EU Legislation & Standards addressing accessibility

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Contents

1.   Introduction

Digital accessibility is an important aspect of the European Commission's commitment to inclusion, diversity, and creating a 'Union of equality'. Public services and information, which used to be only available in physical offices or printed format, are being replaced or complemented by online equivalents. Ensuring that these online services are accessible to all persons, irrespective of abilities, is essential for an inclusive society.

In last few years, the European Union has made great strides in passing legislation that improves accessibility for people with disabilities in the EU (approximately 80 million people). The European Accessibility Act (EAA) and the European Web Accessibility Directive are two pieces of legislation that will have an immediate and ongoing impact in the next few years. These EU legislative instruments refer to the possible use of accessibility standards.

Standardization contributes to increased safety, availability, choice, and reliability of products and services for all people, including persons with disabilities. This is why standardization is an important tool to promote accessibility in our everyday lives.

The   Commission   has   instructed European   standards   organisations,   which include CEN, CENELEC and ETSI, to develop and implement accessibility standards. These include standards for

- ICT accessibility resulting in European Standard EN 301 549
- accessibility to the built environment, leading to European Standard EN 17210, which is currently in the process of consultation
- accessibility following "Design for all" standards, resulting in European Standard EN 17161
- accessibility of websites and mobile applications, resulting in latest version of European Standard EN 301 549

The EU works together with other key players in the field of accessibility standardisation to support accessibility at the international level and encourages the participation of all relevant stakeholders in these processes, including persons with disabilities.

2.   EU Web Accessibility Compliance and Legislation

2.1   EU Web Accessibility Directive

On October 26, 2016, the EU Parliament and the Council of the European Union passed the EU Web Accessibility Directive. The Directive aims to create a more standardized and harmonized framework around the accessibility of websites and mobile applications of public sector bodies.

The Directive requires:

- an accessibility statement for each website and mobile app;
- a feedback mechanism so users can flag accessibility problems or request information published in a non-accessible content;
- regular monitoring of public sector websites and apps by Member States, and reporting on the results.

In 2018, the European Commission adopted two implementing decisions ensuring uniform conditions for the implementation of the Directive:

1. Commission Implementing Decision (EU) 2018/1523 establishing a model accessibility statement
2. Commission Implementing Decision (EU) 2018/1524 establishing a monitoring methodology and the arrangements for reporting by Member States

Also, on 12 August 2021, the Commission also published an implementing decision on the harmonised standard for websites and mobile applications that provides for the presumption of conformity with the Directive. This decision updated the harmonised standard to be EN 301 549 V3.2.1 (2021-03), which is in line with the most recent Web Content Accessibility Guidelines: WCAG 2.1.

The European Commission set up the Web Accessibility Directive Expert Group (WADEX) to support the implementation of the Directive, to facilitate cooperation between Member States and stakeholders and to exchange best practices in the field of web accessibility.

The Directive also complements the European Accessibility Act which covers a wide range of products and services also in the private sector. Further European legislation supports people with disabilities in other areas including electronic communications, audio-visual media services, ebooks, eCommerce and ICT equipment. Highlights of how these EU policies affect digital accessibility are in the infographic on 'Digital Economy and Society' legislation.

https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32016L2102

2.2 European Accessibility Act

On June 7, 2019, the European Union formally adopted the European Accessibility Act. The main goal of European Accessibility Act is to improve the functioning of the internal market for accessible products and services, and removing barriers created by divergent rules in Member States. In particular, this directive requires key digital tools, products and services, to be accessible by 2025.

This act covers products and services that are the most important for people with disabilities and the increasing aging population, such as:

- Computers and operating systems
- ATMs, ticketing and check-in machines
- Smartphones
- TV equipment related to digital television services
- Telephone services and related equipment
- Access to audio-visual media services such as television broadcast and related consumer equipment
- Services related to air, bus, rail, and waterborne passenger transport
- Banking services
- E-books
- Online shopping websites and mobile applications

https://ec.europa.eu/social/main.jsp?catId=1202

3. New Strategy for the Rights of Persons with Disabilities 2021-2030

In March 2021, the European Commission presented an ambitious Strategy for the Rights of Persons with Disabilities 2021-2030 to ensure their full participation in society, on an equal basis with others in the EU and beyond.

The new strategy builds on its predecessor, the European Disability Strategy 2010-2020, and contributes to the implementation of the European Pillar of Social Rights for which an **Action Plan** is adopted by the Commission, which serves as a compass for employment and social policies in Europe.

The ten-year strategy sets out key initiatives around three main themes:

- **EU rights**: Persons with disabilities have the same right as other EU citizens to move to another country or to participate in political life. Building on the experience of the pilot project ongoing in eight countries, by the end of 2023 the European Commission will propose a **European Disability Card** for all EU countries that will facilitate mutual recognition of disability status between Member States, helping disabled people enjoy their right of free movement.

- **Independent living and autonomy**: Persons with disabilities have the right to live independently and choose where and with whom they want to live. To support independent living and inclusion in the community, the Commission will develop guidance and launch an initiative to improve social services for persons with disabilities.

- **Non-discrimination and equal opportunities**: The strategy aims to protect persons with disabilities from any form of discrimination and violence. It aims to ensure equal opportunities in and access to justice, education, culture, sport and tourism. Equal access must also be guaranteed to all health services and employment.

The strategy supports implementation by the EU and its Member States of the United Nations Convention on the Rights of Persons with Disabilities at both EU and national levels. https://ec.europa.eu/social/main.jsp?langId=en&catId=1202&furtherNews=yes&newsId=9938

4. Accessibility standards

The European Commission mandates the European standards organizations, which include CEN, CENELEC and ETSI, to develop and implement accessibility standards.
- M/376: European accessibility requirements for public procurement of products and services in the ICT domain;
- M/420: European accessibility requirements for public procurement in the built environment;
- M/473: To apply Design for All in relevant standardization initiatives;
- M/554: accessibility of the websites and mobile applications of public sector bodies

4.1 CEN/CENELEC work

‘Strategic Advisory Group on Accessibility’ (SAGA):

In 2011, the CEN/BT/Working Group 213 'Strategic Advisory Group on Accessibility' (SAGA) was created by the CEN Technical Board (BT), in line with the CEN policy on horizontal issues in standardization, and with the full participation of representatives of the CENELEC/BT and ETSI Board.

SAGA is an advisory and coordinating body to the CEN and CENELEC BTs on political and strategic matters related to 'Accessibility'. It does not develop standardization deliverables. SAGA members include representatives of National Standards Bodies (CEN), National Committees (CENELEC) and ETSI, as well as organizations representing persons with disabilities and older people.

SAGA ensures that accessibility is addressed in accordance with the strategic objectives of the European standardization system and provides recommendations to this end. It represents the main source of knowledge and expertise on accessibility issues for the CEN and CENELEC BTs.

SAGA was specifically in charge of monitoring the execution of Mandate **M/473** related to Accessibility following a Design for All approach.

In order to help guide standardizers, **SAGA** has created a simple brochure **'How to address accessibility in standardization'**, which covers the material available to standardizers to help address accessibility in their work. The brochure clearly outlines who each document is relevant for, i.e. technical committees or organizations and how to use it.

 SAGA will work within three major areas in 2020-2022:

1. Continue to promote the design for all (M/473) approach
2. Continue to raise awareness of accessibility issues in European standardization
3. Standardization in support of the European Accessibility Act (EAA)

In addition, SAGA promotes best practices, helps raise awareness of accessibility when new standards are developed or existing standards are revised; follows any EU and national legislative and policy initiatives and promotes any new relevant initiatives in the field of 'Accessibility'.

CEN/CLC/JTC 11 -Accessibility in the built environment:

The CEN-CENELEC Joint Technical Committee (JTC) 11 'Accessibility in the Built Environment' is responsible for the standardization activities of Mandate M/420 Phase II.

- A European Standard (EN) on functional European accessibility requirements
- A Technical Report (TR1) on technical performance criteria
- A Technical Report (TR2) on conformity assessment

Published standards:

- **CEN/TR 17621:2021** (WI=JT011002): Accessibility and usability of the built environment - Technical performance criteria and specifications
- **CEN/TR 17622:2021** (WI=JT011003): Accessibility and usability of the built environment - Conformity assessment
- **EN 17210:2021** (WI=JT011001): Accessibility and usability of the built environment - Functional requirements

CEN/CLC/ETSI/JWG on e-Accessibility:

The CEN/CENELEC/ETSI Joint Working Group 'e-accessibility' is responsible for the standardization activities of Mandate M/376.

Published standards:

- **EN 301549:2021** (WI=JWEAC008): Accessibility requirements for ICT products and services
- **CEN/CLC/ETSI TR 101551:2014** (WI=JWEAC003): Guidelines on the use of accessibility award criteria suitable for public procurement of ICT products and services in Europe
- **CEN/CLC/ETSI/TR 101 552:2014** (WI=JWEAC004): Guidance for the application of conformity assessment to accessibility requirements for public procurement of ICT products and services in Europe

CEN/TC 293 – Assistive products and accessibility:

CEN/TC 293 is responsible for Standardization in the field of assistive products and related services including interoperability/interface between assistive and mainstream products to achieve accessibility. Standardization addressing general accessibility aspects of mainstream products, e.g. packaging, instructions for use, information, service development processes, not excluding other fields.

Published standards:

- **EN ISO 10535:2021** (WI=00293064): Assistive products - Hoists for the transfer of persons - Requirements and test methods (ISO 10535:2021)
- **EN ISO 11199-1:2021** (WI=00293067): Assistive products for walking manipulated by both arms - Requirements and test methods - Part 1: Walking frames (ISO 11199-1:2021)
- **EN ISO 11199-2:2021** (WI=00293068): Assistive products for walking manipulated by both arms - Requirements and test methods - Part 2: Rollators (ISO 11199-2:2021)
- **EN ISO 20342-1:2019** (WI=00293063): Assistive products for tissue integrity when lying down - Part 1: General Requirements (ISO 20342-1:2019)
- **EN ISO 21801-1:2021** (WI=00293074): Cognitive accessibility - Part 1: General guidelines (ISO 21801-1:2020)
- **EN ISO 21802:2021** (WI=00293076): Assistive products - Guidelines on cognitive accessibility - Daily time management (ISO 21802:2019)
- **EN ISO 22748:2021** (WI=00293065): Absorbent incontinence products for urine and/or faeces - Product type names and illustrations (ISO 22748:2021)
- **EN 12182:2012** (WI=00293044): Assistive products for persons with disability - General requirements and test methods
- **EN 12183:2014** (WI=00293052): Manual wheelchairs - Requirements and test methods
- **EN 12184:2014** (WI=00293053): Electrically powered wheelchairs, scooters and their chargers - Requirements and test methods
- **EN1985:1998** (WI=00293003): Walking aids - General requirements and test methods
- **EN ISO 10328:2016** (WI=00293059): Prosthetics - Structural testing of lower-limb prostheses - Requirements and test methods (ISO 10328:2016)
- **EN ISO 11199-3:2005** (WI=00293025): Walking aids manipulated by both arms - Requirements and test methods - Part 3: Walking tables (ISO 11199-3:2005)
- **EN ISO 11334-1:2007** (WI=00293033): Assistive products for walking manipulated by one arm - Requirements and test methods - Part 1: Elbow crutches (ISO 11334-1:2007)
- **EN ISO 11334-4:1999** (WI=00293022): Walking aids manipulated by one arm - Requirements and test methods - Part 4: Walking sticks with three or more legs (ISO 11334-4:1999)
- **EN ISO 15621:2017** (WI=00293060): Absorbent incontinence aids for urine and/or faeces - General guidelines on evaluation (ISO 15621:2017)

- **EN ISO 16021:2000** (WI=00293024): Urine-absorbing aids - Basic principles for evaluation of single-use adult-incontinence-absorbing aids from the perspective of users and caregivers (ISO 16021:2000)
- **EN ISO 16201:2006** (WI=00293026): Technical aids for disabled persons - Environmental control systems for daily living (ISO 16201:2006)
- **EN ISO 22523:2006** (WI=00293028): External limb prostheses and external orthoses - Requirements and test methods (ISO 22523:2006)
- **EN ISO 22675:2016** (WI=00293058): Prosthetics - Testing of ankle-foot devices and foot units - Requirements and test methods (ISO 22675:2016)
- **EN ISO 24415-1:2009** (WI=00293039): Tips for assistive products for walking - Requirements and test methods - Part 1: Friction of tips (ISO 24415-1:2009)
- **EN ISO 8669-2:1996** (WI=00293018): Urine collection bags - Part 2: Requirements and test methods (ISO 8669-2:1996)
- **EN ISO 8670-2:1996** (WI=00293017): Ostomy collection bags - Part 2: Requirements and test methods (ISO 8670-2:1996)
- **EN ISO 9999:2016** (WI=00293056): Assistive products for persons with disability - Classification and terminology (ISO 9999:2016)

CEN/TC 293 is drafting standards in the field of assistive products and related services including interoperability/interface between assistive and mainstream products to achieve accessibility. The technical committee is currently revising **EN 12183:2014 'Manual wheelchairs - Requirements and test methods'** and **EN 12184:2014** 'Electrically powered wheelchairs, scooters and their chargers - Requirements and test methods'. Working Group 12 **'Accessibility'** is working on a standard on accessible systems for living independently – Guidelines and requirements, which deals with accessibility requirements to information, technology and services for independent living.

CEN/TC 315 'Spectator facilities':

CEN/TC 315 'Spectator facilities' is drafting standards for architectural design and performance requirements for spectator facilities for sports and multipurpose venues and more specifically standards for layout criteria including spacing, access and egress, sight lines, positioning of separation fences and barriers. It has drafted a Technical Report, **CEN/TR 15913:2009 'Spectator facilities - Layout criteria for viewing area for spectators with special needs'.**

CEN/TC 10 'Lifts, escalators and moving walks':

CEN/TC 10 'Lifts, escalators and moving walks' is drafting standards for the establishment of safety rules for the construction and installation of lifts and service lifts, escalators and passenger conveyors and has developed the European Standard **EN 81-70:2021 'Safety rules for the construction and installations of lifts - Particular applications for passenger and goods passenger lifts – Part 70: Accessibility to lifts for persons including persons with disability'.** The scope of this EN is to specify the minimum requirements for the safe and independent access and use of lifts by persons, including persons with disabilities. CEN/TC 10 is now working on the new version of this standard to improve the specifications dealing with contrast of buttons. **EN 81-82:2013** on **'Safety rules for the construction and installation of lifts - Existing lifts - Part 82: Improvement of the accessibility of existing lifts for persons including persons with disability'**, complements the rules in this area.

CEN/TC 320: Transport – Logistics and services:

CEN/TC 320 is developing standards for activities and services undertaken in support of the transport of passengers, freight and personal effects. The technical committee is currently developing **FprEN 17478** **'Transport Services - Customer communications for passenger transport services - A Universal Design approach'**. The standard specifies requirements and recommendations for the planning, design, development and provision of communication services related to passenger transport, so that this information can be accessed, understood and used by the widest range of users, including persons with disabilities and older persons.

CEN/TC 122: Ergonomics:

CEN/TC 122 **'Ergonomics'** is developing standards in the field of ergonomics principles and requirements for the design of work systems and work environments, including machinery and personal protective equipment, to promote the health, safety and well-being of the human operator and the effectiveness of the work systems.

4.2 ETSI work

ETSI Technical Committee Human Factors (TC HF) champions the importance of ensuring that developments in technology are usable and accessible to all people in society, including the elderly, the young and those with disabilities. Adopting a 'Design for All' approach in product and standards development helps ensure that everyone has effective access to devices, systems and services. By widening access, it also enables companies to meet the needs of many more users, thus improving their competitive position in global markets.

As part of ETSI work to promote e-Accessibility, ETSI TC HF focuses on support for the use of services and devices by people with cognitive impairments. Cognitive impairments are often related to old age, so those who are currently active and taking full advantage of ICT may experience major usability problems and digital exclusion when they are older, unless action is taken now and on a permanent basis as products and services evolve. To this aim we develop guidelines on user interfaces and functionality to enable the effective use of tablets, smartphones etc. by users with a range of cognitive impairments, either on their own or with remote assistance.

Published standards:

List of standards published by ETSI TC HF		
S. No.	**ETSI deliverable**	**Title**
1	ETSI TR 101 550 V1.1.3 (2021-07)	Documents relevant to EN 301 549 (V1.1.1) "Accessibility requirements suitable for public procurement of ICT products and services in Europe"
2	ETSI TR 101 550 V1.1.2 (2021-05)	Documents relevant to EN 301 549 (V1.1.1) "Accessibility requirements suitable for public procurement of ICT products and services in Europe"
3	ETSI EN 301 549 V3.2.1 (2021-03)	Accessibility requirements for ICT products and services

4	ETSI TR 103 455 V1.1.1 (2020-09)	Human Factors (HF); Smart cities and communities; Standardization for citizens and consumers
5	ETSI EN 301 549 V3.1.1 (2019-11)	Accessibility requirements for ICT products and services
6	ETSI EG 203 499 V1.1.1 (2019-08)	Human Factors (HF); User-centred terminology for existing and upcoming ICT devices, services and applications
7	ETSI EN 301 549 V2.1.2 (2018-08)	Accessibility requirements for ICT products and services
8	ETSI TR 103 349 V1.1.1 (2016-12)	Human Factors (HF); Functional needs of people with cognitive disabilities when using mobile ICT devices for an improved user experience in mobile ICT devices
9	ETSI EG 203 350 V1.1.1 (2016-11)	Human Factors (HF); Guidelines for the design of mobile ICT devices and their related applications for people with cognitive disabilities
10	ETSI TR 102 575 V1.2.1 (2016-03)	Human Factors (HF); An IP-based text telephony solution known as "Reliable RTT"

EN 301 549 draws heavily from the Web Content Accessibility Guidelines v2.1, published by the W3C and known as WCAG 2.1. These WCAG are internationally recognised requirements for producing web content. They are considered best practice, and are very widely used.

However, **EN 301 549 v2.1.2 and v3.2.1 each include requirements that are not part of WCAG 2.1**. EN 301 549 also includes requirements that are not relevant to the WAD, for example accessibility requirements of computer hardware systems. The requirements of the standard that are relevant to the WAD are defined in Annex A.

It is important to note that versions of WCAG later than 2.1 are not automatically relevant to the WAD. New or updated requirements in later versions of WCAG, while practically useful, only become legally relevant if they are included in Annex A of a harmonised version of EN 301 549 that is referenced in the Official Journal.

Since EN 301 549 goes further than the requirements of the WCAG, meeting all the success criteria of WCAG 2.1 will **not** ensure a presumption of conformity with the WAD. For further details on these differences, see 'latest changes to the standard'.

5. Sources

- https://www.ahead.ie/userfiles/files/The%20Web%20Accessibility%20Directive-digital.pdf
- https://www.etsi.org/newsroom/news/754-new-european-standard-on-accessibility-requirements-for-public-procurement-of-ict-products-and-services
- https://www.edf-feph.org/content/uploads/2020/12/final_edf_transposition_toolkit_accessibility_act.pdf
- https://ec.europa.eu/social/main.jsp?catId=1485&langId=en
- https://siteimprove.com/en/accessibility/eu-web-accessibility-directive/#:~:text=The%20passage%20of%20the%20Web,uniform%20set%20of%20accessibility%20standards.
- Web Accessibility: https://digital-strategy.ec.europa.eu/en/policies/web-accessibility

- https://digital-strategy.ec.europa.eu/en/policies/web-accessibility-directive-standards-and-harmonisation: