Suggestions for the European Accessibility Act

Brussels, 28 October 2016

The ICT industry is a frontrunner in the design and development of accessible products and services. Based on this extensive expertise, DIGITALEUROPE's members have outlined several practical suggestions to make the European Accessibility Act more innovation-friendly and effective in achieving its goals.

The **Obligations of the Economic Operator [art. 5 + 11]** should reflect that accessibility cannot be subject to a generic pass/fail assessment because user requirements vary and usability is subjective. Instead of demanding complete accessibility at all times, the Directive should encourage economic operators to be as ambitious as they can and take all efforts possible to innovate and make their products and services accessible. This obligation needs to be accompanied by proportionate and appropriate **Safeguards [art. 12]**. Drawing on the US experience with the CVAA[1], we propose to introduce the additional concept of achievability to clarify the existing safeguards.

As part of a partial alignment with the New Legislative Framework, administrative requirements should be kept at a necessary minimum. We suggest that no **CE Mark or Declaration of Conformity [art. 15]** is necessary when placing a product on the market. This approach follows the GPSD[2], which is also a more horizontal legislation similar to the proposed EAA. The economic operator keeps the detailed documentation on record and makes it available to Market Surveillance Authorities upon request.

The **Accessibility Requirements [Annex I]** are currently formulated at a too specific and technical level. Any attempt to define requirements for specific ICT product and service types in legislation is almost certain to be ineffective because of the rapid development and evolution in this sector. Reflecting latest developments in standardisation[3], they should be replaced by outcome-oriented functional performance requirements. These will leave economic operators the flexibility to strive for creative accessibility solutions that fulfil users' needs.

In order to create an effective Directive, a pragmatic approach to **Market Surveillance and Enforcement [Art. 19, 20 + 25]** is needed. It is inaccurate to refer to the term "risk" in the accessibility context. As products or services that lack a specific accessibility feature do not present a safety risk, it is disproportionate to demand their withdrawal or recall. Instead, many issues related to accessibility can be solved through a constructive dialogue between the economic operator and consumers. We thus propose to use the EAA as an opportunity to encourage such exchange.

---

1 21st Century Communications and Video Accessibility Act https://www.fcc.gov/consumers/guides/21st-century-communications-and-video-accessibility-act-cvaa

2 General Product Safety Directive http://ec.europa.eu/consumers/consumers_safety/product_safety_legislation/general_product_safety_directive/index_en.htm

3 EN 301 549 Clause 4 http://www.etsi.org/news-events/news/754-new-european-standard-on-accessibility-requirements-for-public-procurement-of-ict-products-and-services

DIGITALEUROPE
Rue de la Science, 14 - 1040 Brussels [Belgium]
T. +32 (0) 2 609 53 10 F. +32 (0) 2 431 04 89
www.digitaleurope.org | info@digitaleurope.org | @DIGITALEUROPE
Transparency register member for the Commission: 64270747023-20

1

The **Scope and Definitions [Art. 1 + 2]** need to be aligned with existing language in other legislation, the UNCRPD, and accessibility standardisation. The scope of the EAA should only cover consumer products and services in all categories. Finally, as "advanced computing capability" has no known or defined meaning, it should not be used in this Directive.

--
For more information please contact:
Annika Eberstein, DIGITALEUROPE's Policy Officer
+32 2 609 53 36 or annika.eberstein@digitaleurope.org

ABOUT DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies.

DIGITALEUROPE ensures industry participation in the development and implementation of EU policies. DIGITALEUROPE's members include 62 corporate members and 37 national trade associations from across Europe. Our website provides further information on our recent news and activities: http://www.digitaleurope.org

DIGITALEUROPE MEMBERSHIP

Corporate Members

Airbus, Amazon Web Services, AMD, Apple, BlackBerry, Bose, Brother, CA Technologies, Canon, Cisco, Dell, Dropbox, Epson, Ericsson, Fujitsu, Google, Hewlett Packard Enterprise, Hitachi, HP Inc., Huawei, IBM, Ingram Micro, Intel, iQor, JVC Kenwood Group, Konica Minolta, Kyocera, Lenovo, Lexmark, LG Electronics, Loewe, Microsoft, Mitsubishi Electric Europe, Motorola Solutions, NEC, Nokia, Nvidia Ltd., Océ, Oki, Oracle, Panasonic Europe, Philips, Pioneer, Qualcomm, Ricoh Europe PLC, Samsung, SAP, SAS, Schneider Electric IT Corporation, Sharp Electronics, Siemens, Sony, Swatch Group, Technicolor, Texas Instruments, Toshiba, TP Vision, VMware, Western Digital, Xerox, Zebra Technologies, ZTE Corporation.

National Trade Associations

Austria: IOÖ
Belarus: INFOPARK
Belgium: AGORIA
Bulgaria: BAIT
Cyprus: CITEA
Denmark: DI Digital, IT-BRANCHEN
Estonia: ITL
Finland: FFTI
France: AFNUM, Force Numérique, Tech in France

Germany: BITKOM, ZVEI
Greece: SEPE
Hungary: IVSZ
Ireland: ICT IRELAND
Italy: ANITEC
Lithuania: INFOBALT
Netherlands: Nederland ICT, FIAR
Poland: KIGEIT, PIIT, ZIPSEE
Portugal: AGEFE
Romania: ANIS, APDETIC

Slovakia: ITAS
Slovenia: GZS
Spain: AMETIC
Sweden: Foreningen Teknikföretagen i Sverige, IT&Telekomföretagen
Switzerland: SWICO
Turkey: Digital Turkey Platform, ECID
Ukraine: IT UKRAINE
United Kingdom: techUK

DIGITALEUROPE
Rue de la Science, 14 - 1040 Brussels [Belgium]
T. +32 (0) 2 609 53 10 F. +32 (0) 2 431 04 89
www.digitaleurope.org | info@digitaleurope.org | @DIGITALEUROPE
Transparency register member for the Commission: 64270747023-20

2