



7 September 2017

Joint industry statement on the European Accessibility Act

Many businesses are committed to offering accessible products and services and are actively developing solutions to improve access for persons with disabilities. Better accessibility will allow more people to buy and use products and services and increase choice for persons with disabilities as well as their active participation in society.

Nevertheless, we believe that there is a need for a certain proportionality between ensuring accessibility and the impact of the new accessibility rules on innovation and the European economy. Such a proportional approach is taken in the IMCO Committee report drafted by MEP Morten Løkkegaard. This report proposes a number of important improvements to the Commission's proposal.

Better accessibility will improve the lives of many people, not only those with disabilities. However, as the Act implements the UN Convention on the Rights of Persons with Disabilities we support the rapporteur that the scope of the Act should be limited to persons with disabilities but not go beyond extending to persons with functional limitations.

The organisations signing this statement call on the European Parliament to maintain in their plenary vote the compromises found in the IMCO committee report.

I. Impact on businesses, in particular SMEs and microenterprises

Small and medium-sized companies drive economic growth and provide jobs to millions of Europeans. The implementation of the Accessibility Act will come with inevitable burdens and considerable cost. In addition, several SMEs and microenterprises **do not have the necessary in-house skills and knowledge required to implement and manage accessibility**. Therefore, it is important to keep the exemption for microenterprises as proposed by the IMCO report. Microenterprises should be allowed to grow at their own pace, and scale up without excessive burdens (AM 80 - Article 1a (new)). Microenterprises should therefore be encouraged, rather than forced, to implement the Directive (AM 129 - Article 12.6 c (new)); Member States - in consultation with stakeholders - are best placed to provide incentives and guidelines.

We also strongly support a **lighter notification regime for SMEs** relying on the derogation clause (AM 126 – Article 12.6). Many SMEs will struggle with producing a thorough cost-benefit analysis, as it will involve significant effort and cost. Businesses should be allowed flexibility in how they demonstrate their ability to comply. Requiring SMEs to notify the authorities upfront will only create unnecessary red tape.

II. Scope

There is already considerable legislation at national level covering the **accessibility of the built environment**. Public and private entities have made many adaptations effectively improving the lives of many people. Rather than overhauling this at EU level, the IMCO report respects such national legislation (AM 99 - Article 3(10)). It is key that the Accessibility Act leaves room for Member States to apply solutions tailored to the local context, rather than imposing static solutions or doubling up on provisions. Any further extension of the scope of the Directive would also require a thorough impact assessment.

In our opinion, the Accessibility Act **should not cover household appliances**. Were such products to be covered, this would create significant legal uncertainty. The design and functionality of such appliances could be significantly impacted, as it is not clear how various types of disabilities should be addressed in terms of voice, touch or any other method of operation.

In addition, the IMCO report clarifies that in **public procurement, the Act only applies** to the goods and services covered by the Act (AM 78 - Article 1(3)(a) new). Without this clarification, companies would face significant legal uncertainty over whether they have to comply with the Directive. This would make it difficult to implement the Act and, as a result, limit its impact in practice.

III. Impact on innovation

The European Accessibility Act should not introduce disincentives for bottom-up, small-scale initiatives by imposing a static and prescriptive legislative framework. Any such approach may have an adverse effect on people with disabilities and will hamper innovation. Therefore, we welcome the IMCO report, which contains significant improvements, proposing **functional and outcome-based performance criteria** in Annex I. Overall, we believe that a blanket approach to accessibility is not proportionate. Rather, the Act should create incentives for companies to develop accessibility-enhancing technologies and to compete on accessibility, for example through fiscal or other measures.

To be able to adapt, businesses should have a reasonable transition period. Given the cost and the life-cycle of certain products, in particular self-service terminals, businesses should be able to use them until **the end of their economically useful life**. Most of these machines are very useful to consumers and if their replacement is too costly, companies might refrain from providing them at all.

In conclusion, we call on MEPs to vote in plenary to maintain the compromise set out in the IMCO committee report. A sensible European Accessibility Act is in the interest of all actors involved. Further amendments that make implementation difficult and limit the possibilities for innovation would work against achievement of its objectives.