Recital 16

Council: Recital 16

Council	EBU
(16) The determination of the products and services falling within the scope of this Directive is the result of a screening exercise, carried out during the preparation of the Impact Assessment that identified relevant products and services [...] for persons with disabilities, and [...] for which Member States have adopted or are likely to adopt diverging national accessibility requirements disruptive to the functioning of the internal market.	(16) The determination of the products and services falling within the scope of this Directive is the result of a screening exercise, carried out during the preparation of the Impact Assessment that identified relevant products and services [...] for persons with functional limitations, including persons with disabilities and older persons , and [...] for which Member States have adopted or are likely to adopt diverging national accessibility requirements



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	disruptive to the functioning of the internal market.
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Justification:

As stated in the justifications for Recital 2 and Recital 9a (new), references to persons with functional limitations should be retained throughout the text, including in this Recital on the Impact Assessment.

Recital 16a (new)

Parliament: Amendment 227

Parliament	EBU
<p><i>(16a) Directive 2010/13/EU of the European Parliament and of the Council^{1a} imposes a number of obligations on providers of audio-visual media services. It is therefore more appropriate to include accessibility requirements in that Directive. However, as regards websites and mobile-based services, Directive 2010/13/EU only covers audio-visual media content. It is therefore appropriate to include the architecture of the websites and mobile-based services and all content not falling within the scope of Directive 2010/13/EU within the scope of this Directive.</i></p>	<p>(16b) Revised Directive 2010/13/EU of the European Parliament and of the Council sets a number of obligations on providers of audio-visual media services. However that Directive only covers audio-visual media content. It is therefore appropriate to include the architecture of the websites and mobile-based services and all content not falling in the scope of Directive 2010/13/EU within the scope of this Directive. Accessibility requirements for the provision of access services like subtitling, Audio description, sign language interpretation as well as accessibility of electronic program guides, shall be covered by this Directive to improve a better development of harmonized EU minimum standards in these areas.</p>

Justification:



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The Parliament's proposed amendments to Art. 7 of Directive 2010/17/EU list very concrete and effective measures on access service provision for audio-visual content. However, Directive 2010/17/EU does not enunciate functional accessibility requirements. These are needed to enable EU Member States and standardization bodies to draft effective harmonised standards. The EAA can bridge this gap, which is why the functional specifications of the Annex need to include access services for audio-visual material.

Recital 17a (new)

Parliament: Amendment 20

Parliament	EBU
<i>(17a) Even if a service, or part of a service, is subcontracted to a third party, the accessibility of that service should not be compromised and the service providers should comply with the obligations set out in this Directive. Service providers should also ensure proper and continuous training of their personnel in order to ensure that they are knowledgeable about how to use accessible products and services. That training should cover issues such as information provision, advice and advertising.</i>	Support

Justification:

EBU strongly supports this amendment and wishes for its spirit to be reflected in mandatory legal provisions within the articles of this Directive.



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Recital 18

Parliament: Amendment 21

Parliament	EBU
<p>(18) <i>On the one hand</i>, it is necessary to introduce the accessibility requirements <i>in the most effective</i> and least burdensome manner for the economic operators and the Member States, notably by only including in the scope the products and services which have been thoroughly selected <i>and which are placed on the market after the date of application of this Directive. On the other hand, it is necessary to enable economic operators to implement the accessibility requirements set out in this Directive efficiently, in particular by taking into account the lifetime of self-service terminals, ticketing machines and check-in machines. Also, the specific position of SMEs in the internal market should be taken into account. Additionally, microenterprises, due to their size, resources and nature, should not be required to comply with the accessibility requirements set out in this Directive or be obliged to use the procedure laid down in Article 12 in order to be</i></p>	<p>(18) It is necessary to introduce the accessibility requirements which enable all people to fully use the products and services and infrastructure covered by this Directive in the least burdensome manner for the economic operators and the Member States. It is also necessary to enable economic operators to implement the accessibility requirements set out in this Directive efficiently, in particular by establishing advisory technical expert groups which can support micro, small and medium sized enterprises to manufacture goods and render services tailored to the needs of disabled persons. In addition, the special position of SMEs and microenterprises in the European internal market should also be taken into account. EU Member States should be encouraged to launch financial schemes to support in particular microenterprises, small enterprises and start-ups to comply with the requirements of this Directive.</p>



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<i>exempted from the obligations of this Directive.</i>	
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Justification:

EBU strongly rejects the proposed amendments for two reasons. First, we reject the exclusion of microenterprises from the scope of Art. 12. Many service providers in the fields of e-commerce and e-publishing are microenterprises. Excluding this group of economic operators will adversely affect the practical benefits of the Act by excluding persons with functional limitations, especially blind and partially sighted customers, from cultural and economic participation. Second, we fundamentally disagree with the Parliament's position on life cycles. Maintaining inaccessible self-service terminals until they are fully depreciated without adequate accessible replacements stands contrary to the meaning of the UN-CRPD. This is especially the case given that such terminals have an approximate lifespan of 10 year. Consequently, this exemption, which stands in addition to the one already provided in Art. 12, prolongs the exclusion of 30 million blind and partially sighted Europeans from using these terminals by over a decade. Further justification is provided regarding Recital 53c (new).

Recital 20b (new)

Council: Recital 20 b (new)

Council	EBU
(20b)(new) This Directive should further cover electronic communication services as defined in Directive 2002/21/EC of the European Parliament and of the Council, including such communication services used for emergency communications, which are an integral part of electronic communications services. At present, the measures taken by Member States are divergent and are not	Rejection



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harmonised throughout the internal market. Ensuring that the same accessibility requirements apply throughout the Union will lead to economies of scale for operators active in more than one Member State and will facilitate the effective access for persons with disabilities in their own Member States and when travelling between Member States. For emergency communications to be accessible, service providers should, in addition to voice, provide real time text and total conversation where video is provided, ensuring the synchronisation of all those communication means. Member States could, while respecting this Directive, determine a third party relay service provider which could be used by persons with disabilities to communicate with the PSAP.

This Directive should also cover consumer terminal equipment with interactive computing capability foreseeably to be primarily used to access such electronic communication services. The latter category includes equipment used as part of the setup in accessing said services such as a router or a modem. The rapid technological evolution and



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innovative character of electronic communication services is likely to be reflected in forthcoming sectorial legislation that also might have an impact on accessibility. Therefore this Directive should be without prejudice to Directive 2002/21. In case of a conflict between Directive 2002/21 and this Directive, the former should prevail.

Justification:

EBU rejects the notion stipulated in the Council proposal that the European Electronic Communications Code (EECC), currently also under discussion, should prevail over the EAA in case of conflicts. In contrast to sectorial legislation such as the EECC, the EAA provides a detailed set of horizontally applicable functional requirements. References in the EECC and potential revisions of sectorial legislation need to be in line with the EAA.

Recital 20d (new)

Council: Recital 20d (new)

Council	EBU
(20d)(new) For the purposes of this Directive, access to audio-visual media services means that the access to audio-visual content, has to be accessible, as well as mechanisms to allow users with disabilities to use their assistive technologies. The access may be provided for example via devices such as set-top boxes or connected TV services that enable to receive	Support



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audio-visual content. [The Directive should also cover features or services providing access to audio-visual media services, and the accessibility features of Electronic Programme Guides (EPGs) as their accessibility is not covered in the AVMSD].	
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Justification:

EBU agrees to this new recital, but believes that it should be moved to the definitions section and expanded to **include access services** like audio description, subtitling etc. As stated in the justification on Recital 16a (new), there are currently no harmonized accessibility requirements to create these access services. A uniform approach concerning visibility, comprehensibility, understanding and the adaptation to the needs of the user is urgently needed to render these services accessible and navigable for all EU citizens. The EAA provides the tools for this.

Recital 20m-n (new)

Council: Recital 20 m (new) and Recital 20 n (new)

Council	EBU
(20m)(new) The determination of the scope of this Directive with regard to air, bus, rail and waterborne passenger transport services should be based on the existing sectorial legislation relating to passenger rights.	Rejection
(20n)(new) Certain elements of the accessibility requirements, particularly in relation to the provision of information as set out in this Directive, are already covered by existing Union law	



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in the area of transport. This includes elements of Regulation (EC) No 1371/2007 of the European Parliament and of the Council, and Regulation (EC) 1107/2006 as well as Regulation (EC) 261/2004 Commission Regulation (EU) 1300/2014 and Commission Regulation (EU) 454/2011 as regards rail transport; Regulation (EU) 181/2011 of the European Parliament and of the Council as regards bus and coach transport; Regulation (EU) 1177/2010 of the European Parliament and of the Council as regards sea and inland waterway transport concerning the rights of disabled persons and persons with reduced mobility when travelling by air. To ensure regulatory consistency, the accessibility requirements set out in these Regulations, should continue to apply as before. However, additional requirements provided for in this Directive in its scope of application would supplement the existing requirements, improving the functioning of the internal market in the area of transport and benefiting persons with disabilities.

Justification:



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EBU rejects the Council's proposal due to its narrow scope. The Council's proposal would restrict the EAA to the provision of information in transport. This fails to address urgent accessibility issues in transport such as built infrastructure of stations or vehicles. Instead, we favour the Parliament's amendments on Recitals Recital 22a-c (new) and Recital 9a (new).

Recital 22a-c (new)

Parliament: Amendment 24, amendment 25 and amendment 26

Parliament	EBU
<i>(22a) Certain elements of the accessibility requirements laid down by this Directive, particularly those set out in Annex I relating to the provision of information, are already covered by existing legislative acts of the Union in the area of transport. Those acts include Regulation (EC) No 1371/2007 of the European Parliament and of the Council and Commission Regulation (EU) No 1300/2014 and Commission Regulation (EU) No 454/2011c as regards rail transport; Regulation (EU) No 181/2011 of the European Parliament and of the Council^{1d} as regards bus and coach transport; and Regulation (EU) No 1177/2010 of the European Parliament and of the Council as regards maritime transport. To ensure regulatory consistency and predictability for the economic operators covered by those acts, the</i>	Support



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relevant requirements under this Directive should be deemed to have been complied with where the relevant parts of those acts are complied with. However, when the accessibility requirements are not covered by those acts, for example the requirement to make websites of airlines accessible, this Directive should apply.

(22b) This Directive is intended to complement existing sectorial Union legislation by covering aspects not yet covered by that legislation.

(22c) The determination of the scope of this Directive with regard to air, bus, rail and waterborne passenger transport services should be based on the existing sectorial legislation relating to passenger rights. Where this Directive does not apply to certain types of transport services, Member States should be able to encourage service providers to apply the relevant accessibility requirements provided for in this Directive.

Justification:

EBU welcomes the **horizontal approach** of the Parliament regarding accessibility. This amendment fills missing gaps concerning accessibility provisions in other EU legislative pieces and addresses the need for a uniform accessibility in areas such as transport, infrastructure and built



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environment. As such, we support this amendment over the Council's proposal on Recital 20m-n (new).

Recital 23

Parliament: Amendments 223 and 228

Council: Recital 23

Parliament	EBU
(23) In some situations, accessibility of the built environment <i>is a precondition for the proper enjoyment</i> of the related services by persons with disabilities. Therefore, this Directive <i>should oblige</i> Member States to include the built environment used in the provision of the services under the scope of this Directive, ensuring compliance with the accessibility requirements set <i>out</i> in Annex X. <i>However, accessibility requirements should only be applicable when constructing new infrastructure or when undertaking substantial renovations.</i>	(23) Without common accessibility requirements of the built environment connected to products and services, any accessibility standards of goods and services cannot be effective in ensuring accessibility for persons with disabilities and persons with functional limitations. Therefore, this Directive should oblige Member States to include the built environment used in the provision of the products and services under the scope of this Directive, ensuring compliance with the accessibility requirements set in Annex X.

Council	EBU
(23) deleted	Rejection

Justification:

EBU welcomes the approach of the Parliament to oblige member states to **include the built environment** relating to the provision of services. However, EBU believes that a limitation to substantial renovations or the construction of new infrastructure would have an adverse effect on the



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accessibility of the built environment. The obligation should also extend to existing environments without prejudice to Act. 12 of this Directive.

Recital 24a (new)

Parliament: Amendment 30

Parliament	EBU
<i>(24a) The obligation to ensure accessibility of the transport infrastructure on the Trans-European Transport Network is established in Regulation (EU) No 1315/2013 of the European Parliament and of the Council. The accessibility requirements provided for in this Directive should also apply to certain elements of the transport infrastructure regulated by that Regulation, to the extent that the products and services covered by this Directive are concerned and the infrastructure and the built environment related to those services are intended to be used by passengers.</i>	Support

Justification:

EBU welcomes this amendment, which strengthens the important link between transport and built environment. This links to our position on Recital 22a-c (new) and Recital 23.

Recital 29a (new)

Council: Recital 29 a (new)

Council	EBU
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(29a)(new) The obligations set out in this Directive, should apply equally to economic operators in the public and private sectors.	Support
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Justification:

EBU welcomes the emphasis which the Council puts on the equal application of the Directive to private and public operators. Only through this comprehensive scope can the EAA achieve its purpose. As such, this Recital would be well located among the Articles of the Directive.

Recital 37a (new)

Council: Recital 37 a (new)

Council	EBU
<p>(37a)(new) In exceptional cases, where the accessibility requirements set out in this Directive would constitute a disproportionate burden on economic operators, they should not be required to comply with them. In such duly justified cases, it would not be reasonably possible for an economic operator to apply one or more of the accessibility requirements identified in Annex 1 of this Directive. However, the economic operator should make a service or a product under the scope of this Directive accessible with respect to those accessibility requirements which were not considered by the economic operator to impose a</p>	<p>Partial support</p>



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disproportionate burden. Exceptions to compliance with one or more accessibility requirements due to the disproportionate burden that they impose should not go beyond what is strictly necessary in order to limit that burden with respect to the particular product or service concerned in each individual case. Measures that would impose a disproportionate burden should be understood as measures that would impose an additional excessive organizational or financial burden on the economic operator, while taking into account the likely resulting benefit for persons with disabilities. Benchmarks based on these considerations should be defined in order to enable both economic operators and market surveillance authorities to compare different situations and to assess the possible presence of a disproportionate burden in a systematic way. Only legitimate elements should be taken into account in any assessment of the extent to which the accessibility requirements cannot be met because they would impose a disproportionate burden. Lack of priority, time or knowledge



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should not be considered as legitimate reasons.	
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Justification:

EBU believes that the claim of a disproportionate burden could be used as a loophole to escape from the obligation to make products or services accessible. Therefore, we welcome the establishment of systematic assessment criteria for these cases. However, the crucial reference that lack of time or knowledge cannot be a legitimate reason needs to be moved to Art. 12 of the Directive. Further to this, see our analysis on Article 12, Paragraph 4.

Recital 37b (new)

Council: Recital 37 b (new)

Council	EBU
(37b)(new) The overall assessment of a disproportionate burden should be done using the benchmarks identified in Annex IV. The assessment of disproportionate burden should be documented by the economic operator taking into account the relevant benchmarks. Service providers should re-evaluate the assessment of a disproportionate burden after every five years. Only upon a request from the competent national authority should the economic operators provide the assessment explaining why their product or service is not fully accessible and providing evidence of the disproportionate burden.	Rejection



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Justification:

EBU rejects this amendment as it strengthens the market share of inaccessible products. Market surveillance authorities cannot fulfil a proper monitoring role, if they only receive the disproportionate burden assessment on request. As such, a blanket application of this Directive would no longer be possible. Therefore, market surveillance authorities should be the entities to grant or refuse such exceptions based on a provision of a detailed assessment and justification of each economic operators' burden.

Recital 37c (new)

Council: Recital 37 c (new)

Council	EBU
(37c)(new) If on the basis of the required assessment it is concluded that it would constitute a disproportionate burden on the economic operator to require that all self-service terminals that are available for the provision of the same service comply with the accessibility requirements enshrined in this Directive it is appropriate to also asses how many such machines are sufficient to secure the accessibility of the services provided by the service provider in question. In its assessment the service provider should take into account inter alia the estimated benefit for persons with disabilities.	Rejection

Justification:



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EBU strongly rejects this amendment. Economic operators should only use the possibility to argue for a disproportionate burden in duly justified cases. Establishing further exemptions for all kinds of self-service terminals will delay the implementation of this Directive for decades and persistently violate the principles of the UN-CRPD. Allowing an extended use of inaccessible self-service terminals will leave disabled persons and those with functional limitations without independent opportunities of withdrawing cash, buying tickets independently or engaging in banking activities. This stands contrary to the purpose of this Directive.

Recital 37d (new)

Council: Recital 37 d (new)

Council	EBU
(37d)(new) Microenterprises are distinguished from all other undertakings by their limited human resources and annual turnover and/or annual balance sheet. The burden of complying with the accessibility requirements for microenterprises will therefore, in general, take a greater share of their financial and human resources than for other undertakings and is more likely to represent a disproportionate share of the costs. A significant proportion of cost for microenterprises comes from completing or keeping paperwork and records to demonstrate compliance with the different requirements set down in Union legislation. While all economic operators covered by this directive should be able	Rejection



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to assess the proportionality of complying with the requirements set out in this Directive and only comply with them to the extent they are not disproportionate, demanding such an assessment from microenterprises providing services would therefore in itself constitute a disproportionate burden compared with the likely benefits to persons with disabilities. Requirements and obligations in this Directive should therefore not apply to microenterprises providing services within the scope of this Directive.

Justification:

EBU strongly disagrees with the Council’s position and justification on excluding microenterprises from this Directive. We do not subscribe to the Council’s assumption that complying with accessibility requirements “is more likely to represent a disproportionate share of the costs”. To the contrary, applying long-established and well-known accessibility standards such as WCAG (e-commerce) and ePub3 (e-books) will increase the market share of microenterprises. 30 million blind and partially sighted Europeans are set to benefit from the goods and services made accessible by this Directive, in turn offsetting the costs for microenterprises.

Recital 40a (new)

Parliament: Amendment 45

Parliament	EBU
<i>(40a) With a view to establishing harmonised standards and</i>	Support



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technical specifications that meet the accessibility requirements set out in this Directive for the products and services in the most efficient way, the Commission should, where this is feasible, involve European umbrella organisations of persons with disabilities and all other relevant stakeholders in the decision making process.

Justification:

This amendment strengthens the participation of disabled persons and their representative organizations in crucial processes like monitoring and devising technical standards. This inclusion will prevent economic operators from investing in insufficiently accessible products, thus easing the costs associated with this Directive. Consequently, EBU supports this amendment.

Recital 42a (new)

Parliament: Amendment 46

Parliament	EBU
<i>(42a) When carrying out market surveillance of products, market surveillance authorities should review the assessment in cooperation with persons with disabilities and the organisations that represent them and their interests.</i>	Support

Justification:

As disabled persons and their representative organizations are best placed to provide insight into the accessibility of goods and services, EBU supports this amendment.



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Recital 52a (new)

Parliament: Amendment 55

Parliament	EBU
<p><i>(52a) Member States should ensure that effective and rapid remedies are available against decisions taken by contracting authorities and contracting entities as to whether a particular contract falls within the scope of Directives 2014/24/EU and 2014/25/EU. Given the existing legal framework concerning remedies in the areas covered by Directives 2014/24/EU and 2014/25/EU, those areas should be excluded from the provisions of this Directive relating to enforcement and penalties. Such exclusion is without prejudice to the obligations of Member States under the Treaties to take all measures necessary to guarantee the application and effectiveness of Union law.</i></p>	Rejection

Justification:

EBU rejects this amendment because it **waters down the obligations of public contractors** to award and buy accessible products and services. Excluding both directives would significantly downgrade the existing redress mechanisms for cases where tenderers have shown non-compliance in accessibility requirements after the award of contracts. The **reference to Directives 2014/24 and 2014/25** must remain because it is crucial that all procurement is done with accessibility



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in mind. This Directive strengthens Directive 2014/24 by substantiating its relevant accessibility provisions with concrete functional requirements and robust complaint mechanisms.

Recital 53c (new)

Parliament: Amendment 58

Council: Recital 53 c (new)

Parliament	EBU
<i>(53c) In order to give service providers sufficient time to adapt to the requirements laid down in this Directive, it is necessary to provide for a transitional period, during which products used for the provision of a service do not need to comply with the accessibility requirements laid down in this Directive. Given the cost and long life cycle of automatic teller machines, ticketing machines and check-in machines, it is appropriate to provide that, when such machines are used in the provision of services, they may continue to be used until the end of their economically useful life.</i>	Rejection

Council	EBU
(53c)(new) In order to allow service providers sufficient time to adapt to the requirements laid down by this Directive, it is necessary to provide for transitional period of [5] years	Rejection



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after the date of on which Member States has to apply the national law implementing this Directive, during which products used for the provision of a service which were placed on the Union market before that date do not need to comply with the accessibility requirements pursuant to this Directive unless they are replaced by the service providers during the transitional period. Given the cost and long life-cycle of self-service terminals, it is appropriate to provide that, when such terminals are used in the provision of services, they may continue to be used until the end of their economic life, as long as they are not replaced during that period, but not for longer than 20 years.

Justification:

EBU strongly rejects the exemptions introduced in these amendments. The average life span of an Automated Teller Machine stands between seven and twelve years.¹ Self-service terminals have a lifecycle of at least seven years.² Payment terminals function for around 100.000 hours, which is more than ten years.³ An extended use of inaccessible products as suggested in the proposals would disadvantage disabled persons and those with functional limitations for decades to come.

¹ <https://www.raycap.com/wp-content/uploads/2016/06/ATM-Case-Study-A4-G09-00-082.pdf>

² <https://www.cbe.ie/self-checkout-offers-speed-convenience-and-control-in-delivering-a-real-competitive-advantage-for-retailers/>

³ <https://www.merchantequip.com/merchant-account-blog/196/how-long-does-a-credit-card-machine-last>



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Art. 1 – Scope

Article 1, Paragraph 1

Parliament: Amendment 63 & amendment 66

Council: Article 1 - paragraph 1 - points a, c, e and b - points b (i) and b (ia)

Parliament	EBU
Article 1 – paragraph 1 – point b – point iii a (new) <i>(iia) payment terminals;</i>	Support
Article 1 – paragraph 1 – point d a (new) <i>(da) e-book readers.</i>	

Council	EBU
(a) consumer general purpose computer hardware systems and operating systems; (c) consumer terminal equipment with interactive computing capability, foreseeably to be primarily used for electronic communication services; (e) e-readers; and (b) the following self-service terminals dedicated to the provision of services covered by this Directive in accordance with Article 1(2): (i) Automated Teller Machines; (ia) payment terminals;	Partial rejection

Justification:

EBU welcomes both positions including e-book readers and payment terminals in the scope of the Directive. However, we do not support the amendments of the Council which seem to limit the computer hard- and software to consumers and which include unclear wordings, like foreseeable use for electronic communication. The way of assessing



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these provisions remains unclear to EBU under the proposed text of the Directive.

Article 1, Paragraph 1(b)(ii-iv)

Council: Article 1 – paragraph b – point ii to iv

Council	EBU
Article 1 – paragraph b: (ii) ticketing machines; (iii) check-in machines used to check passengers in for passenger transport services; (iv) interactive self-service terminals providing information, excluding machines installed as integrated parts of vehicles, aircrafts, ships or rolling stock.	Rejection

Justification:

EBU rejects the limitations to the scope of the Directive proposed by the Council. As stated on Recital 20m-n (new), a restriction to information in transport is insufficient. The wide scope of the original Commission proposal should be preserved.

Article 1, Paragraph 1(e) (new)

EBU: Article 1 – paragraph 1 – point e (new)

	EBU
	(e) household appliances operated by a user interface

Justification:

According to a study by the American Federation of the Blind, around 80% of blind and visually impaired people have problems accessing electronic household devices.⁴ This is due to small and insufficiently displays as well as to a lack of speech output. With digital technology

⁴ <https://www.afb.org/afbpress/pubnew.asp?DocID=aw121106>



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rapidly evolving, EBU believes this to be the right moment to establish mandatory accessibility criteria for user interfaces of inaccessible touch screens.

Article 1a (new)

Parliament: Amendment 80

Parliament	EBU
<i>(1a) (new) This Directive does not apply to microenterprises that manufacture, import or distribute products and services that fall within its scope.</i>	Rejection

Justification:

EBU rejects the exclusion of microenterprises from the scope of the Act. Due to their innovative potential, **microenterprises form an essential part of service providers**. This is especially the case for e-commerce services and e-books. Excluding them from applying accessibility criteria will deprive blind and partially sighted citizens from recreation and culture through accessible e-books. As such, the spirit of the Marrakesh Treaty, ratified by the European Union, would be violated.

Article 1, Paragraph 2(a)

Parliament: Amendment 68

Parliament	EBU
<i>(2a) operating systems when they are not embedded in the computer hardware and are provided as intangible property to consumers;</i>	Support

Justification:

EBU welcomes the amendment of the Parliament, as it addresses a vital element of accessibility. Operating systems significantly increase the



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independence of persons with disabilities or functional limitations in areas such as but not limited to shopping, recreation and reading.

Article 1, Paragraph 2(b)

Parliament: Amendment 70

Council : Article 1 – paragraph 2 – point b

Parliament	EBU
(b) websites and mobile device-based services of audio-visual media services;	(b) audio-visual media services, including access services, related accessibility features and related consumer equipment with advanced computing capability as well as Websites and mobile device-based services of audio-visual media providers;

Council	EBU
(b) services providing access to audio-visual media services [...];	EBU proposal see above

Justification:

EBU proposes a new amendment, since it would pursue a **much broader scope and include functional accessibility requirements** for electronic program guides and accessibility requirements for the creation of web and audio-visual access features. More justification is given on Recital 16a (new).

Article 1, Paragraph 2(c)

Parliament: Amendments 235, 236, 237, 238, 239 and 253

Council: Article 1 - paragraph 2 – point c – point ii to iii

Parliament	EBU
(c) air, bus, rail and waterborne passenger transport, mobility and their intermodal connection services, including public urban	Support



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<p><i>transport such as underground, rail, tramway, trolleybus and bus related to:</i></p> <p><i>(i) self-service terminals, located within the territory of the Union, including ticketing machines, payment terminals and check-in machines;</i></p> <p><i>(ii) websites, mobile device-based services, smart ticketing and real-time information;</i></p> <p><i>(iii) vehicles, the related infrastructure and the built environment, including step-free access on all public stations;</i></p> <p><i>(iv) fleets of taxis and hire cars include an adequate proportion of adapted vehicles.</i></p>	
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Council	EBU
<p>(c) the following elements of air, bus, rail and waterborne passenger transport services:</p> <p>(i) websites;</p> <p>(ia) mobile device based services including applications;</p> <p>(iaa) electronic tickets and electronic ticketing services;</p> <p>(ii) delivery of transport service information, including real-time travel information; this shall, with regard to information screens, be limited to interactive screens located within the territory of the Union; and</p> <p>(iii) interactive self-service terminals located within the</p>	<p>Rejection</p>



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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.	
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Justification:

EBU welcomes the amendments of the Parliament proposing an extension of the scope as regards to public transport vehicles and related infrastructure as well as self-service-terminals and the inclusion of urban transport modes. Contrary to the Council's narrow approach, this will **greatly enhance EU-wide minimum accessibility requirements** and facilitate independent travel of disabled persons and persons with functional limitations.

Article 1, Paragraph 2(d)

Parliament: Amendment 71

Parliament	EBU
(d) consumer banking services;	(d) banking services;

Justification:

EBU prefers the initial Commission's proposal over the Parliament's amendment. We oppose to restrict the user range to consumers while leaving out employers, who could greatly benefit from accessible services/features to facilitate their daily work.

Article 1, Paragraph 2(e)

Parliament: Amendment 72

Parliament	EBU
(e) e-books and related equipment used in the provision of those services provided by	Support



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<i>the service provider and access thereto;</i>	
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Justification:

EBU supports the Parliament's amendment, as it ensures universal accessibility of literature through e-books and the surrounding equipment.

Article 1, Paragraph 2(f)

Commission: Article 1 – Paragraph 2 – Point f

Commission	EBU
(f) e-commerce.	(f) e-commerce, websites of products and services providers, media and news websites, online platforms and social media;

Justification:

In the area of e-commerce, retail platforms, provider websites and social media channels are strongly intertwined. Inaccessibility of any one of these services to customers with functional limitations, including disabled persons, results in inaccessibility of all. This deprives potential clients of the opportunity to participate in e-commerce and retailers stand to lose the 30 million blind and partially sighted Europeans as potential customers. Our extension to the initial Commission's proposal addresses this point.

Article 1, Paragraph 2(fa) (new)

Parliament: Amendment 240

Parliament	EBU
<i>(fa) tourism services, including the provision of accommodation and catering.</i>	Support



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Justification:

Enterprises and disabled customers benefit equally from widening the scope of the Act to tourism and accommodation. Access to the entire service chain, ranging from accessible booking to accessible catering, is a fundamental contribution to the social and cultural participation of disabled tourists.

Article 1, Paragraph 2b (new)

Council: Article 1 - point 2 b (new)

Council	EBU
2b. (new) This Directive shall be without prejudice to Directive 2002/21.	Rejection

Justification:

As argued on Recital 20b (new) above, EBU rejects this restriction. The two legislative texts must be complementary. Whereas the sectorial legislation must set out the general legal framework for electronic communication, including the obligation of equal access and choice for end-users with disabilities, the Act must lay down how to achieve this “equal access”, meaning which accessibility features should have and support electronic communication mainstream devices and services respectively.

Article 1, Paragraph 3(a-d)

Council: Article 1 - Point 3

Parliament: Amendments 73 to 76

Council	EBU
3. deleted	Rejection

Parliament	EBU
(a) public contracts and concessions which are subject to Directive 2014/23/EU, Directive 2014/24/EU and Directive	Support



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2014/25/EU, **conceived or granted after ... [the date of application of this Directive];**
(b) the preparation and implementation of programmes under Regulation (EU) No 1303/2013 of the European Parliament and of the Council and Regulation (EU) No 1304/2013 of the European Parliament and of the Council, **adopted or implemented after ... [the date of application of this Directive];**
(c) **public service contracts which, after [the date of application of this Directive], are awarded either through competitive tendering procedures or directly** for public passenger transport services by rail and by road under Regulation (EC) No 1370/2007 of the European Parliament and of the Council;
(d) transport infrastructure in accordance with Regulation (EU) No 1315/2013, **designed or constructed after ... [the date of application of this Directive];**

Justification:

EBU strongly favours the Parliament's amendments over the proposed deletion by the Council. Public transport legislation and public procurement would not be covered anymore. This drastically limits the scope of the Directive and fails to exploit its beneficial nature. Existing legislation already contains obligations to manufacture accessible products and render effective services. However, it lacks specific functional accessibility requirements. This Act fills the term accessibility



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with concrete meaning and facilitates implementation and enforcement on national level. The Parliament’s amendments reflect this approach.

Art. 2 – Definitions

Article 2, Paragraph 2

Parliament: Amendment 82

Council: Article 2 – paragraph 1 – point 2

Commission: Article 2 – paragraph 1 – point 2

Parliament	EBU
deleted	Rejection

Council	EBU
deleted	Rejection

Commission	EBU
(2) “universal design” referred to also as “design for all” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design; “universal design” does not exclude assistive devices for particular groups of persons with functional limitations, including persons with disabilities where this is needed;	Support

Justification:

Universal design is a crucial concept to achieve overarching accessibility that benefits society at large. Providing clarity to all involved stakeholders and economic operators, it is vital that this definition remains in Art. 2. Therefore, EBU rejects the proposed deletion by the Parliament and the Council and instead suggests maintaining the initial Commission’s proposal.



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Article 2, Paragraph 3

Council : Article 2 – paragraph 3

Commission: Article 2 – paragraph 3

Council	EBU
deleted	Rejection

Commission	EBU
“persons with functional limitations” means persons who have any physical, mental, intellectual or sensory impairment, age related impairment, or other human body performance related causes, permanent or temporary, which in interaction with various barriers result in their reduced access to products and services, leading to a situation that requires adaptation to their particular needs of those products and services;	Support

Justification:

EBU favours the initial Commission’s proposal which contains a **clear definition of persons with functional limitations**. The provisions of this Directive will have a positive impact for the entire society which includes persons with functional limitations and disabled persons likewise. This definition must remain in the text to also make clear that accessibility benefits not only disabled persons, but also various other social groups.

Article 2, Paragraph 6(a) (new)

Council: Article 2 – point 6a (new)

Council	EBU
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<p>(6a)(new) ["services providing access to audio-visual media services" means services transmitted by electronic communication networks which are used to identify, to receive information on, and to select and view audio-visual media services and any related measures to make them accessible as referred to in Article 7 of Directive 2010/13/EU. Those services providing access to audio-visual media services may include websites, online applications, set-top boxes based applications, downloadable applications, mobile device-based services including mobile applications and related media players as well as connected TV services. They shall also include electronic programming guides (EPGs). These services are part of audio-visual media services that are not regulated for accessibility in Directive 201X/XXX revising Directive 2010/13/EC. They shall not include audio-visual media services regulated for accessibility under Directive 2010/13/EU];</p>	<p>Partial support</p>
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Justification:

EBU welcomes the definition of the Council, since it includes set-top boxes and EPGs. However, EBU regrets that the Council missed the



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opportunity to **include access services like audio description or subtitling** in the scope and definitions of this directive. 30 million blind and partially sighted Europeans rely on these access services to enjoy information and cultural offerings, as granted by UN-CRPD Articles 21 (Access to Information) and 30 (Access to Culture) Such additions are necessary to fully exploit the horizontal nature of the EAA.

Article 2, Paragraph 20(a) (new)

Parliament: Amendment 87

Council: Article 2 – paragraph 1 – point 20 a (new)

Parliament	EBU
<i>(20a) "consumer banking services" means services enabling consumers to open and use payment accounts with basic features in the Union within the meaning of Directive 2014/92/EU of the European Parliament and of the Council;</i>	Rejection

Council	EBU
(20a)(new) "consumer banking services" means provision to consumers of the following banking and financial services, including where provided through websites and mobile applications: credit agreements covered by the Consumer Credit Directive (Directive (2008/48/EC) or the Mortgage Credit Directive (2014/17/EU); services defined in paragraphs 1-5 in Section A and paragraphs 1, 2, 4 and 5 in Section B in Annex I of the Markets in financial instruments directive (MiFIDII - 2014/65/EC);	Support



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<p>payment services as defined in Article 4(3) of the Payment Service Directive (2015/2366/EU); and services linked to the payment account as defined in the Payment Account Directive (2014/92/EU) and electronic money as defined in Directive 2009/110/EC;</p>	
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Justification:

EBU strongly prefers the Council's approach to the Parliament's proposal. Basic banking features are restricted to placing and withdrawing funds from a payment account as well as executing transactions following the Parliament's reference to Directive 2014/92/EU, Art. 1(6). Consequently, important banking services such as mortgages, insurances or investment products are excluded. This means that many consumers will still not be able to use banking services without barriers, if the Council's approach is not supported.

Article 2, Paragraph 20(b) (new)

Council: Article 2 – paragraph 20 – point b (new)

Council	EBU
<p>(20b)(new) "payment terminal" means a device whose main purpose is to allow to make payments by using payment instruments as defined in Article 4 (14) of the Payment Service Directive 2015/2366/EU at a physical point of sale but not in a virtual environment;</p>	<p>Support</p>

Justification:

EBU supports this amendment by the Council for the clarity that it creates.



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Article 2, Paragraph 21(a-d) (new)

Parliament: Amendments 89-92

Parliament	EBU
<p>(21a) "air passenger transport services" means services provided by air carriers, tour operators and the managing bodies of airports as defined in points (b) to (f) of Article 2 of Regulation (EC) No 1107/2006 of the European Parliament and of the Council^{1a};</p> <p>(21b) "bus passenger transport services" means services covered by Article 2(1) and (2) of Regulation (EU) No 181/2011;</p> <p>(21c) "rail passenger transport services" means all rail passenger services covered by Article 2(1) and (2) of Regulation (EC) No 1371/2007;</p> <p>(21d) "waterborne passenger transport services" means passenger services covered by Article 2(1) of Regulation (EU) No 1177/2010.</p>	Partial support

Justification:

While EBU supports the recourse to established definitions. However, it needs to be ensured that all transport modes, including urban ones, are adequately defined in line with Article 1, Paragraph 2(c).



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Article 2, Paragraph 23 (new)

Council: Article 2 – paragraphs (23b)(new) and 23(new)

Council	EBU
<p>(23b)(new) “consumer general purpose computer hardware system” means the combination of hardware which forms a complete computer, characterised by its multipurpose nature, its ability to perform, with the appropriate software, most common computing tasks requested by consumers and intended to be operated by consumers; this shall include personal computers, in particular desktops, notebooks, smartphones and tablets;</p> <p>(23)(new) "operating system" means software, application program is running including a graphical user interface, whether such software is an integral part of consumer general purpose computer hardware, or else free-standing software intended to be run on consumer general purpose computer hardware; however it shall not mean an operating system loader, basic input/output system, or other firmware required at boot time or when installing the operating system;</p>	Partial rejection



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Justification:

EBU agrees with the definition of operating system and with the definition of general purpose computer hardware system. However, we believe that by restricting these definitions and related articles like scope and applicability only to consumers, the Directive misses out the chance to **include accessibility as a mainstream approach in all sectors.**

Accessibility is not only needed for consumers, it is needed for everyone. Employees and those seeking employment as well as those pursuing an education or vocational training rely on accessible computer systems. Therefore, we believe the scope of this Directive should not be limited to consumers. This follows from our justification Article 1, Paragraph 2(d) above.

Article 2, Paragraphs 22-28 (new)

EBU: Article 2 – paragraphs 22 to 28 (new)

	EBU
	<p>(22) “Access service” means a service such as audio description, subtitles for the deaf and hard of hearing, and signing that improves the accessibility of audio-visual content for persons with disabilities;</p> <p>(23) “Subtitles for the deaf and hard of hearing (SDH)” means synchronized visual text alternatives for both speech and non-speech audio information needed to understand the media content.</p> <p>(24) “Audio description” means additional audible narrative, interleaved with the dialogue, which describes the significant</p>



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	<p>aspects of the visual content of audio-visual media that cannot be understood from the main soundtrack alone</p> <p>(25) “Spoken subtitles or audio subtitles” means read aloud of subtitles in the national language when the audio speech is in a different language.</p> <p>(26) “Relay services” means phone services operated by interpreters that enable people who are deaf or hard of hearing or who have a speech impairment, to communicate by phone through an interpreter with a person who can hear in a manner that is "functionally equivalent" to the ability of an individual without a disability</p> <p>(27) “Real time text” means communication using the transmission of text where characters are transmitted by a terminal as they are typed in such a way that the communication is perceived by the user as being continuous</p> <p>(28) “Authoring tool” means any software or collection of software components that can be used by authors, alone or collaboratively, to create or</p>
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	modify content for use by others including other authors
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Justification:

EBU believes that **mandatory accessibility requirements for access services** facilitating the usage of audio-visual media content need to be an inherent legal provision of the EAA. The definitions need to reflect these accessibility requirements listed in Annex I, Section IV. Concrete definitions will facilitate the establishment of consistent yet creative and innovative access services for audio-visual media producers and broadcasters.

Art. 3 – Accessibility Requirements

Article 3, Paragraphs 1-11

Parliament: Amendment 93, amendment 244 and amendment 98

Council: Article 3, paragraphs 1 to 11 and paragraph 3a (new)

Parliament	EBU
<p>3. The following self-service terminals: Automatic Teller Machines, ticketing machines, check-in machines and payment terminals shall comply with the requirements set out in Section II of Annex I.</p> <p>6. Air, bus, coach, rail, shipping and intermodal passenger transport services, including services related to urban transport, mobility, and the built environment, the websites, the mobile device-based services, smart ticketing and real-time information and self-service terminals such as payment machines, check-in</p>	<p>Support</p>



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<p>machines used for the provision of passenger transport services, services related to tourism, inter alia, accommodation services and catering service, shall meet the requirements of Section V of Annex I only if these requirements are not already covered by the following specific legislation: regarding rail transport, Regulation (EC) No 1371/2007, Regulation (EU) No 1300/2014 and Regulation (EU) No 454/2011; regarding bus and coach transport, Regulation (EU) No 181/2011; regarding maritime and inland waterway transport, Regulation (EU) No 1177/2010 ; and, regarding air transport, Regulation (EC) No 1107/2006.</p> <p>8. E-books and related equipment shall comply with the requirements set out in Section VII of Annex I.</p>	
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Council	EBU
<p>1. Member States shall ensure that economic operators only place on the market products referred to in Article 1(1) and only provide services [...] referred to in Article [...] 1(2) that comply with the accessibility requirements set out in Annex I in accordance with paragraphs 2, 3 and 4 of this</p>	<p>Rejection</p>



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Article, without prejudice to Article 12 of this Directive.

2. All products listed in Article 1(1) shall comply with the applicable requirements set out in Section I of Annex I.

All products referred to in Article 1(1), with the exception of the self-service terminals referred to in point (b), shall comply with the requirements set out in Section II of Annex I.

3. Without prejudice to the second subparagraph of this paragraph all services listed in Article 1(2) shall comply with the requirements set out in Section III and IV of Annex I. The elements of air, bus, rail and waterborne passenger transport services referred to in Article 1(2)(c) shall comply only with the requirements set out in Section III of Annex 1.

[...]

4. Microenterprises offering services under Article 1(2) shall be exempted from complying with the requirements referred to in paragraph 3 of this Article and any obligation relating to the compliance with those requirements.

5-10. deleted



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11.(new) Member States may inform economic operators of the indicative examples of how to comply with the accessibility requirements in Annex I or of the expected result of applying them contained in Annex Ia.	
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Justification:

EBU strongly supports the amendments of the EU Parliament as opposed to the proposals from the Council. All Parliament amendments reflect a **widened scope** and are underlining the **necessity of horizontal accessibility requirements**. EBU appreciates the **additional accessibility requirements** for tourism services, supporting disabled persons and persons with functional limitation in exercising their right to culture and recreation.

EBU rejects the amendments of the Council, since they restrict the accessibility requirements in terms of affected operators and scope. The Council refers to legislative texts, whose insufficient provision of accessibility requirements is at the very heart of this Directive in the first place.

Article 3, Paragraph 5

Parliament: Amendment 95

Parliament	EBU
5. Websites and mobile device-based services of audio-visual media services and the related consumer equipment shall comply with the requirements set out in Section IV of Annex I.	5. Audio-visual media services, including access services, related accessibility features and related equipment with advanced computing capability as well as Websites and mobile device-based services, shall comply with the requirements set out in Section IV of Annex I.

Justification:



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This amendment proposed by EBU reflects the scope suggested in Article 1, Paragraph 2(b) on basis of Recital 16. Additionally, the amendment removes the reference to consumers in line with the justification for Article 1, Paragraph 2(d).

Article 3, Paragraph 7

Parliament: Amendment 97

Parliament	EBU
7. Consumer banking services, the websites, the mobile device-based banking services, self-service terminals, including payment terminals and Automatic Teller machines used for provision of those banking services shall comply with the requirements set out in Section VI of Annex I.	Partial support

Justification:

EBU welcomes the **inclusion of payment terminals** in the scope of the Act. However, we believe that accessibility requirements should not be restricted to consumer banking services and related products in line with Article 1, Paragraph 2(d).

Article 3, Paragraph 10

Parliament: Amendment 224

Parliament	EBU
10. Member States shall ensure that the built environment used by clients of passenger transport services including the environment that is managed by service	10. Member States shall ensure that the built environment used by clients of passenger transport services including the environment that is managed by service



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<p>providers and by infrastructure operators as well as the built environment used by clients of consumer banking services, and customer services centres and shops under the scope of telephony operators as, <i>regards the construction of new infrastructure or substantial renovations to existing infrastructure</i>, comply with the accessibility requirements <i>set out in Section X of Annex I</i>, in order to maximise their use by persons with <i>disabilities</i>.</p>	<p>providers and by infrastructure operators as well as the built environment used by clients of consumer banking services, and customer services centres and shops under the scope of telephony operators as comply with the accessibility requirements <i>set out in Section X of Annex I</i>, in order to maximise their use by persons with <i>disabilities</i>.</p>
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Justification:

EBU welcomes the mandatory provision for accessibility of the **built environment**. However, EBU regrets that this obligation is restricted to substantial renovations or new infrastructure constructions. We believe that an accessible built environment is crucial for all European citizens to make use of the accessibility benefits the Act offers. This does not only include the 80 million Europeans with disabilities. Built environments also positively affect society at large, especially persons with functional limitations, such as the elderly or pedestrians with strollers or crutches. An unconditional clause would underline the importance of this stipulation. Art. 12 offers an option for recourse to those service providers unable to meet this provision.

Art. 3a – Existing Union Law in the Field of Passenger Transport
Council: Article 3a (new)

Council	EBU
<p>1. Compliance with existing Union law in the field of transport with respect to the provision of accessible information and to the provision</p>	<p>Rejection</p>



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of information about accessibility shall be deemed compliance with the corresponding requirements in this Directive. The existing Union law in question comprises Regulation (EU) 1371/2007, Regulation (EU) 1300/2014, Regulation (EU) 181/2011, Regulation (EU) 1177/2010, Regulation (EC) 261/2004 and Regulation (EC) 1107/2006. Where this Directive in its scope of application provides for additional requirements, they shall apply in full.

2. Where a railway undertaking complies with the accessibility requirements related to its official website as set out in Regulation (EU) 454/2011, this shall be deemed compliance with the corresponding provisions in this Directive. Other websites of the rail service providers used by consumers shall comply with this Directive.

3. The requirements of this Directive shall also apply where a Union law makes explicit reference to this Directive.

Justification:



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EBU rejects the amendments of the Council, since they restrict the accessibility requirements in many areas like transport only to the provision of information. Further, they are referring to Directives and Regulations in the transport sector, which insufficiently ensure accessibility.

Art. 12 – Fundamental Alterations and Disproportionate Burden

Article 12, Paragraph 3b

Parliament: Amendment 339

Parliament	EBU
(b) the estimated additional costs and benefits for the economic operators in relation to the estimated benefit for persons with functional limitations, including persons with disabilities, taking into account the frequency and duration of use of the specific product or service.	Support

Justification:

EBU welcomes the proposed Parliament's amendment, which obliges economic operators to **take into account the benefits for persons with functional limitations and disabled persons**, when assessing if a burden is deemed to be disproportionate. This clearly enlarges the scale and reflects that accessibility benefits the society at large and not only a small portion.

Article 12, Paragraph 4

Parliament: Amendment 123

Council: Article 12 – paragraph 4

Parliament	EBU
4. The burden shall not be deemed disproportionate where it is compensated by funding from	Rejection



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<p>other sources than the economic operator's own resources, <i>made available for the purpose of improving accessibility</i>, whether public or private.</p>	
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Council	EBU
<p>4. Economic operators whose burden related to accessibility is compensated by funding specifically assigned for ensuring accessibility from sources other than the economic operator's own resources, whether public or private, cannot claim that applying the accessibility requirements referred to in Article 3 would impose a disproportionate burden on the economic operators concerned.</p>	<p>4. Economic operators whose burden related to accessibility is compensated by funding specifically assigned for ensuring accessibility from sources other than the economic operator's own resources, whether public or private, cannot claim that applying the accessibility requirements referred to in Article 3 would impose a disproportionate burden on the economic operators concerned. Lack of priority, time or knowledge shall not be considered as legitimate reasons to claim the disproportionate burden.</p>

Justification:

EBU sticks to the initial Commission's proposal, as it rightfully underlines that "disproportionate burden" cannot be claimed whenever there is "funding from other sources than the economic operator's own resources". The Parliament limits this provision to the extra funding that is available only "for the purpose of improving accessibility". EBU believes that economic operators should not be entitled to claim a "disproportionate burden" if they receive any extra funding, regardless of the purpose of that funding. In addition, we believe that lack of time or knowledge should not be legitimate factors to claim for a disproportionate burden.



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Article 12, Paragraph 6

Parliament: Amendment 126

Council: Article 12 – paragraph 6

Parliament	EBU
<p>6. Where the economic operators have used the exception provided for in paragraphs 1 to 5 for a specific product or service they shall notify the relevant market surveillance authority of the Member State in the market of which the product or service is placed or made available. The assessment referred to in paragraph 3 shall be submitted to the market surveillance authority upon its request. Microenterprises are exempted from this notification requirement but must be able to supply the relevant documentation upon request from a relevant market surveillance authority.</p>	<p>Rejection</p>

Council	EBU
<p>6. Where economic operators have used the exception provided for in paragraphs 1 and 2 for a specific product or service they shall [...], upon the request from a competent national authority, provide the assessment referred to in paragraph 5. To this end, they shall keep all relevant documentation for a period of 5 years after last making available of a product on the Union market or for a</p>	<p>6. Where economic operators have used the exception provided for in paragraphs 1 and 2 for a specific product or service they shall [...], provide to a competent national authority the assessment referred to in paragraph 5. To this end, they shall keep all relevant documentation for a period of 5 years after last making available of a product on the Union</p>



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period of 5 years after a service was provided.

As a derogation from the first subparagraph, where microenterprises use the exception provided for in paragraphs 1 and 2 for a specific product, they do not need to establish written evidence of the assessment referred to in paragraph 3 unless so requested by a competent national authority. Upon such a request within the time period referred to in the first subparagraph, they shall provide the competent authority with the facts on the basis of which it was decided that compliance with accessibility requirements regarding certain products would entail a fundamental alteration or impose a disproportionate burden.

market or for a period of 5 years after a service was provided.

As a derogation from the first subparagraph, where microenterprises use the exception provided for in paragraphs 1 and 2 for a specific product, they do not need to establish written evidence of the assessment referred to in paragraph 3 unless so requested by a competent national authority. Upon such a request within the time period referred to in the first subparagraph, they shall provide the competent authority with the facts on the basis of which it was decided that compliance with accessibility requirements regarding certain products would entail a fundamental alteration or impose a disproportionate burden.

“Notification shall include the assessment referred to in paragraph 3. The market surveillance authority shall systematically verify the assessment for such an exemption to be granted unless the economic operator has provided an independent third party assessment.”

Justification:



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EBU strongly rejects the underlying principle behind the Parliament's amendment. It is not intuitive why the justification for a disproportionate burden should only be sent once requested by the competent national authority. This lack of **transparency of information** fosters a situation, where inaccessible products and services will enter the market without proper scrutiny. The Council's proposal lacks on the same basis but provides clear and comprehensive timeframes for documentation. Therefore, EBU partially supports the Council's position, if amended accordingly.

Article 12, Paragraph 6(b-c) (new)

Parliament: Amendment 128 and Amendment 129

Parliament	EBU
<p><i>6b. A structured dialogue shall be established between relevant stakeholders, including persons with disabilities and their representative organisations, and the market surveillance authorities to ensure that adequate principles for the assessment of the exceptions are established in order to ensure that they are coherent.</i></p> <p><i>6c. Member States are encouraged to provide incentives and guidelines to microenterprises to facilitate the implementation of this Directive. The procedures and guidelines shall be developed in consultation with relevant stakeholders, including persons with disabilities and their representative organisations.</i></p>	Support



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Justification:

EBU supports the proposal for **establishing a structured dialogue** between relevant stakeholders to ensure coherence of assessment criteria. This holds true especially for persons with disabilities and their representative organisations, which provide valuable perspectives to the assessment of accessibility. This spirit should also be extended to the drafting of standards and to participation in market surveillance authorities. For this, please also refer to our arguments on Recital 40a (new) and on Art. 13 – Harmonised Standards, Technical Specifications and Conformity of Products and Services.

Additionally, EBU appreciates the **encouragement of microenterprises** to implement this Directive. Soft measures advance an application of the Act on a voluntary basis. This is a positive step forward to view accessibility as an overarching principle.

Article 12, Paragraph 7 (new)

Council: Article 12 – paragraph 7 (new)

Council	EBU
7.(new) Where, following the assessment referred to in paragraph 3, it is concluded that it would constitute a disproportionate burden on the service provider using self-service terminals to ensure that all such terminals fulfil the requirements referred to in Article 3, it shall also be assessed whether accessibility of the service can be ensured in a manner that is not disproportionate by making available a more limited number of accessible self-service terminals.	7.(new) EU member states shall ensure, that Market surveillance authorities are equipped with adequate resources, staff and knowledge to systematically and efficiently verify the assessment of the manufacturer.

Justification:



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EBU strongly rejects the Council’s proposal to mix accessible and inaccessible self-service terminals. This proposal undermines the obligations of the UN-CPRD by creating new barriers for persons with functional limitations, including those with disabilities. Such approach discriminates against up to 30 million blind and partially sighted Europeans, who will need to “learn” beforehand to locate the few accessible terminals. In practice, it becomes impossible to use self-service terminals on equal basis with others.

Consequently, as an alternative to the destructive Council proposal, EBU suggests an amendment to Art. 12, which facilitates an appropriate and sustainable position for market surveillance authorities in order to abet the implementation of this Directive.

Art. 13 – Harmonised Standards, Technical Specifications and Conformity of Products and Services

Parliament: Amendment 132, Amendment 133 and Amendment 134

Parliament	EBU
<i>1a. The Commission shall, in accordance with Article 10 of Regulation (EU) No 1025/2012, request one or more European standardisation organisations to draft harmonised standards for each of the accessibility requirements of products set out in Article 3. The Commission shall adopt those requests by ... [two years after the date of entry into force of this Directive].</i>	1a. The Commission shall, in accordance with Article 10 of Regulation (EU) No 1025/2012, request one or more European standardisation organisations to draft harmonised standards for each of the accessibility requirements of products set out in Article 3. Standardisation bodies shall systematically consult disabled persons and their representative organizations, in each stage of the standardization process, while drafting harmonized standards to accomplish and specify the accessibility requirements of this directive.



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1b. The Commission may adopt implementing acts establishing technical specifications that meet the accessibility requirements set out in Article 3.

However, it shall only do so if the following conditions are met:

(a) no reference to harmonised standards has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012;

(b) the Commission has adopted a request referred to in paragraph 2 of this Article; and
(c) the Commission notes undue delays in the standardisation procedure.

Before adopting implementing acts referred to in the first subparagraph, the Commission shall consult the relevant stakeholders, including organisations representing persons with disabilities.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2) of this Directive.

1c. Where no references to the harmonised standards referred to in paragraph 1 of this Article have been published in the Official Journal of the European

1b. The Commission may adopt implementing acts establishing technical specifications that meet the accessibility requirements set out in Article 3.

However, it shall only do so if the following conditions are met:

(a) no reference to harmonised standards has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012;

(b) the Commission has adopted a request referred to in paragraph 2 of this Article; and
(c) the Commission notes undue delays in the standardisation procedure.

Before adopting implementing acts referred to in the first subparagraph, the Commission shall consult the relevant stakeholders, including organisations representing persons with disabilities.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2) of this Directive.

1c. Where no references to the harmonised standards referred to in paragraph 1 of this Article have been published in the Official Journal of the European



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<p><i>Union, products and services that meet the technical specifications referred to in paragraph 1b of this Article or parts thereof shall be deemed to be in conformity with the accessibility requirements set out in Article 3 that are covered by those technical specifications or parts thereof.</i></p>	<p><i>Union, products and services that meet the technical specifications referred to in paragraph 1b of this Article or parts thereof shall be deemed to be in conformity with the accessibility requirements set out in Article 3 that are covered by those technical specifications or parts thereof.</i></p>
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Justification:

EBU supports the Parliament’s amendments on standards and specifications. However, we have observed repeatedly that standardization bodies did not consistently consider the views of disabled persons and their representative organizations. In line with our justification on Article 12, Paragraph 6(b-c) (new), we therefore propose to systematically and continuously include stakeholder views in the **drafting of harmonized standards and of common technical specifications**. This should include disabled persons and their representative organisations.

Art. 15 – EU Declaration of Conformity of Products

Parliament: Amendment 138

Parliament	EBU
<p><i>4a. In addition to the EU declaration of conformity, the manufacturer shall include a notice on the packaging informing consumers in a cost-effective, simple and precise way that the product incorporates accessibility features.</i></p>	<p>Support</p>

Justification:



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EBU supports this amendment, since it creates **greater visibility for a product's accessibility features**. This obligation will create **greater awareness** for consumers and retailers concerning accessibility. Currently, many retailers are not well informed about accessibility or inaccessibility of their products. This often leads to the distribution of false or insufficient information, at the expense of disabled costumers.

Art. 16a – Rules and Conditions for the CE Marking

Council: Article 16a (new)

Council	EBU
<p>1. The CE marking shall be affixed visibly, legibly and indelibly to the product or to its data plate. Where that is not possible or not warranted on account of the nature of the product, it shall be affixed to the packaging and to the accompanying documents.</p> <p>2. The CE marking shall be affixed before the product is placed on the market.</p> <p>3. Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use of that marking.</p>	Support

Justification:

EBU endorses the use of CE-marking in general, especially the fact that it obliges the economic operators to adhere to the rules of drawing up the EU declaration of conformity and the related technical file. As such, it is very useful to indicate compliance to the Market Surveillance Authorities.



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Art. 17 – National Database

Parliament: Amendment 140

Parliament	EBU
<p>Each Member State shall establish a publicly accessible database to register non-accessible products. Consumers shall be able to consult and log information about non-accessible products. Member States shall take the necessary measures to inform consumers or other stakeholders of the possibility of lodging complaints. <i>An interactive system between national databases shall be envisaged, where possible under the responsibility of the Commission or the relevant representative organisations, so that information on non-accessible products can be disseminated across the Union.</i></p>	<p>Support</p>

Justification:

This amendment increases **transparency** and may prevent the inadvertent purchase of an inaccessible product. Thus, EBU supports the amendment.

Art. 18 - Compliance of Services

Parliament: Amendment 141

Council: Article 18 - paragraph 2

Parliament	EBU
<p>Member States shall ensure that the public is informed of the existence, responsibilities and identity of the authorities referred to in the first subparagraph. Those authorities shall make available</p>	<p>Member States shall ensure that the public is informed of the existence, responsibilities and identity of the authorities referred to in the first subparagraph. Those authorities shall make available</p>



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<p>the information <i>on their own work and on the decisions they have taken in accessible formats upon request from the members of the public concerned.</i></p>	<p>the information on their own work, on complaint and enforcement procedures and on the decisions they have taken in accessible formats.</p> <p>Member states shall ensure that the concerned authorities are staffed with experts on accessibility and disabled persons to guarantee a fair monitoring and implementation, which reflects the perspective of this directive.</p>
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Council	EBU
<p>2. Member States shall designate the compliance of services authorities responsible for the implementation of the procedures referred to in paragraph 1. Member States shall ensure that the public is informed of the existence, responsibilities and identity of the authorities referred to in the first subparagraph. Those authorities shall make this information available in accessible formats upon request.</p>	<p>Member States shall ensure that the public is informed of the existence, responsibilities and identity of the authorities referred to in the first subparagraph. Those authorities shall make available the information on their own work, on complaint and enforcement procedures and on the decisions they have taken in accessible formats.</p> <p>Member states shall ensure that the concerned authorities are staffed with experts on accessibility and disabled persons, to guarantee a fair monitoring and implementation, which reflects the perspective of those concerned by this directive.</p>

Justification:



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EBU is supportive of both amendments brought forward by the Parliament and the Council. For us, it is, however, crucial that the national services of the EU Member States, tasked to monitor and to verify accessibility, are staffed with persons who best understand the implementation of accessibility in practice and of related indicators for lack of accessibility. **Including experts on accessibility** preferably affected by a disability themselves ensures that the designated services are best equipped to fulfil these tasks and are able to consider the end user perspective.

Art. 20a – Working Group

Parliament: Amendment 149

Parliament	EBU
<p><i>1. The Commission shall establish a working group. That working group shall consist of the representatives of the national market surveillance authorities and the relevant stakeholders, including persons with disabilities and their representative organisations.</i></p> <p><i>2. The working group shall perform the following tasks:</i></p> <p><i>(a) facilitating the exchange of information and best practices among the market surveillance authorities;</i></p> <p><i>(b) ensuring coherence in the application of the accessibility requirements set out in Article 3;</i></p> <p><i>(c) expressing an opinion on exceptions from the accessibility requirements set out in Article 3 in cases that are considered to be necessary,</i></p>	Support



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<i>after receiving the Commission request.</i>	
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Justification:

EBU appreciates the consistent approach of the Parliament to **involve disability related stakeholders** in crucial processes like review, monitoring and the development of appropriate guidelines.

Art. 21 – Applicability of Accessibility Requirements to other Union Acts

Article 21

Council: Article 21

Council	EBU
deleted	The Accessibility requirements set out in Section IX of Annex I shall apply: (a) When establishing the technical specifications and award criteria related to all public contracts and concessions the object of which is intended for use by persons, whether general public or staff of the contracting authority or contracting entity, which are subject to Directive 2014/23/EU, Directive 2014/24/EU and Directive 2014/25/EU. (b) When establishing the accessibility requirements referred to in the preparation and implementation of programmes under Regulation (EC) 1303/2013 on the European Regional Development Fund, the European Social Fund, the Cohesion Fund



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	and the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and Regulation (EU) No 1304/2013 on the European Social Fund; (c) When establishing the accessibility requirements related to social and quality criteria established by competent authorities in tender procedures for public passenger transport services by rail and by road under Regulation (EC) No 1370/2007; (d) To transport infrastructure in accordance with Article 37 of Regulation (EU) No 1315/2013.
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Justification:

EBU strongly rejects the deletion of article 21 proposed by the Council because of its negative consequences. The deletion would mean that public authorities, even though already obliged to buy accessible products and services, still do not receive comprehensive accessibility requirements to implement the existing rules. Therefore, we advocate returning to the original Commission's proposal on this topic.

Article 21, Paragraph 1(da-db) (new)

Parliament: Amendments 247 & 281 and amendment 282

Parliament	EBU
<i>(da) where applicable, to all relevant Union legislation or to the provisions in Union legislation referring to accessibility for persons with disabilities;</i>	Support



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<p><i>(db) when the Union co-finances barrier-free accessible transport and telecommunication infrastructure projects under the CEF, the Structural Funds, or the EFSI, projects supporting or including accessibility components shall be prioritised.</i></p>	
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Justification:

EBU welcomes both amendments of the Parliament highlighting a **horizontal approach** and a **strong commitment to spend EU subsidies on accessible projects**. Generally, EBU believes that accessibility has to be a priority criterion for involved stakeholders to be eligible for EU-funding.

Art. 22 – Disproportionate Burden

Article 22, Paragraph 2(b)

Parliament: Amendments 226 & 257

Parliament	EBU
<p><i>(b) the estimated costs and benefits for the competent authorities concerned in relation to the estimated benefit for persons with functional limitations and persons with disabilities, taking into account the frequency and duration of use of the specific product or service.</i></p>	<p>Support</p>

Justification:

The EBU support follows the arguments for Article 12, Paragraph 3b.

Article 22, Paragraph 3

Parliament: Amendment 153

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Parliament	EBU
3. The <i>initial</i> assessment of whether compliance with accessibility requirements referred to in Article 21 imposes a disproportionate burden shall be performed by the competent authorities concerned.	3. The initial assessment of whether compliance with accessibility requirements referred to in Article 21 imposes a disproportionate burden shall be performed by the competent authorities concerned. Lack of priority, time or knowledge should not be considered as legitimate reasons to claim a disproportionate burden.

Justification:

EBU proposes a more expansive wording of this section in line with the arguments advanced on Article 12, Paragraph 4.

Article 22, Paragraph 4(a) (new)

Parliament: Amendment 156

Parliament	EBU
<i>4a. If the Commission has reason to doubt the decision of the competent authority concerned, the Commission may request the working group referred to in Article 20a to verify the assessment referred to in paragraph 2 of this Article and issue an opinion.</i>	Support

Justification:

EBU welcomes this amendment, which extends the positive elements of Art. 12 – Fundamental Alterations and Disproportionate Burden, Art. 13 – Harmonised Standards, Technical Specifications and Conformity of Products and Services and Art. 17 – National Database.



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Art. 23 – Common Technical Specifications for other Union Acts

Council	EBU
deleted	(23) Conformity with CTS adopted in accordance with Article 14(1) or parts thereof shall provide compliance with Article 21.

Justification:

EBU strongly rejects the deletion of article 23 proposed by the Council. In line with the justification for Art. 21 – Applicability of Accessibility Requirements to other Union Acts, public authorities rely on the technical and functional specifications of this Directive to properly implement existing legislation. This opportunity should not be restricted as suggested by the Council.

Art. 25 – Enforcement

Article 25, Paragraph 2(a-b)

Parliament: Amendment 162 and amendment 163

Council: Article 25 - paragraph 2 – points a and b

Parliament	EBU
(a) <i>the possibility, for the consumer directly affected by the non-conformity of a product or service, to</i> take action under national law before the courts or before the competent administrative bodies to ensure that the national provisions transposing this Directive are complied with;	Rejection
(b) <i>the possibility, for the</i> public bodies or private associations, organisations or other legal entities which have a legitimate	



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<p>interest, in ensuring that the provisions of this Directive are complied with, to take action under national law before the courts or before the competent administrative bodies on behalf of consumers to ensure that the national provisions transposing this Directive are complied with. <i>That legitimate interest could be the representation of consumers that are directly affected by the non-conformity of a product or service;</i></p>	
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Council	EBU
<p>(a) provisions whereby a consumer may take action under national law before the courts or before the competent administrative bodies to ensure that the national provisions transposing this Directive are complied with; (b) provisions whereby public bodies or private associations, organisations or other legal entities which have a legitimate interest, in ensuring that the provisions of this Directive are complied with, may engage [...] under national law before the courts or before the competent administrative bodies either on behalf or in support of the complainant, with his or her approval, in any judicial and/or administrative procedure provided for the enforcement of</p>	<p>Support</p>



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obligations under this Directive [...].	
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Justification:

Both amendments of the Parliament restrict the clause to “consumers that are directly affected”. This should be deleted because it is not possible to clearly assess who is directly and who is indirectly affected. Therefore, EBU favours the proposal of the Council.

Article 25, Paragraph 2(ba) (new)

Parliament: Amendment 164

Parliament	EBU
<i>(ba) the possibility, for the consumer directly affected by the non-conformity of a product or service, to use a complaint mechanism; that mechanism could be handled by an existing body such as a national ombudsman.</i>	Support

Justification:

EBU welcomes the introduction of national complaint mechanisms and an out-of-court alternative, since many disabled consumers are facing barriers in using the justice system and court proceedings are costly and time-consuming.

Article 25, Paragraph 2b (new)

Parliament: Amendment 166

Parliament	EBU
<i>2b. This Article shall not apply to contracts which are subject to Directives 2014/24/EU or 2014/25/EU.</i>	Rejection

Justification:



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EBU rejects this amendment because it **waters down the obligations of public contractors** to award and buy accessible products and services. Excluding both Directives would significantly downgrade the existing redress mechanisms for cases where tenderers have shown non-compliance in accessibility requirements after the award of contracts. See also the justification for Recital 52a (new).

Art. 26 – Penalties

Parliament: Amendment 288

Parliament	EBU
<p>2. The penalties provided for shall be effective, proportionate and dissuasive, <i>but shall not serve as an alternative to the fulfilment by economic operators of their obligation to make their products or services accessible. Those penalties shall also be accompanied by effective remedial action in case of non-compliance of the economic operator.</i></p>	<p>2. The penalties provided for shall be effective, proportionate and dissuasive, <i>but shall not serve as an alternative to the fulfilment by economic operators of their obligation to make their products or services accessible. Those penalties shall also be accompanied by effective remedial action in case of non-compliance of the economic operator.</i></p> <p>2 (a). Member States shall dedicate the necessary resources to enforce and collect penalties. The proceeds collected from the imposition of penalties shall be re-invested in accessibility-related measures.</p>

Justification:

EBU welcomes the position of the Parliament, which prevents economic operators from using this option as a loophole from applying the accessibility provisions in their products/services. Further, it serves as a helpful legal provision to raise awareness about the accessible creation of products and services. However, EBU proposes an additional



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amendment to reinvest proceeds in measures, which foster knowledge and expertise in the creation of accessible products and services.

Art. 27 – Transposition

Article 27, Paragraph 1

Council: Article 27 - paragraph 1

Council	EBU
1. Member States shall adopt and publish, by [... <i>insert date - three years after the entry into force of this Directive</i>] [...], the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately communicate the text of those measures to the Commission [...].	Rejection

Justification:

According to the Council position, the transposition of the Directive will only have to be finalized three years after adoptions, instead of the two years proposed by the Commission. EBU is not in favour of prolonging the transposition as products and services should be made accessible as a matter of priority, as quickly as possible.

Article 27, Paragraph 2

Parliament: Amendment 169

Parliament	EBU
2. They shall apply those provisions from ... [five years after the entry into force of this Directive].	Support

Justification:



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EBU welcomes the shortening of the transitional period to five years from the six years proposed by Commission and Council. However, EBU believes that different transitional periods depending on the life cycle of the products/services within the scope of the directive could be established.

Article 27, Paragraph 2(a-b) (new)

Parliament: Amendment 170 and amendment 171

Parliament	EBU
<p><i>2a. Without prejudice to paragraph 2b of this Article, Member States shall provide for a transitional period of five years after ... [six years after the date of entry into force of this Directive] during which service providers may continue to provide their services using products which were lawfully used by them to provide similar services before that date.</i></p> <p><i>2b. Member States may provide that self-service terminals lawfully used by service providers for the provision of services before [six years after the date of entry into force of this Directive] may continue to be used in the provision of similar services until the end of their economically useful life.</i></p>	Rejection

Justification:

EBU rejects the proposed extra transitional periods of six years for services. Instead of formulating extensive transitional period, this Directive must capitalise on the quick evolution of ICR-related services



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under this Act to ensure that newly developed services are accessible from the start.

Article 27a, Paragraphs 1-2 (new)

Council: Article 27a (new) – paragraphs 1 and 2

Council	EBU
<p>1. Without prejudice to paragraph 2 of this Article, Member States shall provide a transitional period of [5] years after the date referred to in Article 27(2) of this Directive during which service providers may continue to provide their services using products which were lawfully used by it to provide similar services before that date. Service contracts closed before the date referred to in Article 27(2) of this Directive may continue unalteredly until they expire.</p> <p>2. Member States shall provide that self-service terminals lawfully used by service providers in the provision of services before the date referred to in Article 27(2) of this Directive may be used in the provision of that service as long as they are not replaced or until the end of their economic life, but no longer than 20 years.</p>	Rejection

Justification:

Moreover, EBU rejects the introduction of extra transitional periods for inaccessible self-service terminals until the end of their lifespan, which



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unduly delays the implementation of this Directive. For further justification on this point, please see our arguments on Recital 18 and Recital 53c (new).

Annex

Annex I, Section I

Council: Annex I, Section I

Council	EBU
<p>ACCESSIBILITY REQUIREMENTS REFERRED TO IN ARTICLE 3 FOR PRODUCTS AND SERVICES.</p> <p>SECTION I: GENERAL ACCESSIBILITY REQUIREMENTS RELATED TO ALL PRODUCTS COVERED BY THIS DIRECTIVE IN ACCORDANCE WITH ARTICLE 1(1)</p> <p>Products have to be designed and produced in such a way as to maximise their foreseeable use by persons with disabilities and shall be accompanied by accessible information on their functioning and on their accessibility features.</p> <p>1. Requirements on information provision (a) the information on the use of the product provided on the product itself (labelling, instructions, warning) shall be: (i) made available by more than one sensory channel;</p>	<p>Support</p>



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(ii) presented in an understandable way.;

(iii) presented to users in ways they can perceive;

(iv) presented in fonts of adequate size and suitable shape, taking into account foreseeable conditions of use, and using sufficient contrast, as well as adjustable spacing between letters, lines and paragraphs;

(b) the product instructions for use not provided on the product itself but made available through the use of the product or through other means such as a website, including the accessibility functions of the product, their activation and their interoperability with assistive solutions shall:

(i) be made available by more than one sensory channel;

(ii) be presented in an understandable way.;

(iii) be presented to users in ways they can perceive;

(iv) be presented in fonts of adequate size and suitable shape, taking into account foreseeable conditions of use and using sufficient contrast, as well as adjustable spacing between letters, lines and paragraphs;

(v) with regard to content, be made available in text formats that can be used for generating alternative assistive formats to be presented in different ways and via



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more than one sensory channel, and
(vi) be accompanied by an alternative presentation of any non-textual content;
(vii) include a description of the user interface of the product (handling, control and feedback, input and output) which is provided in accordance with sub-section 2;
(viii) include a description of the functionality of the product which is provided by functions aiming to address the needs of persons with disabilities in accordance with sub-section 2;
(ix) include a description of the software and hardware interfacing of the product with assistive devices.

2. User interface and functionality design:

The product, including its user interface, shall contain features, elements and functions, that allow persons with disabilities to access, perceive, operate, understand and control the product by ensuring that:

(a) when the product provides for communication, including interpersonal communication, operation, information, control and orientation it shall do so via more than one sensory channel; this shall include providing alternatives to vision, auditory, speech and tactile elements;



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<p>(b) when the product uses speech it shall provide alternatives to speech and vocal input for communication, operation control and orientation;</p> <p>(c) when the product uses visual elements it shall provide for flexible magnification, brightness and contrast for communication, information and operation, as well as ensure interoperability with programmes and assistive devices to navigate the interface;</p> <p>(d) when the product uses colour to convey information, indicate an action, require a response or identify elements, it shall provide an alternative to colour;</p> <p>(e) when the product uses audible signals to convey information, indicate an action, require a response or identify elements, it shall provide an alternative to audible signals;</p> <p>(f) when the product uses visual elements it shall provide for flexible ways of improving vision clarity;</p> <p>(g) when the product uses audio it shall provide for user control of volume and speed, and enhanced audio features including the reduction of interfering audio signals from surrounding products and audio clarity;</p> <p>(h) when the product requires manual operation and control, it shall provide for sequential control and alternatives to fine motor</p>	
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<p>control, avoiding the need for simultaneous controls for manipulation, and shall use tactile discernible parts;</p> <p>(i) the product shall avoid modes of operation requiring extensive reach and great strength;</p> <p>(j) the product shall avoid triggering photosensitive seizures;</p> <p>(k) the product shall protect the user's privacy when he or she uses the accessibility features;</p> <p>(l) the product shall provide an alternative to biometrics identification and control;</p> <p>(m) the product shall ensure consistency of the functionality and provide enough and flexible time for interaction;</p> <p>(n) the product shall provide software and hardware for interfacing with the assistive technologies;</p> <p>(o) the product complies with the following sector-specific requirements:</p>	
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Justification:

EBU strongly welcomes the Council's expansive restructuring of Annex I. Its comprehensive and clear provisions underpin clear obligatory illustrations of the various accessibility provisions. This Annex provides the heart of this Directive by spelling out functional accessibility requirements that substantiate the horizontal approach of the EAA.

Annex I, Section I, Point 2(o)(i)

Council: Annex I, Section I, point 2(o)(i)

Council	EBU
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<p>(i) consumer terminal equipment with interactive computing capability used for the provision of electronic communication services:</p> <ul style="list-style-type: none"> - shall, when such products have text capability in addition to voice, provide for the handling of real time text; - shall, when they have video capabilities in addition or in combination with text and voice, provide for the handling of total conversation including synchronised voice, real time text, and video - shall avoid interferences with assistive devices. 	<p>Support</p>
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Justification:

In addition to the Council’s provision on Annex I, Section I, EBU supports these specifications, as they ensure accessibility via multiple sensory channels as well as robustness of the equipment.

Annex I, Section I, Point 2(o)(ii)

Council: Annex I, Section I, point 2 (o)(ii)

Council	EBU
<p>(ii) consumer terminal equipment with interactive computing capability used for accessing audio-visual media services:</p> <ul style="list-style-type: none"> - shall make available to persons with disabilities the accessibility components provided by the audio-visual media service provider, for user access, selection, control, and 	<p>(ii) consumer terminal equipment with interactive computing capability used for accessing audio-visual media services:</p> <ul style="list-style-type: none"> - shall make available to persons with disabilities the accessibility services (including, but not limited to, subtitles for the deaf and hard of hearing, audio description, spoken subtitles



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personalisation and for transmission to assistive devices.	and sign language interpretation) provided by the audio-visual media service provider, for user access, selection, control, and personalisation and for transmission to assistive devices”. - user controls to activate access services shall be provided to the user at the same level of prominence as the primary media controls. - the product shall provide a means for effective wireless coupling with state of the art assistive technologies and mobile applications including the used products like Smartphones, Tablets as well as assistive listening devices.
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Justification:

Many audio-visual services lack barrier free access to accessibility features. Although the services as such may be accessible, blind and partially sighted users face great difficulties in activating them without the help of sighted people. Further, much progress is underway in terms of mobile apps which provide access services to the user. It is vital that these apps are compatible with the product and service operation of the TV, to ensure adequate synchronization and accessible audio-visual entertainment. Therefore, EBU supports and expands the Council amendment.

Annex I, Section II

Council: Annex I, Section II

Council	EBU
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SECTION II: ACCESSIBILITY REQUIREMENTS RELATED TO PRODUCTS IN ARTICLE 1(1), WITH THE EXCEPTION OF THE SELF-SERVICE TERMINALS REFERRED TO IN ARTICLE 1(1)(B)

In addition to Section I the packaging and instructions of products covered by this Section shall, in order to maximise their foreseeable use by persons with disabilities, be made accessible.

This shall mean that:

(a) the packaging of the product including the information provided in it (e.g. about opening, closing, use, disposal) including, when provided, information about the accessibility characteristics of the product shall be made accessible;

(b) the product instructions for the installation and maintenance, storage and disposal of the product not provided on the product itself but made available through other means such as a website shall comply with the following requirements:

(i) be available by more than one sensory channel;

(ii) be presented in an understandable way⁵¹ ;

(iii) be presented to users in ways they can perceive;

(iv) use fonts of adequate size and suitable shape, taking into account foreseeable conditions of use, and using sufficient contrast, as well as

Support



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<p>adjustable spacing between letters, lines and paragraphs; (v) content of instruction shall be made available in text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel, and (vi) instructions containing any non-textual content shall be accompanied by an alternative presentation of that content.</p>	
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Justification:

Following the justification provided on Art. 15 – EU Declaration of Conformity of Products and Art. 16a – Rules and Conditions for the CE Marking, EBU supports the clear functional requirements for communication the compliance of a product.

Annex I, Section III

Council: Annex I, Section III

Council	EBU
<p>SECTION III: GENERAL ACCESSIBILITY REQUIREMENTS RELATED TO ALL SERVICES COVERED BY THIS DIRECTIVE IN ACCORDANCE WITH ARTICLE 1(2) The provision of services in order to maximise their foreseeable use by persons with disabilities, shall be achieved by:</p>	<p>Support</p>



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<p>(a) ensuring the accessibility of the products used in the provisions of the service, in accordance with Section I of this Annex and, where applicable, Section II thereof.</p> <p>(b) providing information about the functioning of the service, and where products are used in the provision of the service, its link to these products as well as information about their accessibility characteristics and interoperability with assistive devices and facilities:</p> <p>(i) making the information available by more than one sensory channel;</p> <p>(ii) presenting the information in an understandable way;</p> <p>(iii) presenting the information to users in ways they can perceive;</p> <p>(iv) making the information content available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel;</p> <p>(v) using fonts of adequate size and suitable shape, taking into account foreseeable conditions of use and using sufficient contrast, as well as adjustable spacing between letters, lines and paragraphs;</p> <p>(vi) supplementing any non-textual content with an alternative presentation of that content and;</p>	
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<p>(vii) providing electronic information needed in the provision of the service in a consistent and adequate way by making it perceivable, operable, understandable and robust.</p> <p>(c) making websites, including the related online applications and mobile device based services including mobile applications accessible in a consistent and adequate way by making them perceivable, operable, understandable and robust.</p>	
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Justification:

Following the justification provided on Art. 15 – EU Declaration of Conformity of Products and Art. 16a – Rules and Conditions for the CE Marking, EBU supports the clear functional requirements for communication the accessibility compliance of a product.

Annex I, Section III, Part A, Point 1(a) (new)

Parliament: Amendment 344

Parliament	EBU
<p><i>1a. Support services Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.</i></p>	<p>Support</p>



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Justification:

EBU supports this amendment, as it creates an adequate channel of communication between consumers, users, providers and possibly supervising authorities, thus enabling the implementation of this Directive.

Annex I, Section IV

Council: Annex I, Section IV

Council	EBU
<p>SECTION IV: ADDITIONAL ACCESSIBILITY REQUIREMENTS RELATED TO SPECIFIC SERVICES:</p> <p>The provision of services in order to maximise their foreseeable use by persons with disabilities, shall be achieved by including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with disabilities:</p> <p>(i) Electronic communication and emergency communication:</p> <ol style="list-style-type: none">1. Providing real time text in addition to voice communication;2. Providing total conversation where video is provided in addition to voice communication;3. Ensuring that emergency communication using voice, text (including real time text) and video, where provided, is synchronised as total conversation and transmitted by the electronic communication service providers	



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to the PSAP designated to answer those communication means.

(ii) Services providing access to Audio-visual Media Services:

1. [Providing Electronic Programme Guides which are perceivable, operable, understandable and robust and provide information about the availability of accessibility,];
2. Ensuring that the accessibility features of the audio-visual media services as referred in Article 7 of Directive 2010/13/EU are fully transmitted with adequate quality for accurate display, and synchronised with sound and video, while allowing for user control of their display and use.

2. Ensuring that the accessibility features of the audio-visual media services **like subtitles for the deaf and hard of hearing, audio description, spoken subtitles and sign language interpretation and any other access service provided by the service provider, are fully transmitted with adequate quality for accurate display, and synchronised with sound and video**, while allowing for user control of their display and use.

(iii) E-books by:

1. Ensuring that, when an e-book contains audio in addition to text, it then provides synchronised text and audio;
2. Ensuring that e-book digital files do not prevent assistive technology from operating properly;
3. Ensuring access to the content, the navigation of the file content and layout including dynamic layout, the provision of the structure, flexibility and choice in the presentation of the content;



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| <p>4. Making them discoverable by providing information through metadatas about their accessibility features;</p> <p>5. Ensuring that Digital Rights Management measures do not block accessibility features.</p> <p>(iv) E-Commerce by:</p> <ol style="list-style-type: none">1. Providing the information concerning accessibility of the products and services being sold when this information is provided by the responsible economic operator;2. Ensuring the accessibility of the functionality for identification, security and payment when delivered as part of a service instead of a product by making it perceivable, operable, understandable and robust;3. Providing identification methods, electronic signatures, and payment services which are perceivable, operable, understandable and robust. <p>(v) Banking services by:</p> <ol style="list-style-type: none">1. Providing identification methods, electronic signatures, and payment services which are perceivable, operable, understandable and robust. | |
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Justification:

EBU strongly supports this detailed amendment by the Parliament. However, Article 7 of Directive 2010/13/EU does not refer to or particularly mention any accessibility feature. The ongoing revision of the Directive does not follow an approach where accessibility features are named. Both Directives do commit member states to make their audio-



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visual media programs gradually accessible and the current revision puts stronger focus on this commitment. Therefore, EBU believes it is essential to mention the four main accessibility features to establish the connection between the service provision and the products (TVs) where the accessibility features are listed as well.

Annex I, Section V, Title

Parliament: Amendments 197 and 308

Parliament	EBU
Air, bus, coach , rail and waterborne passenger transport services; websites used for provision of passenger transport services; mobile device-based services, smart ticketing and real time information; self-service terminals, including payment terminals , ticketing machines and check-in machines used for provision of passenger transport, mobility and tourism services.	Support

Justification:

In line with our justification on Article 1, Paragraph 2(fa) (new), EBU welcomes this extension of the scope of Annex I, Section V, especially with regards to tourism-related services.

Annex I, Section V, Part A, Point 1

Parliament: Amendments 198, 294/rev, 303, 311, 315 and 316

Parliament	EBU
1. The provision of services in order to maximise their reasonably foreseeable use by persons with disabilities shall be achieved by meeting the	Support



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functional performance requirements set out in Part C of Section I, and shall include:

(a) information about the functioning of the service **concerned** and about its accessibility characteristics and facilities;

(aa) information on how to use the accessibility features of the service including accessibility of vehicles and surrounding infrastructure and built environment shall be listed and explained and information about assistance shall be provided, in accordance with Regulations (EU) No 1107/2006, (EU) No 1177/2010, (EU) No 1371/2007 and (EU) No 181/2011;

(ab) electronic information, including the related online applications needed in the provision of the service concerned shall be provided in accordance with point (b);

(b) making websites including online applications needed for the provision of the passenger transport, tourism, accommodation and catering services, accessible in a consistent and adequate way for users' perception, operation and understanding; this includes the adaptability of the contents presentation and interaction, with the provision of an accessible electronic alternative when



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necessary, in a robust way that facilitates interoperability with a variety of user agents and the assistive technologies available at Union and international level;
(ba) making mobile-based services including mobile applications needed in the provision of the service accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;
(c) including functions, practices, policies, procedures and alterations in the operation of the service targeted to address the needs of persons with ***disabilities, including making mobile-based services, including mobile applications needed in the provision of the service, accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic***



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***alternative; and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level; This concerns services such as smart ticketing (electronic reservation, booking of tickets, etc.), real-time passenger information (timetables, information about traffic disruptions, connecting services, onwards travel with other transport modes, etc.), and additional service information (e.g. staffing of stations, lifts that are out of order or services that are temporarily unavailable).
(ca) mobile device-based services, smart ticketing and real-time information.***

Justification:

EBU strongly supports this amendment. The inclusion of requirements on built environment is crucial to the scope of this Directive. The purpose of this Act becomes void, if an inaccessible built environment prevents citizens to use accessible products and services. Therefore, the built environment takes a foundational aspect in this Directive.

Annex I, Section V, Parts B & C

Parliament: Amendment 199 & amendment 200

Commission: Annex I – Section V – Parts B & C

Parliament	EBU
deleted	B. Websites used for the provision of passenger transport services:



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	<p>(a) Making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, where necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level.</p>
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Parliament	EBU
<p>deleted</p>	<p>C. Mobile device-based services, smart ticketing and real time information:</p> <p>1. The provision of services in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:</p> <p>(a) providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:</p> <p>(i) the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,</p> <p>(ii) alternatives to non-text content shall be provided;</p>



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	<p>(iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).</p> <p>(b) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;</p>
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Justification:

EBU regrets the deletion of these two parts by Parliament. Consequently, EBU supports a return to the initial Commission's proposal. Digital infrastructure in form of websites and apps is paramount for the facilitation of access to e-commerce and other digital services. Therefore, we support accessibility criteria in these areas as well.

Annex I, Section V, Part D, Title

Parliament: Amendment 201

Parliament	EBU
D. Self-service terminals, <i>including payment terminals</i> , ticketing machines and check-in machines used for provision of passenger transport services:	Support

Justification:



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EBU supports the expansion of the title, which clarifies the scope of the Annex with regards to the Articles of this Directive.

Annex I, Section V, Part D, Point 1

Parliament: Amendments 202 and 327

Parliament	EBU
<p>1. Design and production: The design and production of products in order to maximise their reasonably foreseeable use by persons with disabilities shall be achieved by meeting the functional performance requirements set out in Part C of Section I, and shall include:</p> <p>(a) the information on the use of the product provided on the product itself (the labelling, instructions and warning);</p> <p>(b) the user interface of the product (handling, controls and feedback, input and output);</p> <p>(c) the functionality of the product by providing functions aimed to address the needs of persons with disabilities;</p> <p>(d) the compatibility of the product with assistive devices and technologies, including hearing technologies, such as hearing aids, telecoils, cochlear implants, and assistive listening devices; the product shall also allow for the use of personal headsets.</p>	<p>Support</p>



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Justification:

EBU supports the clear specification of assistive devices and technologies provided for this amendment by the Parliament.

Annex I, Section V, Part D, Point 1a (new)

Parliament: Amendment 352

Parliament	EBU
<i>1a. Support services Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.</i>	Support

Justification:

In line with the justification provided as regards Annex I, Section III, Part A, Point 1(a) (new), EBU supports this amendment.

Annex I, Section VIIIa (new)

Parliament: Amendment 335

Parliament	EBU
<i>SECTION VIIIa Accommodation services Services 1. The provision of services in order to maximise their foreseeable use by persons with</i>	Support



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functional limitations, including persons with disabilities, shall be achieved by:

(a) providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:

(i) making them available in an accessible web format and by making them perceivable, operable, understandable and robust in accordance with point (b);

(ii) listing and explaining how to use the accessibility features of the service and its complementarity with a variety of assistive technologies.

(b) making websites and online applications needed for the provision of the service accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(c) making mobile-based services including mobile applications needed for the provision of e-commerce



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services accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(d) making electronic identification, security and payment methods needed for the provision of the service understandable, perceivable, operable and robust without undermining the security and privacy of the user;

(e) making the built environment accessible to persons with disabilities in accordance with the requirements of Section X, including:

(i) all common areas (reception, entrance, leisure facilities, conference rooms, etc.).

(ii) rooms, in accordance with the requirements of Section X; the minimum number of accessible rooms per establishment shall be:

– 1 accessible room, for establishments with less than 20 rooms overall



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<p>– 2 accessible rooms, for establishments with more than 20 but fewer than 50 rooms</p> <p>– 1 supplementary accessible room for every additional 50 rooms.</p> <p>2. Support services</p> <p>Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies and services, in accessible modes of communication for users with functional limitations, including persons with disabilities.</p>	
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Justification:

EBU strongly supports this amendment. In line with our justification on Article 1, Paragraph 2(fa) (new), tourism is a major tool for persons with functional limitations, including persons with disabilities, to exercise their right to culture and leisure. Clear and detailed specifications for accessibility requirements in tourism, as provided in this amendment, facilitate this.

Annex I, Section IX, Part B, Point 1

Parliament: Amendment 218

Parliament	EBU
<p>1. The provision of services in order to maximise their reasonably foreseeable use by persons with disabilities shall be achieved by meeting the functional performance</p>	<p>Support</p>



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requirements set out in Part C of Section I, and shall include:

(a) the built environment where the service is provided, including transport infrastructure, in accordance with Part C, without prejudice to national and Union legislation for the protection of national treasures possessing artistic, historic or archaeological value;

(b) facilities, including vehicles, crafts and equipment needed for the delivery of the service as follows:

(i) the design of its built space shall follow the requirements **set out in** Part C in relation to boarding, disembarking, circulation and use;

(c) the products used in the provision of the service, in accordance with the rules laid down in Part A;

(d) information about the functioning of the service and about its accessibility characteristics and facilities;

(e) making websites **and mobile-based devices** accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive



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<p>technologies available at Union and international level; (f) information to facilitate complementarities with assistive services; (g) functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with disabilities.</p>	
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Justification

In line with the EBU position regarding Art. 21 – Applicability of Accessibility Requirements to other Union Acts and Art. 23 – Common Technical Specifications for other Union Acts, we support this amendment. Functional accessibility requirements for the built environment as well as websites need to be formulated clearly as a basis for other Acts to draw upon.

Annex I, Section IX, Part C, Point 1

Parliament: Amendment 219

Parliament	EBU
<p>1. The accessibility to persons with disabilities of the built environment for its foreseeable use in an independent manner, shall include the following aspects of areas intended for public access:</p>	<p>1. The accessibility to persons with functional limitations, including persons with disabilities, of the built environment for its foreseeable use in an independent manner, shall include the following aspects of areas intended for public access:</p>

Justification:

In line with the EBU position on Recital 2 regarding the scope of this Directive, we favour the initial Commission’s proposal over the amendment provided for by Parliament.



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Annex I, Section X

Commission: Annex I, Section X

Commission	EBU
<p>The accessibility to persons with functional limitations, including persons with disabilities, of the built environment where the service is provided, referred to in Article 3(10) for its foreseeable use in an independent manner, shall include the following aspects of areas intended for public access:</p> <p>EN 19 EN</p> <ul style="list-style-type: none">(a) use of related outdoor areas and facilities under the responsibility of the service provider;(b) approaches to buildings under the responsibility of the service provider;(c) use of entrances;(d) use of paths in horizontal circulation;(e) use of paths in vertical circulation;(f) use of rooms by the public;(g) use of equipment and facilities used in the provision of the service;(h) use of toilets and sanitary facilities;(i) use of exits, evacuation routes and concepts for emergency planning;(j) communication and orientation via more than one sensory channel;	<p>Support</p>



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(k) use of facilities and buildings for their intended purpose; (l) protection from hazards in the environment indoors and outdoors.	
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Justification:

Given EBU's priority for covering built environment under this Directive, we support the initial Commission's proposal, as it provides the adequate amount of detail on technical accessibility specifications in this regard.



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About EBU

The European Blind Union (EBU) is a non-governmental, non-profit making European organisation founded in 1984. It is one of the six regional bodies of the World Blind Union, and it promotes the interests of blind people and people with low vision in Europe. It currently operates within a network of 42 national members including organisations from 27 European Union member states, candidate nations and other major countries in geographical Europe.

Our Interest Representative Register ID is 42378755934-87.

We are happy for our contribution to be made public.

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