

Accessible Goods and Services: the EU approach as part of the Disability Strategy 2010-2020

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UN Convention on the Rights of Persons with Disabilities



*30 March 2007: the European Community **signs** the UN Convention*

Mixed competences between EU and MS
(all the MS and the EU signed the UN Convention)

*26 November 2009: Council Decision on the conclusion (**ratification**) of the Convention by the European Community*

22 January 2011: entry into force for the EU

EU competence with regard to the UNCRPD

Most UNCRPD fields concern matters of shared competence

Declaration of competence (Annex II Decision 2010/48, and appendix, listing legal acts where the EU has competence)

Declaration can be updated as competences evolve

Declaration of competence

18 legal acts dealing with accessibility

10 legal acts dealing with independent living, social inclusion work and employment

9 dealing with personal mobility

5 dealing with access to information

5 dealing with statistics and data collection

EU Declaration of Competences UNCRPD Accessibility

UNCRPD list illustrating EU competences ...regarding accessibility

DG ENTR

radio & terminal equipment, lifts, machinery (platforms), buses, medical products

DG MOVE

high-speed rail system, inland waterway vessels and passenger ships, motor vehicles and their trailers, and of systems, technical specification of interoperability relating to 'persons with reduced mobility' in the trans-European conventional and high-speed rail system, rights of disabled persons and persons with reduced mobility when travelling by air

DG INFSO

regulatory framework for electronic communications networks and services, universal service and users' rights relating, television broadcasting activities

DG MARKT

4 PP directives (water, energy, transport and telecommunications sectors, public works contracts, public supply contracts and public service contracts, postal services and the improvement of quality of services), information society services, harmonisation of certain aspects of copyright and related rights in the information society

DG REGIO

European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation

Other relevant EU legal acts relevant and responsible services

DG MOVE

Rights of passengers in bus and coach and by sea and inland waterway

DG INFSO

amending a common regulatory framework for electronic communications networks and services,

DG ENTR

REGULATION (EU) No 305/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC

Recent developments

- *Revision of the Public Procurement Directives COM(2011) 896 article 40 technical specifications*
 - *article 61 quality assurance standards (accessibility)*
 - *article 66 award of contracts (accessibility)*
 - *article 84 public oversights (report includes accessibility)*
- *New Structural Funds regulation COM(2011) 615*
 - *Article 7 on discrimination*
 - *Article 87 operational programmes: description disability and accessibility*
 - *article 100 monitoring: disability and accessibility*
 - *article 101 reporting: disability and accessibility*
 - *ex ante conditionalities: UN Convention and accessibility*
- *Proposal for Trans European Networks*
 - *article 4 objectives (accessibility)*
 - *article 10 priorities (accessibility)*
 - *article 39 use of new technologies (accessibility)*
 - *article 43 accessibility for all users*
- *Electronic signatures*

Accessibility

Accessibility is considered as a wide concept that includes the prevention and elimination of obstacles that pose problems for persons with disabilities in using products, services and infrastructures.

UNCRPD provide no definition!

UN Convention art 9

Accessibility to:

- the physical environment
- Transportation
- to information and communications,
- including information and communications technologies and systems & internet
- other facilities and services open or provided to the public, both in urban and in rural areas

A) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

C) To provide training for stakeholders on accessibility issues facing

persons with disabilities;

H) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost -> Design for All

UN Convention Article 3 General principles and Article 4 General obligations

Accessibility

...realisation of all Human rights and Fundamental Freedoms

F)

To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use,

***and to promote universal design in the
development of standards and guidelines;***

Accessibility at EU level approaches

- Thematic*
- Antidiscrimination legislation*
- Funding*
- Research*
- Standardization*
- Awareness*

Accessibility thematic approach

- **Transport**

Regulations on Rights of persons with reduced mobility

Rail –TSI

Low platform busses

- **Ict**

eAccessibility Policy

eComm Legislation

- **Built environment**

National and local

Studies

Construction Products

Art 19 TFEU Treaty proposal COM (2008) 426

Scope

- **Social protection, including social security and healthcare;**
- **Social advantages;**
- **Education;**
- **Access to and supply of goods and other services which are available to the public, including housing.**

Principle of equal treatment of persons with disabilities

Art 4

- **Effective non-discriminatory access**
- **Anticipatory**
- **Conditions:**
 - Disproportionate burden
 - Fundamental alteration
 - Provisions of alternatives
- **Reasonable accommodation**
- **Conditions:**
 - Disproportionate burden

Article 16 on accessibility and non-discrimination

Article 16 Regulation 1083/2006

The Member States and the Commission shall take **appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, *disability*, age or sexual orientation during the various stages of implementation of the Funds** and, in particular, in the access to them.

In particular, **accessibility** for disabled persons shall be one of the criteria to be observed in defining operations co-financed by the Funds and to be taken



Accessibility related standardization work at EU level

Mandate 376: Accessibility requirements for public procurement of products and services in the **ICT** domain

Mandate 420: Accessibility requirements for public procurement in the **Built Environment** (including **transport infrastructures**)

Mandate 473 to include Accessibility following **Design For All** in relevant standardization activities

Others.....

Accessibility Mandate 376 and 420

Work approach:

- **Inventory Phase I**
- **Conformity assessment**
 - Self declaration – Third party**
 - Voluntary – Mandatory**
 - Reliable
 - Reproducible
 - Independent
 - Clear meaning
 - Transparent
 - Testable
- **Standards development Phase II**
- **Toolkit**
- **Supporting participation of persons with disabilities**
- http://ec.europa.eu/enterprise/standards_policy/mandates/database/index.cfm?fuseaction=refSe

M376 Deliverable (1)

D1, ETSI/STF, Month 33 A European Norm (EN) specifying the functional accessibility requirements applicable to ICT products and services together with a full description of the test procedures and evaluation methodology for each requirement

D2, ETSI/STF, Month 17 A Technical Report (TR) listing the standards and specifications used for the EN and test descriptions and evaluation

M376 Deliverable (2)

D4, CEN/PT, Month 17 A Technical Report containing all reference documents needed to assess conformity, whether declare or certify (referenced documentation following ISO 19000 series) needed to have the various schemes operational if organisations would like to self declared or certify. Including: format template(s) for declaring conformity and certifying conformity as well as advice on the conformity assessment methods that can be referred to by the procurer in his procurement.

D5, CEN/PT, Month 21, with an update at Month 34 (after the EN is completed) An on-line accessibility procurement toolkit

D6, CEN/PT, Month 20 Additional guidance and support material for procurers, published as part of the on-line toolkit

Mandate 420

November 2010

- **Pre-final Draft Report - CEN/BT WG 207 Project Team B**
Analysis of the existing conformity assessment schemes of the buildings and products meeting accessibility requirements for the built environment November 2010
- **Pre-final Draft Report - CEN/BT WG 207 Project Team A**
Inventory and analysis of European and international accessibility design and product standards, buildings codes, technical regulations and guidance documents in the built environment

April 2011

Analysis:

- **PTA: an inventory, and analysis of the type of requirements (functional or technical), a gaps analysis and a standardization work programme.**
- **PTB: an analysis of the existing conformity assessment schemes for built environment including construction**

following DFA in relevant standardization activities

Issued in September 2010

*Process to identify standardisation
deliverables and areas relevant for
disability*

Develop standardisation work programme

*Review and amend standards in priority
areas*

*Develop a new standard (or other
deliverable) on how manufacturing
industry an public and private service*

Training of Stakeholders on consultations on standardisation

training courses developed and implemented

- **for persons with disabilities to increase their effective participation in the standardisation process**
- **for experts in standardisation to become familiar with disability accessibility issues.**

Manuals available

Long term aim: to ensure that accessibility requirements and disability issues are included in the standardisation deliverables for relevant products and services.

Access City Award

- Awareness raising on urban accessibility: (transport, buildings and public spaces, ICT, public services provision)
- Commitment to improvements in accessibility
- Role model to inspire other cities
- Promote best practices
 - First Launch of the competition 2010
 - Award 2011 Avila,
 - Award 2012 Slazburg,



Accessibility issues in the EU

- National, Regional and local legislation
- Legislation, standards, guidelines
- General approach
- Thematic approach
 - Built environment
 - Transport
 - ICT- >web
- Ongoing development
- coherence
- resources
- expertise

EC Work Programme 2012, item 99

European Accessibility Act: improving accessibility of goods and services in the Internal Market

"Proposal for a Directive to improve the market of goods and services that are accessible for persons with disabilities and elderly persons, based on a "design for all" approach.

This business friendly initiative will include binding measures to promote procurement and harmonisation of accessibility standards."

Problem Definition

Insufficient accessible goods and services

Fragmentation of the EU Market

Drivers for accessibility in the EU:

- **Ageing of the population**
- **UN Convention on the Rights of Persons with Disabilities**

Weak enforcement of existing rules

Objectives

- *To remove market fragmentation*
- *To create economies of scale*
- *To remedy market failures*
- *To increase competition among industry on accessibility*
- *To improve the availability in the market of accessible goods and services*

Cost – Benefit Study

(supporting the preparation of an impact assessment, which is currently being drafted by the Commission)

PROGRESS Programme

Study on the situation of accessibility in Europe and related cost benefit analysis of measures to improve implementation in the areas of transport, ICT and physical environment and related goods, services and infrastructures.

European Disability Strategy 2010/2020: a renewed commitment to a barrier-free Europe

Adopted on 15 November 2010. Three main documents:

Communication on a European Disability Strategy 2010-2020

Initial plan to implement the Strategy: List of Actions 2010-2015

Background Document with facts and figures