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From:	Presidency
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Subject:	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

Delegations will find attached a set of drafting suggestions prepared by the Presidency.

The changes concern Recitals 2, 3, 11a, 16, 17, 17a, 20a, 20b, 21, 53a, 53b and 53c; Chapters I and II as well as Articles 21 and 27a and Annex I (for convenience the proposal contains only articles where changes were made and not all articles). Changes in relation to the Commission proposal (14799/15) are set out as follows: new text is in **bold or bold underlined type** and deletions are marked "**[…]**".

These drafting suggestions will be examined by the Working Party on Social Questions at its meeting on 20 July 2016.

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

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) The purpose of this Directive is to contribute to the proper functioning of the internal market by approximating laws, regulations and administrative provisions of the Member States, by eliminating barriers to the free movement of certain accessible products and services This will increase the availibility of accessible products and services on the internal market.

[1] OJ C , , p. .

(2) The demand for accessible products and services is high and the number of citizens with disabilities and/or functional limitations will increase significantly with the ageing of the European Union's population. An environment where products and services are more accessible allows for a more inclusive society and facilitates independent living **for persons with disabilities. Other persons, who also 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 should also benefit from more accessible products and services.**

(3) The disparities between the laws and administrative measures adopted by the Member States in relation to accessibility of products and services for **[…]** persons with disabilities create barriers to the free movement of such products and services and distort effective competition in the internal market. Economic operators, in particular small and medium-sized enterprises (SMEs), are particularly affected by those barriers.

(4) Due to the differences in national accessibility requirements, individual professionals, SMEs and micro-enterprises in particular are discouraged from entering into business ventures outside their own domestic markets. The national, or even regional or local, accessibility requirements that Member States have put in place currently differ as regards both coverage and level of detail. Those differences negatively affect competitiveness and growth, due to the additional costs incurred in the development and marketing of accessible products and services for each national market.

(5) Consumers of accessible products and recipients of accessible services are faced with high prices due to limited competition among suppliers. Fragmentation among national regulations reduces potential benefits from sharing experiences with national and international peers in responding to societal and technological developments.

(6) The approximation of national measures at Union level is therefore necessary for the proper functioning of the internal market in order to put an end to fragmentation in the market of accessible products and services, to create economies of scale, to facilitate cross-border trade and mobility, as well as to help economic operators to concentrate resources on innovation instead of using those resources for complying with fragmented legal requirements across the Union.

(7) The benefits of harmonising accessibility requirements for the internal market have been demonstrated by the application of Directive 2014/33/EU of the European Parliament and of the Council regarding lifts[2] and Regulation (EC) No 661/2009 of the European Parliament and of the Council[3] in the area of transport.

(8) In Declaration No 22 annexed to the Treaty of Amsterdam, the Conference of the Representatives of the Member States agreed that, in drawing up measures under Article 114 of the Treaty, the institutions of the Union are to take account of the needs of persons with disabilities.

(9) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for the rights of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community and to promote the application of Article 26 of the Charter of Fundamental Rights of the European Union.

(10) The overall aim of the 'Digital Single Market Strategy', is to deliver sustainable economic and social benefits from a connected digital single market. Union consumers still do not enjoy the full benefits of prices and choice that the single market can offer, because cross-border online transactions are still very limited. Fragmentation also limits demand for cross-border e-commerce transactions. There is also a need for concerted action to make sure that new electronic content is also fully available to persons with disabilities. It is therefore necessary to harmonise accessibility requirements across the digital single market and to ensure that all Union citizens regardless of their abilities can enjoy its benefits.

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[2] Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (OJ L 96, 29.3.2014, p.251).

[3] Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 200, 31.7.2009, p.1).

(11) In accordance with Article 216(2) of the Treaty, agreements concluded by the Union are binding upon the institutions of the Union and on its Member States. Thus, after the conclusion by the Union of the United Nations Convention on the Rights of Persons with Disabilities (the Convention), its provisions have become an integral part of the Union legal order.

(11a) According to the Convention, persons with disabilities include those having long-term physical, mental, intellectual or sensory impairments which, may, in conjunction with other barriers, hinder their full and effective participation in society on an equal basis with others.

(12) In its Article 9, the Convention requires its parties to the Convention to take appropriate measures to ensure that persons with disabilities have access to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas, on an equal basis with others. The United Nations Committee on the Rights of Persons with Disabilities has indicated the need to create a legislative framework with concrete, enforceable and time-bound benchmarks for monitoring the gradual implementation of accessibility.

(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 which without Union action would further increase disparities between national provisions.

(14) It is therefore necessary to facilitate the implementation of the Convention by providing common Union rules.

(15) The European Disability Strategy 2010-2020 – A Renewed Commitment to a Barrier-Free Europe[4] – in line with the Convention, establishes accessibility as one of the eight areas of action, and aims at ensuring accessibility of products and services.

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[4] COM (2010) 636.

(16) **The determination of the p**roducts and services falling within the scope of this Directive are 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 those with functional limitations** and older persons, for which Member States have adopted or are likely to adopt diverging national accessibility requirements **disruptive to the functioning of the internal market.**

(17) Each product and service **within the scope of this Directive should** comply with the accessibility requirements identified in **this Directive** to be accessible for persons with disabilities**. […]**

(17a) In order to ensure the accessibility of the services falling within the scope of this Directive, products used in the provision of the concerned service should also comply with the accessibility requirements of this Directive in accordance with its Annex and transitional measures.

(18) It is necessary to introduce the accessibility requirements in the 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.

(19) It is therefore necessary to specify accessibility requirements for the placing on the market of products and services which fall within the scope of this Directive in order to ensure their free circulation in the internal market.

(20) This Directive should make compulsory the use of functional accessibility requirements in terms of general objectives. These should be precise enough to create legally binding obligations and sufficiently detailed so as to make it possible to assess conformity in order to ensure the good functioning of the internal market for the products and services covered.

(20a) In order to ensure the functioning of the internal market by avoiding the imposition of divergent national requirements when certain other Union acts, referred to in this Directive, requires compliance with accessibility requirements or provides for the option for accessibility aspects to be taken into account, national authorities should make use of the accessibility requirements defined in this Directive. This Directive should however not change compulsory or voluntary nature of the provisions in those other Union acts. This Directive should merely ensure that when accessibility requirements are used in accordance with those other acts, the same requirements are used within the Union.

(20b) The e-commerce accessibility obligations apply to the online sale of any product or services and should therefore also apply to the sale of a product or service covered in their own right under this Directive.

(21) The Commission's proposal for a Directive of the European Parliament and of the Council[5] includes accessibility requirements for a specific set of public sector bodies' websites. In addition, it proposes to establish the basis for a monitoring and reporting methodology of the compliance of the relevant websites with the requirements listed in that Directive. Both the accessibility requirements and the monitoring and reporting methodology included in that Directive are to apply to the public sector bodies' websites. With the purpose of, notably, ensuring that relevant authorities implement the same accessibility requirements independently of the type of regulated website, the accessibility requirements set out in this Directive should be aligned to those of the proposed Directive on the accessibility of public sector bodies' websites. Activities of ecommerce of public sector websites not covered by that Directive, fall under the scope of this proposal, in order to ensure that the online sale of products and services is accessible for persons with disabilities **[…]**, irrespective of their public or private sale.

(22) Member States shall take all appropriate measures to ensure that, where the products and services covered by this Directive comply with the relevant accessibility requirements, their free movement within the Union is not impeded due to reasons of accessibility.

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5 Proposal for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites COM(2012) 721.

(23) In some situations, common accessibility requirements of the built environment would facilitate the free movement of the related services and of persons with disabilities. Therefore, this Directive enables 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 in Annex *I Section* X.

(24) It is necessary to provide that, for legislative acts of the Union establishing accessibility obligations without providing accessibility requirements or specifications, accessibility is defined by reference to the accessibility requirements of this Directive. That is the case of Directive 2014/23/EU of the European Parliament and of the Council,[6] Directive 2014/24/EU of the European Parliament and of the Council,[7] and Directive 2014/25/EU of the European Parliament and of the Council,[8] which require that technical specifications and technical or functional requirements of the concessions, works or services falling within their scope take into account accessibility criteria for persons with disabilities or "design for all" users.

(25) Accessibility should be achieved by the removal and prevention of barriers, preferably through a universal design or "design for all" approach. Accessibility should not exclude the provision of reasonable accommodation when requested by national or Union law.

(26) Most jobs in the Union are provided by SMEs and micro-enterprises. They have a crucial importance for future growth, but very often face hurdles and obstacles in developing their products or services, notably in the cross-border context. It is therefore necessary to facilitate the work of the SMEs and micro-enterprises by harmonising the national provisions on accessibility while maintaining the necessary safeguards.

(27) This Directive should be based on Decision No 768/2008/EC of the European Parliament and of the Council[9] as it concerns products already subject to other Union acts, this way ensuring the consistency of Union legislation.

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6 Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

7 Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65°.

8 Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

9 Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products (OJ L 218, 13/08/2008, p. 82).

(28) All economic operators intervening in the supply and distribution chain should ensure that they make available on the market only products which are in conformity with the accessibility requirements of this Directive. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each operator in the supply and distribution process.

(29) Economic operators should be responsible for the compliance of products and services, in relation to their respective roles in the supply chain, so as to ensure a high level of protection of accessibility and to guarantee fair competition on the Union market.

(30) The manufacturer having detailed knowledge of the design and production process is best placed to carry out the complete conformity assessment procedure. The obligations for conformity assessment should rest with the manufacturer.

(31) Distributors and importers should be involved in market surveillance tasks carried out by national authorities, and should participate actively, providing the competent authorities with all necessary information relating to the product concerned.

(32) Importers should ensure that products from third countries entering the Union market comply with the accessibility requirements of this Directive and in particular that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those products.

(33) When placing a product on the market, every importer should indicate, on the product, its name and the address at which the company can be contacted.

(34) Distributors should ensure that their handling of the product does not adversely affect the compliance of the product with the accessibility requirements of this Directive.

(35) Any economic operator that either places a product on the market under his own name or trademark or modifies a product in such a way that compliance with applicable requirements may be affected should be considered to be the manufacturer and should assume the obligations of the manufacturer.

(36) For reasons of proportionality, accessibility requirements should only apply to the extent that they do not impose a disproportionate burden on the economic operator concerned, or require a change in the products and services which would result in their fundamental alteration in accordance with the specified criteria.

(37) This Directive should follow the principle of 'think small first' and should take account of the administrative burdens that SMEs are faced with. It should set light rules in terms of conformity assessment and should establish safeguard clauses for economic operators, rather than providing for general exceptions and derogations for those enterprises. Consequently, when setting up the rules for the selection and implementation of the most appropriate conformity assessment procedures, the situation of SMEs should be taken into account and the obligations to assess conformity of accessibility requirements should be limited to the extent that they do not pose a disproportionate burden on SMEs. In addition, market surveillance authorities should operate in a proportionate manner in relation to the size of undertakings and to the small serial or non-serial nature of the production concerned, without creating unnecessary obstacles for SMEs and without compromising the protection of public interests.

(38) All economic operators should act responsibly and in full accordance with the legal requirements applicable when placing or making products available on the market or providing services on the market.

(39) In order to facilitate conformity assessment with applicable requirements it is necessary to provide for a presumption of conformity for products and services which are in conformity with voluntary harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council[10] for the purpose of expressing detailed technical specifications of those requirements. The Commission has already issued a number of standardisation requests to the European standardisation organisations on accessibility which would be relevant for the preparation of harmonised standards.

(40) In the absence of harmonised standards and where needed for market harmonisation purposes, the Commission should be able adopt implementing acts establishing common technical specifications for the accessibility requirements set in this Directive.

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[10] Regulation (EU) No 1025/2012 of 25 October 2012 of the European Parliament and of the Council on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12)

(41) To ensure effective access to information for market surveillance purposes, the information required to declare compliance with all applicable Union acts should be available in a single EU declaration of conformity. In order to reduce the administrative burden on economic operators, they should be able to include in the single EU declaration of conformity relevant individual declarations of conformity.

(42) For conformity assessment of products, this Directive should use the Internal Production Control of "Module A", described in Annex II to Decision No 768/2008/EC, as it enables economic operators to demonstrate, and the competent authorities to ensure, that products made available in the market conform to the accessibility requirements while not imposing a disproportionate burden.

(43) For services, the information necessary to assess the conformity with the accessibility requirements should be provided in the general terms and conditions, or equivalent document.

(44) The CE marking, indicating the conformity of a product with the accessibility requirements of this Directive, is the visible consequence of a whole process comprising conformity assessment in a broad sense. This Directive should follow the general principles governing the CE marking of Regulation (EC) No 765/2008 of the European Parliament and of the Council[11] setting out the requirements for accreditation and market surveillance relating to the marketing of products.

(45) In accordance with Regulation (EC) No 765/2008 by affixing the CE marking to a product, the manufacturer declares that the product is in conformity with all applicable accessibility requirements and that he takes full responsibility therefor.

(46) In accordance with Decision No 768/2008/EC, Member States are responsible for ensuring strong and efficient market surveillance of products in their territories and should allocate sufficient powers and resources to their market surveillance authorities.

(47) Member States should check the compliance of services with the obligations of this Directive and should follow up complaints or reports related to non-compliance in order to ensure that corrective action has been taken.

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[11] Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13/08/2008, p. 30).

(48) Member States are expected to ensure that market surveillance authorities check the compliance of the economic operators with the criteria referred to in Article 12 (3) in accordance with Chapter V.

(49) Member States are expected to ensure that competent authorities indicated in Article 22 notify the Commission of the use of the exceptions referred to in Article 22 (1) as well as include the assessment referred to in paragraph (2) in accordance with Chapter VI.

(50) A safeguard procedure should be set up which applies only in the event of disagreement between Member States over measures taken by a Member State under which interested parties are informed of measures intended to be taken with regard to products not complying with the accessibility requirements of this Directive. It should allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an earlier stage in respect of such products.

(51) Where the Member States and the Commission agree as to the justification of a measure taken by a Member State, no further involvement of the Commission should be required, except where non-compliance can be attributed to shortcomings of a harmonised standard.

(52) In order to ensure uniform conditions for the implementation of chapter IV of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.[12]

(53) In accordance with the Joint Political Declaration of Member States and the Commission on explanatory documents of 28 September 2011, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a Directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.

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[12] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.02.2011, p. 13).

(53a) The accessibility requirements should apply to products placed on the Union market after date of application of this Directive including used and second hand products imported from a third country placed at the Union market after that date.

(53b) A service should not be covered by this Directive to the extent it is provided outside the territory of the Member States even where it has been offered within the Union. A transport service operator should only be obliged to ensure that the requirements of this Directive are met with regard to the part of the service offered within the Union territory.

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

(54) Since the objective of this Directive, namely, the elimination of barriers to the free movement of certain accessible products and services to contribute to the proper functioning of the internal market, cannot be sufficiently achieved by the Member States because it requires the harmonisation of different rules currently existing in their respective legal systems, but can rather, by reason of defining common accessibility requirements and rules for the functioning of the single market, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I
GENERAL PROVISIONS

Article -1(new)

Subject matter

The purpose of this Directive is to contribute to the proper functioning of the internal market by approximating laws, regulations and administrative provisions of the Member States as regards accessibility requirements for products and services and by eliminating barriers, arising from divergent accessibility requirements, to the free movement of certain products and services as well as any product and service when use of those requirements is made in accordance with other Union acts.

Article 1

Scope

1. Chapters I, II to V, and VII apply to the following products:

   (a) general purpose computer hardware and operating systems;

   (b) the following self-service terminals:

      (i) Automatic Teller Machines;

      (ii) ticketing machines;

      (iii) check-in machines.

   (c) consumer terminal equipment with advanced computing capability related to telephony services;

   (d) consumer terminal equipment with advanced computing capability related to audio-visual media services.

2. Chapters I, II to V, and VII, apply to the following services:

(a) telephony services and related consumer terminal equipment with advanced computing capability;

(b) audiovisual media services and related consumer equipment with advanced computing capability;

(c) air, bus, rail and waterborne passenger transport services **in relation to the following aspects:**

(1) the websites, the mobile device-based services, smart ticketing, real-time information;

(2) self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services;

(3) the built environment in accordance with Article 3(10);

(d) **consumer** banking services;

(e) e-books;

(f) e-commerce.

3. Chapters I, VI and VII of this Directive apply to the following:

(a) 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, and that** are subject to Directive 2014/23/EU[13] Directive 2014/24/EU and Directive 2014/25/EU.

[13] Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1)

(b) the preparation and implementation of programmes under Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund;[14] and Regulation (EU) No 1304/2013 of the European Parliament and of the Council.[15]

(c) tender procedures for public passenger transport services by rail and by road under Regulation (EC) No 1370/2007 of the European Parliament and of the Council.[16]

(d) transport infrastructure in accordance with Regulation (EU) No 1315/2013 of the European Parliament and of the Council.[17]

4. This Directive shall be without prejudice to copy rights in the works used in the creation of e-books.

[5. This Directive is without prejudice to provisions in the following Union legislation when relating to accessibility contained in the Regulation (EC) 1371/2007 with regard to providing information on the accessibility of rail services upon request and with regard with to providing tickets; Regulation (EU) 1300/2014 with regard to establishment of the technical specification for interoperability; Regulation (EU) 181/2011 with regard to providing minimum information to be provided to passengers; and Regulation (EU) 1177/2010 providing minimum information to be provided to passengers and with regard with to providing tickets.]

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14 Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

15 Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006.

16 Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) 1191/69 and 1107/70 (OJ L 315 of 3.12.2007, p.1).

17 Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network (OJ L 348, 20.12.2013, p.1).

Article 2

Definitions

For the purposes of this Directive, the following definitions shall apply:

(1) "accessible products and services" are products and services that are perceptible, operable and understandable for **[…]** persons with disabilities, on an equal basis with others;

(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 disabilities where this is needed;

(3) […]

(4) […]

(5) "product" means a substance, preparation or good produced through a manufacturing process other than food, feed, living plants and animals, products of human origin and products of plants and animals relating directly to their future reproduction;

(5a) "service" means service within the meaning of Article 4(1) of Directive 2006/123/EC;[18]

[(5b) "service provider" means any natural or legal person who offers or provides a service which is directed towards the Union market;]

(6) "audiovisual media services" means services within the meaning of Article 1(1)(a) of Directive 2010/13/EU of the European Parliament and of the Council;[19]

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[18] **Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36–68)**

[19] Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (OJ L 95, 15.04.2010, p. 1)

(7) "Telephony services" means services within the meaning of Article 2(c) of Directive 2002/21/EC of the European Parliament and of the Council;[20]

(8) "making available on the market" means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;

(9) "placing on the market" means the first making available of a product on the Union market;

(10) "manufacturer" means any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under his name or trademark;

(11) "authorised representative" means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks;

(12) "importer" means any natural or legal person established within the Union who places a product from a third country on the Union market;

(13) "distributor" means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;

(14) "economic operators" means the manufacturer, the authorised representative, the importer, the distributor, and the service provider;

(15) "consumer" means any natural person who purchases the relevant product or is a recipient of the relevant service for purposes which are outside his trade, business, craft or profession;

(16) "microenterprise" means an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million.

(17) "harmonised standard' means harmonised standard as defined in point 1(c) of Article 2 of Regulation (EU) No 1025/2012;

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[20] Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (OJ L 108, 24.4.2002, p. 33).

(18) "common technical specifications" means a technical specification as defined in Article 2(4) of Regulation (EU) No 1025/2012 that provides a means to comply with the accessibility requirements applicable to a product or service;

(19) "recall" means any measure aiming at the return of a product that has already been made available to the end user;

(20) "withdrawal" means any measure aiming at preventing a product in the supply chain from being made available on the market;

(21) "e-commerce" means the online sale of products and services.

CHAPTER II
ACCESSIBILITY REQUIREMENTS AND FREE MOVEMENT

Article 3

Accessibility requirements

1. Member States shall ensure that the products and services referred to in Article 1(1) and 1(2) comply with the accessibility requirements set out in Annex I in accordance with paragraphs 2 to 9 of this Article.

2. General purpose computer hardware and operating systems shall comply with the requirements set out in Section I of Annex I.

3. The following self-service terminals: Automatic Teller Machines, ticketing machines and check-in machines shall comply with the requirements set out in Section II of Annex I.

4. Telephony services, including emergency services and the related consumer terminal equipment with advanced computing capability, shall comply with the requirements set out in Section III of Annex I.

5. Audiovisual media services and the related consumer equipment with advanced computing capability shall comply with the requirements set out in Section IV of Annex I.

6. **[…] T**he websites, the mobile device-based services, real-time information**, smart ticketing** and Self-service terminals **including** ticketing machines and check-in machines used for provision of **air, bus, rail and waterborne** passenger transport services shall comply with the corresponding requirements set out in Section V of Annex I.

7. **[…] T**he websites, the mobile device-based banking services **and products including** self-service terminals, **such as** Automatic Teller machines used for provision of **consumer** banking services shall comply with the requirements set out in Section VI of Annex I **and in Section IX of Annex I**.

8. E-books shall comply with the requirements set out in Section VII of Annex I.

9. E-commerce shall comply with the requirements set out in Section VIII of Annex I.

10. Member States may decide, in the light of national conditions, that the built environment used by clients of passenger transport services including the environment that is managed by service providers and by infrastructure operators as well as the built environment used by clients of banking services, and customer services centres and shops under the scope of telephony operators shall comply with the accessibility requirements of Annex I, section X, in order to maximise their use by **[…]** persons with disabilities.

Article 4

Free movement

1. Member States shall not impede the making available on the market in their territory of products **[…]** that comply with this Directive for reasons related to accessibility requirements. **Member States shall not impede the provision of services in their territory that comply with this Directive for reasons related to accessibility.**

CHAPTER VI

ACCESSIBILITY REQUIREMENTS IN OTHER UNION LEGISLATION

Article 21

Applicability of accessibility requirements to other Union acts

1. 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,[21] Directive 2014/24/EU[22] and Directive 2014/25/EU.[23]

(b) When establishing the accessibility requirements referred to in the preparation and implementation of programmes under Regulation (EC) No 1303/2013 on the European Regional Development Fund, the European Social Fund, the Cohesion Fund 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.

2. This Directive shall not change the compulsory or optional nature of the relevant provisions from the acts listed in paragraph 1 of this Article.

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[21] Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts.

[22] Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement.

[23] Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors.

CHAPTER VII

IMPLEMENTING POWERS AND FINAL PROVISIONS

Article 27a (new)

Transitional measures

1. 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.

ANNEX I

ACCESSIBILITY REQUIREMENTS REFERRED TO IN ARTICLE 3 FOR PRODUCTS AND SERVICES (*PRODUCTS AND SERVICES/* ACCESSIBILITY REQUIREMENTS)

SECTION I

General purpose computer hardware and operating systems

1. Design and production:

The design and production of products in order to maximise their foreseeable use by **[…]** persons with disabilities **[…]**, shall be achieved by making accessible the following:

(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which:
  (i) must be available by more than one sensory channel;
  (ii) must be understandable;
  (iii) must be perceivable;
  (iv) shall have an adequate size of fonts in foreseeable conditions of use;
(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);
(c) the product instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:
  (i) the content of instruction shall be 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
  (ii) the instructions shall provide alternatives to non-text content;
(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;
(e) the functionality of the product by providing functions aimed to address the needs of persons with **disabilities**, in accordance with point 2;
(f) the interfacing of the product with assistive devices.

2. User interface and functionality design:

In order to make accessible the design of the products and their user interface as referred to in points (d) and (e) of point 1 they must be designed, where applicable, as follows:
(a) provide for communication and orientation via more than one sensory channel;
(b) provide for alternatives to speech for communication and orientation;
(c) provide for flexible magnification and contrast;
(d) provide for an alternative colour to convey information;
(e) provide for flexible ways to separate and control foreground from background including for reducing background noise and improve clarity;
(f) provide for user control of volume;
(g) provide for sequential control and alternatives to fine motor control;
(h) provide for modes of operation with limited reach and strength;
(i) provide avoidance of triggering photosensitive seizures.

SECTION II

Self-service terminals: Automatic Teller Machines, ticketing machines and check- in machines

1. Design and production:

The design and production of products in order to maximise their foreseeable use by **[…]** persons with disabilities **[…]**, shall be achieved by making accessible the following:

(a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which:
  (i) must be available by more than one sensory channel;
  (ii) must be understandable;
  (iii) must be perceivable;
  (iv) shall have an adequate size of fonts in foreseeable use conditions;
(b) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;
(c) the functionality of the product by providing functions aimed to address the needs of persons with **disabilities**, in accordance with point 2;
(d) the interfacing of the product with assistive devices.

2. User interface and functionality design:

In order to make accessible the design of the products and their user interface as referred to in points (b) and (c) of point 1 they must be designed, where applicable, as follows:

(a) provide for communication and orientation via more than one sensory channel;
(b) provide for alternatives to speech for communication and orientation;
(c) provide for flexible magnification and contrast;
(d) provide for an alternative colour to convey information;
(e) provide for flexible ways to separate and control foreground from background including for reducing background noise and improve clarity;
(f) provide for user control of volume;
(g) provide for sequential control and alternatives to fine motor control;
(h) provide for modes of operation with limited reach and strength;
(i) provide avoidance of triggering photosensitive seizures.

SECTION III

Telephony services, including emergency services and the related consumer terminal equipment with advanced computing capability

A. Services:

1. The provision of services in order to maximise their foreseeable use by persons **[…]** with disabilities, shall be achieved by:

  (a) ensuring the accessibility of the products they use in the provision of the service, in accordance with the rules laid down in point B on "Related terminal equipment with advance computing capability used by consumers"
  (b) providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:
    (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,

(ii) alternatives to non-text content shall be provided;
(iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (c).

(c) 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;
(d) providing accessible information to facilitate complementarities with assistive services;
(e) including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with **disabilities**.

B. Related terminal equipment with advance computing capability used by consumers:

1. Design and production:

The design and production of products in order to maximise their foreseeable use by **[…]** persons with disabilities **[…]**, shall be achieved by making accessible the following:

(a) the information on the use of the product provided in the product itself (labelling, instructions, warning), which:
(i) must be available by more than one sensory channel;
(ii) must be understandable;
(iii) must be perceivable;
(iv) shall have an adequate size of fonts in foreseeable use conditions;
(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);
(c) the product instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:
(i) content of instruction shall be 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
(ii) instructions shall provide alternatives to non-text content;
(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;
(e) the functionality of the product by providing functions aimed to address the needs of persons with **disabilities**, in accordance with point 2;
(f) the interfacing of the product with assistive devices.

2. User interface and functionality design:

In order to make accessible the design of the products and their user interface as referred to in points (d) and (e) of point 1 they must be designed, where applicable, as follows:

(a) provide for communication and orientation via more than one sensory channel;
(b) provide for alternatives to speech for communication and orientation;
(c) provide for flexible magnification and contrast;
(d) provide for an alternative colour to convey information;
(e) provide for flexible ways to separate and control foreground from background including for reducing background noise and improve clarity;
(f) provide for user control of volume;

(g) provide for sequential control and alternatives to fine motor control;
(h) provide for modes of operation with limited reach and strength;
(i) provide avoidance of triggering photosensitive seizures.

SECTION IV

Audiovisual media services and the related consumer equipment with advance computing capability

A. Services:

1. The provision of services in order to maximise their foreseeable use by **[…]** persons with disabilities, shall be achieved by:

   (a) ensuring the accessibility of the products they use in the provision of the service, in accordance with the rules laid down in point B "**Related consumer equipment with advance computing capability"**
   (b) providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:
      (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;
      (ii) alternatives to non-text content shall be provided;
      (iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (c).
   (c) 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;
   (d) providing accessible information to facilitate complementarities with assistive services;
   (e) including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with **disabilities**.

B. Related consumer equipment with advance computing capability:

1. Design and production:

The design and production of products in order to maximise their foreseeable use by persons with **[…]** disabilities**[…]**, shall be achieved by making accessible the following:

(a) the information on the use of the product provided in the product itself (labelling, instructions, warning), which:
   (i) must be available by more than one sensory channel;
   (ii) must be understandable;
   (iii) must be perceivable;
   (iv) shall have an adequate size of fonts in foreseeable use conditions;
(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);
(c) the product instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:
   (i) content of instruction shall be 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

(ii) instructions shall provide alternatives to non-text content;

(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;

(e) the functionality of the product by providing functions aimed to address the needs of persons with **disabilities**, in accordance with point 2;

(f) the interfacing of the product with assistive devices.

2. User interface and functionality design

In order to make accessible the design of the products and their user interface as referred to in points (d) and (e) of point 1 they must be designed, where applicable, as follows:

(a) provide for communication and orientation via more than one sensory channel;

(b) provide for alternatives to speech for communication and orientation;

(c) provide for flexible magnification and contrast;

(d) provide for an alternative colour to convey information;

(e) provide for flexible ways to separate and control foreground from background including for reducing background noise and improve clarity;

(f) provide for user control of volume;

(g) provide for sequential control and alternatives to fine motor control;

(h) provide for modes of operation with limited reach and strength;

(i) provide avoidance of triggering photosensitive seizures.

SECTION V

Air, bus, rail and waterborne passenger transport services in relation to websites [],mobile device-based services, real time information and smart ticketing [] including Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services

A. Services:

1. The provision of services in order to maximise their foreseeable use by **[…]** 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) 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,

      (ii) alternatives to non-text content shall be provided;

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

   (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;

   (c) including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with **disablities.**

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

   (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.

C. Mobile device-based services, smart ticketing and real time information:

1. The provision of services in order to maximise their foreseeable use by **[…]** 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) 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,
      (ii) alternatives to non-text content shall be provided;
      (iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).
   (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;

D. Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services:

Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services shall comply with the accessibility requirements in section II of this Annex.

SECTION VI

Consumer […] banking services in relation to websites, mobile device-based banking services and products used in provision of consumer banking services including self-service terminals, such as Automatic Teller machines used for provision of banking services

A. Services in general:

1. The provision of services in order to maximise their foreseeable use by **[…]** persons with disabilities, shall be achieved by:

   (a) ensuring the accessibility of the products they use in the provision of the service, in accordance with the rules laid down in point D:
   (b) providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:
      (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,
      (ii) alternatives to non-text content shall be provided;
      (iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (c).
   (c) 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;

(d) including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with **disabilities**.

B. Websites used for provision of banking services:

The provision of services in order to maximise their foreseeable use by **[…]** persons with disabilities, shall be achieved by:

(a) 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;

C. Mobile device-based banking services:

1. The provision of services in order to maximise their foreseeable use by 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) 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,
   (ii) alternatives to non-text content shall be provided;
   (iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).

(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;

D. Products including self-service terminals, such as Automatic Teller machines used for provision of consumerc banking services:

Self-service terminals including Automatic Teller machines used for provision of customer banking services shall comply with the accessibility requirements in section II of this Annex. Other products used in the provision of consumer banking services including shall comply with the accessibility requirements in section IX of this Annex.

SECTION VII

E-books and related consumer equipment

A. Services:

1. The provision of services in order to maximise their foreseeable use by **[…]** persons with disabilities, shall be achieved by:

(a) ensuring the accessibility of the products they use in the provision of the service, in accordance with the rules laid down in point B "Products";
(b) providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:
    (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,
    (ii) alternatives to non-text content shall be provided;
    (iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (c).
(c) 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;
(d) providing accessible information to facilitate complementarities with assistive services;
(e) including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with **disabilities**.

B. ¨Products"

1. Design and production:

The design and production of products in order to maximise their foreseeable use by **[…]** persons with disabilities **[…]**, shall be achieved by making accessible the following:
(a) the information on the use of the product provided in the product itself (labelling, instructions, warning), which:
    (i) must be available by more than one sensory channel;
    (ii) must be understandable;
    (iii) must be perceivable;
    (iv) shall have an adequate size of fonts in foreseeable use conditions;
(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);
(c) the product instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:
    (i) content of instruction shall be 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
    (ii) instructions shall provide alternatives to non-text content;
(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;
(e) the functionality of the product by providing functions aimed to address the needs of persons with **disabilities**, in accordance with point 2;
(f) the interfacing of the product with assistive devices.

2. User interface and functionality design:

In order to make accessible the design of the products and their user interface as referred to in points (d) and (e) of point 1 they must be designed, where applicable, as follows:

(a) provide for communication and orientation via more than one sensory channel;
(b) provide for alternatives to speech for communication and orientation;
(c) provide for flexible magnification and contrast;
(d) provide for an alternative colour to convey information;
(e) provide for flexible ways to separate and control foreground from background including for reducing background noise and improve clarity;
(f) provide for user control of volume;
(g) provide for sequential control and alternatives to fine motor control;
(h) provide for modes of operation with limited reach and strength;
(i) provide avoidance of triggering photosensitive seizures.

SECTION VIII
E-commerce

A. Services:

1. The provision of services in order to maximise their foreseeable use by **[…]** 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) 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,
      (ii) alternatives to non-text content shall be provided;
      (iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).
   (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;

SECTION IX - ACCESSIBILITY REQUIREMENTS FOR OTHER UNION ACTS IN CHAPTER VI

Part A – Products

1. Design and production

The design and production of products in order to maximise their foreseeable use by **[…]** persons disabilities **[…]**, shall be achieved by making accessible the following:

(a) the information on the use of the product provided in the product itself (labelling, instructions, warning), which:

(i) must be available by more than one sensory channel;
(ii) must be understandable;
(iii) must be perceivable;
(iv) shall have an adequate size of fonts in foreseeable use conditions;

(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);

(c) the product instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:

(i) content of instruction shall be 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

(ii) instructions shall provide alternatives to non-text content;

(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;

(e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;

(f) the interfacing of the product with assistive devices.

2. User interface and functionality design

In order to make accessible the design of the products and their user interface as referred to in points (d) and (e) of point 1 they must be designed, where applicable, as follows:

(a) provide for communication and orientation via more than one sensory channel;

(b) provide for alternatives to speech for communication and orientation;

(c) provide for flexible magnification and contrast;

(d) provide for an alternative colour to convey information;

(e) provide for flexible ways to separate and control foreground from background including for reducing background noise and improve clarity;

(f) provide for user control of volume;

(g) provide for sequential control and alternatives to fine motor control;

(h) provide for modes of operation with limited reach and strength;

(i) provide avoidance of triggering photosensitive seizures.

Part B – Services

2. The provision of services in order to maximise their foreseeable use by **[…]** persons with disabilities, shall be achieved by:

(a) making accessible 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) making facilities accessible, 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 under Part C in relation to boarding, disembarking, circulation and use;

(ii) the information shall be available in different ways and via more than one sensory channel;

(iii) alternatives to non-text visual content shall be provided.

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

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

(i) the information content shall be available in text formats that can be used for generating alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,

(ii) alternatives to non-text content shall be provided;

(iii) the electronic information, including the online related applications needed in the provision of the service shall be provided in accordance with point (e).

(e) 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;

(f) providing accessible information to facilitate complementarities with assistive services;

(g) including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with **disabilities**.

Part C – Built environment

3. 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:

(a) use of related outdoor areas and facilities;

(b) approaches to buildings;

(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;

(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;

(k) use of facilities and buildings for their intended purpose;

(l) protection from hazards in the environment indoors and outdoors.

SECTION X - ACCESSIBILITY REQUIREMENTS FOR THE PURPOSE OF ARTICLE 3(10) CONCERNING THE BUILT ENVIRONMENT WHERE THE SERVICES UNDER THE SCOPE OF THIS DIRECTIVE IS PROVIDED

The accessibility to **[…]** 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:

(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;

(k) use of facilities and buildings for their intended purpose;

(l) protection from hazards in the environment indoors and outdoors.

ANNEX II

CONFORMITY ASSESSMENT PROCEDURE – PRODUCTS

Internal production control

1. Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares on his sole responsibility that the products or services concerned satisfy the appropriate requirements of this Directive.

2. Technical documentation

The manufacturer shall establish the technical documentation. The documentation shall make it possible to assess the conformity of the product to the relevant accessibility requirements referred to in Article 3 and, in case manufacturer used the exception provided for in Article 12, to demonstrate that relevant accessibility requirements would impose a fundamental alteration or a disproportionate burden. The technical documentation shall specify only the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the product.

The technical documentation shall, wherever applicable, contain at least the following elements:

(a) a general description of the product.

(b) a list of the harmonised standards and/or other relevant technical specifications the references of which have been published in the *Official Journal of the European Union*, applied in full or in part, and descriptions of the solutions adopted to meet the relevant accessibility requirements referred to in Article 3 where those harmonised standards have not been applied; in the event of partly applied harmonised standards, the technical documentation shall specify the parts which have been applied.

3. Manufacturing

The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the products with the technical documentation referred to in point 2 and with the accessibility requirements of this Directive.

4. Conformity marking and declaration of conformity

4.1. The manufacturer shall affix the CE marking referred to in this Directive to each individual product that satisfies the applicable requirements of this Directive.

4.2 The manufacturer shall draw up a written declaration of conformity for a product model. The declaration of conformity shall identify the product for which it has been drawn up.

A copy of the declaration of conformity shall be made available to the relevant authorities upon request.

5. Authorised representative

The manufacturer's obligations set out in point 4 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

ANNEX III

INFORMATION ON SERVICES MEETING ACCESSIBILITY REQUIREMENTS

1. The service provider shall include the information assessing how the service meets the accessibility requirements in the general terms and conditions, or equivalent document. The information shall describe the applicable requirements and cover, as far as relevant for the assessment the design and the operation of the service. In addition to the consumer information requirements of Directive 2011/83/EU of the European Parliament and of the Council[24], the information shall, wherever applicable, contain the following elements:

   (a) a general description of the service in accessible formats;

   (b) descriptions and explanations necessary for the understanding of the operation of the service;

   (c) a description of how the relevant accessibility requirements set out in Annex I are met by the service.

2. To comply with point 1 the service provider may apply in full or in part the harmonised standards and/or other relevant technical specifications, for which references have been published in the *Official Journal of the European Union*.

3. The service provider shall provide information demonstrating that the service delivery process and its monitoring ensure compliance of the service with point 1 and with the applicable requirements of this Directive.

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[24] Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p.64).