

EUROPEAN ACCESSIBILITY ACT

Conference, June 1st 2016

Hosts: MEP Šoltes and MEP Tarand

Opening speech

MEP Igor Šoltes

MEP Šoltes expressed his content to be gathered in such a big number in order to discuss a very important topic, which is unfortunately too often left aside and overlooked. In his opinion it is definitely important to improve the functioning of the internal market for accessible products and services and the proposed directive should dismantle existing obstacles in the internal market due to different national legislations in member states. This includes goods and services, which for most people are important for everyday use and taken for granted. These are the reasons why this directive is very much needed, mainly to help ensuring the accessibility of goods, services and transport in the EU to disabled people. I applaud the proposal by the European Commission for these directive as I am sure it will greatly help to improve the struggle disabled people are facing on a daily basis in the EU and am as well looking forward to hear the proposals from your side, as they are much appreciated.

Presentation of practical problems faced

Mr Wolfgang Angermann

Mr Angermann started his speech by describing his experiences as a blind person with regards to the accessibility of services and goods. He mentioned the problems he faces because of devices being based on touch screen. Elevators, kitchen appliances as well as music devices are becoming more and more touch screen based and thus inaccessible to blind people. Mr Angermann pointed out that making devices accessible to blind people allows them to be independent and enables their self-determination. As a positive example he mentioned his smart phone which has speech output and is thus accessible to blind people. He believes that unless there will be a law requiring the accessibility of services and devices nothing will change. The newly proposed directive seems to require that the services would be required for people with functional limitation, but there are some limitations that could be improved. He called to the Member of the European Parliament to strengthen the scope of the legislative process. The EU Commission proposal foresees exceptions for companies who think the product would be too expensive or too difficult to produce accessible to people which might result in less accessibility. Additionally, he believes some clarifications of the wording of the EEA would be beneficial.



Mr Frank Sioen

Mr Sioen emphasized the importance of an independent life of people with disabilities. He believes that the EEA is a step in the right direction, but there are things that should be improved. There are many aspects well covered in the EEA, but the three issues he would like to expose are:

- Built environment

Mr Sioen stressed the importance of well built infrastructure which allows people with disabilities to access services they would like to access, including schools, hospitals, ATMs etc. If such buildings, devices and services are not reachable to people with disabilities their otherwise accessibility is of no use.

- Personal assistance

He mentioned that personal assistance is not in the competences of the EEA. However, he stressed that personal assistance is a second pillar of independent living of a disabled person. Some people with disabilities need personal assistance to perhaps get out of the bed in the morning, others to take a shower or tie shoe laces. Personal assistance is very important, thus EU should include it in some way in the act.

- Enforceability

Mr Sioen stressed that if a person cannot enforce your rights, that person does not have rights at all. It has to be ensured that the complaint mechanism is easy and understandable to all. He mentioned what Mr Michael Holden said: "In the USA I do not feel disabled." This is because the USA guarantees the accessibility to all goods and services. For example, the metro in Washington DC is completely accessible to disabled people. In comparison, the metro in Brussels is far from being accessible to disabled people.

Mr Sioen concluded that all three issues he exposed should be tackled and included in the EEA. To conclude, all three aspects should be strengthened.

Discussion:

Vision impaired person from the audience stressed that she faces accessibility problems in Brussels. She came to Brussels in September for a traineeship in the European Parliament and noticed that services are not good which in her opinion should definitely be improved. She agrees with Mr Sioen that the metro is not accessible. Furthermore, she exposed the accessibility of books. She has a master degree, but she struggled during her studies to find books. Additionally she exposed the problem of the software for blind people - the voice output is difficult to understand.

Mr Angermann replied that the EEA has to be seen as a tool to give accessibility on a local level. The accessibility of Brussels metro will not be gained unless people raise their voices on the local level. He comes from Hannover in Germany where they have decided to set up working groups to remove the obstacles that prevent the use of public transport for disabled people which could be used as an example how to approach the issue in other cities as well. What is needed is a strong European directive. Also people with disabilities have to understand there are different accessibility issues for people with different disabilities.

Another guest from the audience exposed the fact that people with disabilities should be included in the decision making process. The proposed directive needs some clarifications on the scope.

Another blind guest from the audience explained that he lives in Brussels for 4 years and can confirm that the public transport is difficult to use. He exposed the fact that the bus drivers are not well trained which is why he usually misses the bus he is waiting for. He called on the members of the European parliament to request the STIB to provide training for their drivers.

MEP Šoltés agrees there is a need to think differently and about the needs of other people. It is important to work on the local level, but also national and international. He explained that sometimes it is difficult to make an agreement about the text which is why it becomes harder to understand. Regarding the public transport, the problem is not only in Brussels. Himself and MEP Tarand will raise their voices to improve the situation.

NGO Inclusion Europe was interested to know if the EEA is easy to read?

MEP Šoltés answered that that is a tricky question, because some European documents are not of easy language. Especially because the EU documents are a compromise between 28 countries which makes the text difficult to understand. The people in Slovenia say they expected more from EEA, more concrete text. He also explained that it cannot be expected that the same text will be on the agenda of the EP all the time; there are other things to work on. Thus it is not known when to expect the text to be finished.

Mr Angermann said that clarification about the exceptions mentioned in the EEA is needed. People from small companies usually ask him what will be their cost to assure barrier free products. There is an exception mentioned in the EEA with regards to the cost and change of initial purpose of the product, but clarification is needed on what exactly does that mean. If, for example payment terminals are not included we will use our ability for independent shopping.

MEP Šoltés agrees it is important to make clarifications and improve the text. They have prepared additional proposal which could bring some improvement in terms of definitions. He assured that they will work hard to improve the text.

Mr Sioen believes it would be good to explain to companies that it does not always costs a lot of money to make a product accessible to people with disabilities. Sometimes it is just a small difference that is needed.

Panel - how to improve the EEA proposal

MEP Davor Škrlec opened the panel. He said he is pleased to be appointed as the rapporteur for this important and highly essential directive. Additionally he believes that tourism for all needs to become reality.

Mrs Inmaculada Placencia Porrero

Mrs Porrero gave a general overview of the content of the EEA. The EEA is the result of the work they undertook in her team to improve the accessibility in Europe and improve the legislation. The ratification by the member states on the UN Convention on the rights of people with disabilities led to implementation of it and also to an increase of other legislative acts in the EU which also increased the risk of divergent legislation in Europe. This limits the opportunities of disabled people across Europe. By having a wider market there will be more products at more competitive prices.

She explained the EEA has two parts; firstly, it imposes certain accessibility requirements to carefully selected list of products and services (computers, ATMs, smart phones etc) and secondly, the general accessibility as present in the existing EU law in which there is an obligation or option to provide accessibility (public procurement directives, structural and investment fund regulations etc).

The EEA makes use of standards and implementing measures using technical specifications. The idea is to have a set of requirements describing the functional requirements to comply with the directive. But they remain voluntary. The directive contains certain safeguards to apply accessibility requirements so that they are disproportionately burdensome. The nature of accessibility requirement should not change the initial purpose of the appliance.

Mr Rodolfo Cattani

Mr Cattani started by saying that the EDF welcomes the EEA. He used the opportunity to thank the EU Commission and Ms Placencia for the wonderful work she has done. It is a fact that we think there is something which is not OK with the approach. If discussing the problem of accessibility he continues to be astonished that people do not understand that accessibility measures represent a business opportunity. He believes that the list of items is a problem. A clearer legislation is needed which makes accessibility far from voluntary. Additionally, there is a need for clear definition and explanations in order to avoid problems. He also believes that people with disabilities should be consulted and included in all monitoring, enforcement and control systems.

Mr Dan Pescod

Mr Pescod believes that the quality of the EEA depends on political will. If there is political will and the backing of the parliament then the details will follow. He mentioned that people with disabilities explained at the conference what the issues are and those are the issues that have to be worked on.

Regarding the scope of the directive, he wishes to see all products covered, not just a few of them. There will be new products in the future. He was alarmed to see that the culture

committee of the parliament believed there is no need for braille printing if e-books are available. He would like to see more books accessible to visually impaired people. Additionally he fails to understand how the culture can be enhanced without taking care of accessibility. Regarding ATMs and paying machine he believes they should be covered by the directive. He agrees with previous speakers that a lot of household appliances are now becoming inaccessible because of touch screens.

Ms Sabrina Ferraina

Mr Perraina represented EASPD at the conference. She stressed the importance of accessibility and welcomed the proposed directive. She explained that the legal basis of the EEA lays in the TFEU which links the EEA to economic principles. Yet, she believes it would be beneficial to have a stronger human rights dimension available in the text. Accessibility is very important for persons with disabilities, but also relevant to all others as well. Users should be involved in all stages of products and services, because it will have an impact on individuals. She referred to requirements about safety and security. It is important to bear in mind that the products should be useable but at the same time it should be assured that the products are safe. The potential of EEA when it comes to empowerment of individuals is very important. It makes them autonomous and independent.

With regards to the text of the EEA she presented some recommendations:

1. The obligation of economic operators to provide information on accessibility should be exposed because it makes a difference for people to know.
2. Safeguards such as disproportionate burden should be clear. It has to be ensured that the product is usable.
3. Requirements of micro enterprises in the EEA are not clear enough.
4. Market surveillance is a good instrument, but the inclusion of people with disabilities should be incorporated.
5. Regarding intellectual disabilities - the materials/information available should be easy to read which should be incorporated in the text.

The EEA is limited in the scope, but she expressed hope it will pave the way to stronger legislation on accessibility in Europe. Strong leadership from the EU is needed. Accessibility is a human right, but should also be seen as an opportunity for markets to make sure a broader population can purchase and use products and services.

MEP Helga Stevens

Ms Stevens thanked the hosts for the organisation of the event. She is the rapporteur of CRPD implementation report which focuses on the EU implementation of the UN CRPD with special focus on the concluding observation of the Committee. She believes that the proposal is a good start, but some more work has to be done.

The EEA is a small part of ensuring accessibility. It will not remove all barriers, but it is based on internal market - which means it can have a positive impact on business behaviour. It can be of positive advantage. Since it is about human rights, it is clear it does not stand well in the economic area. Her view of the EEA is that it has to have a positive impact on people's lives.

Mr van der Velden (Dutch presidency of the Council of the EU) thanked for the opportunity to speak and share the view of the presidency at the conference. He explained that the accessibility was set as one of the priorities of their presidency. They have invested a lot of energy into getting a grip on this complex file. The report will be presented on the 16 June which will possibly give the audience more information on current situation. With regards to the industry, he said their willingness to provide products and services accessible to all, varies.

The problem is that within the EEA there are descriptions of functional requirements which can cause issues when it comes to innovations. In light of a better regulation they want to be as clear as possible, but that can disturb innovation. Additional issue is the tension between the internal market and having goods and services accessible to all. The EU is operating in a global market - the more functional requirements there are in the EEA, the more the EU could isolate itself from the world market. He agrees that many of definitions used in the EEA need to be clarified. At this stage the Council is not ready to broaden the scope. One other question raised in the Council of the EU is how the EEA fits in the broader perspective. That is still something that needs to be resolved. They have received a lot of questions from the EU member states and intensive discussions followed. The presidency understands that the EEA will give member states a lot of flexibility. But they are still trying to figure out how it will work out. What they see as a fundamental problem is that if the requirements are too strict that will make problems for the innovations. Member states of the EU are agreeing on the aim of the EEA, but the scope and functional requirements represent problems.

Discussion:

A blind lady from the audience wanted to request the members of the European Parliament to clarify the accessibility. People have different kinds of disabilities and they all need different types of accessibility. It is important that the scope meets the needs of disabled people and it is also important to involve industry in this process. People with disabilities are costumers just like others but they are excluded from the society because of the accessibility issues.

Another guest believes that it would be better if the EEA would impose minimum requirements. In existing legislation there are certain gaps. The EEA should not alter the legislation, but complement it. Other wise it will be too easy for the governments to say that the EEA has no real impact.

Ms Porreiro clarified how the EEA addresses e-books. The EEA requires that e-books would be accessible from the outset. When publishers deliver the electronic text and structure for the book, that file will have to be accessible. But the EEA does not require that that book would be also available in braille. It also does not require that braille would be later on available which is a problem.

Ms Stevens asked the Dutch representative if the discussions happened on ambassadorial or technical level. Additionally, he expressed his belief that companies should see the accessibility as a business opportunity and sell their products to additional 10 % of the

buyers. Furthermore he thinks we can learn a lot from the USA when it comes to accessibility. There is no need to reinvent the wheel.

Mr Pescod agrees that there is no logic saying that if e-books are available we do not need braille.

Van der Velden agrees that the EEA should be seen as a business opportunity and answered Ms Stevens` question that there were technical meetings in the Council. The problem with discussions on technical meetings is however that they involve more ministries of member states which is why more coordination and time is needed.

Ms Porreiro assured that they are cooperating with the USA to align the accessibility standards in the EU and in the USA. Those standards are used on legislation. When it comes to the EEA they are dealing with a lot of alignment with different EU acts. In addition harmonization with the USA is happening. This means that an opportunity will open for the EU companies to sell product to the US government - because the US government is only allowed to buy accessible products. This is an on-going process.

Closing statement

MEP Indrek Tarand

Mr Tarand believes that the most difficult task in such a day is to formulate closing remarks. He thinks however that the time has by no means been wasted. There have been 95 guests who attended the conference which is far better than usual for such events. He expressed his gratitude that MEP Šoltes asked him to assist in organising the event. He considers himself to be an optimist - he believes things can get better. The EEA will be adopted. He hopes it will be easy reading - not in a sense of it being noble, but easy read for those who take care of improvements. The members of the European parliament will keep their eyes open. Even if they are coming from small countries, they can make a lot of noise if that is necessary. As a conclusion he thanked everyone for attending the conference and for the fruitful debate.