



A European Non-Governmental Organisation in official liaison with
European Parliament, European Commission and the Council of Europe

The EUD followed a very important plenary vote on the European Accessibility Act (EAA), which took place at the European Parliament, in Strasbourg, France. The EAA aims at providing a common EU definition of and an implementation framework for accessibility requirements for certain products and services in the internal market, with the objective of creating a more accessible Europe for all, including for persons with disabilities.

The Members of the European Parliament (MEPs) voted in this plenary session on the proposed amendments to the EAA and adopted its final position before starting negotiations with the Council of the European Union, meaning the representatives of Member States' governments. The EUD, as the representative organisation of deaf Europeans, had campaigned to convince MEPs to create more accessible products and services for all Europeans, including for deaf persons and persons with disabilities, rather than favouring industry interests. The EUD appreciates the support of all MEPs who voted for amendments that strengthened the Act. However, after examining adopted amendments and the final text we can conclude that even though some parts in the EAA have the potential to increase the accessibility for persons with disabilities, the Act remains weak – especially in some of the fields, which are essential for deaf persons. We regret that several crucial points, which are essential for deaf persons, were left out. In the following paragraphs we provide more details with regards to the current state of the act

Obligations for audio-visual media service accessibility as well as functional requirements for the implementation of these obligations:

For deaf Europeans, the EAA missed out on a big opportunity for a more accessible Europe, since it neither includes obligations for audio-visual media service accessibility nor functional requirements for the implementation of such obligations. Instead, the Parliament decided to keep obligations with regards to audio-visual obligations online in the draft Audio- Visual Media Services Directive (AVMS). The current draft of the AVMS Directive obliges Member States to ensure that their broadcasters increase the accessibility of media content, but without creating concrete EU level obligations. Therefore countries will move at their own speed and are able to only do very little and potentially continue excluding deaf people from accessing audio-visual media, without breaching their obligations under the AVMS Directive. The EAA had a chance to impose EU level obligations, however this opportunity was missed. Furthermore, the AVMS directive does not contain functional requirements on how these obligations are supposed to be implemented, requirements that would have been included if media accessibility obligations had remained in the EAA. Therefore, now broadcasters do not need to follow specific functional requirements that would ensure that the content is actually accessible (e.g. speed and visibility

of subtitles, placement of the sign language interpreter window etc.) and deaf persons might still be excluded from audio-visual content.

However, accessibility requirements and corresponding functional requirements for the implementation of these obligations will apply with regards to websites and mobile device-based services that make audio-visual media services available (Amendment 70).

The wording in the EAA remains unclear though with regard to the accessibility of related consumer equipment that is needed to provide website and mobile device-based media services. The EAA currently states that the functionality of this type of products can be achieved for instance by supporting the possibility to select, personalise and display access services such as subtitles for the deaf and hard of hearing, audio description, spoken subtitles and sign language interpretation or by providing the user controls to activate access services for media services. However, it remains unclear which products are included in the scope of this definition: It appears to involve computers as well as mobile phones, but as traditional media broadcasting on TV has been excluded from the scope of the EAA and is purely addressed in the draft AVMS directive, it appears that there are no obligations to ensure that TV screens are capable to show accessible media content (e.g. by allowing the user to switch on subtitles and configure the sign language interpreter window). If this proves true, broadcasters could follow obligations as per the AVMS directive and create accessible content, but viewers with disabilities could still not be able to turn on the accessibility features on their TV. This remains to be verified.

Accessibility of telephony services, including emergency services

On a positive note, the EAA obliges that telephony services, including the related consumer terminal equipment need to comply with the functional requirements detailing how accessibility requirements established in the EAA are supposed to be implemented. These are set out in Section III of Annex I of the EAA. Concretely, this means that telephony services, including emergency services, must provide at least one mode of operation that does not require hearing, which is progress with regards of the accessibility of these services for deaf Europeans. Services and related consumer terminal equipment will have to be designed in an accessible way. This means that in order to address the needs of persons with disabilities, interoperability must be achieved by supporting voice, video and real time text communication, alone or in combination (total conversation), between two users, or between a user and an emergency service. Furthermore, support services shall provide information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication. Moreover, the related equipment must ensure interoperability, which must be achieved by supporting high fidelity audio, a video resolution enabling sign language communication, real time text alone or in combination with voice and video communication or by ensuring effective wireless coupling to hearing technologies.

The application of accessibility requirements by microenterprises and small and medium-sized enterprises (SMEs):

The EAA will not apply to microenterprises that manufacture, import or distribute products and provide and services that fall within its scope. Microenterprises will not have to make their products and services (such as e-commerce and e-books) accessible. Concerning SMEs, they only need to notify the authorities in case their products and services are not accessible. This means that inaccessible products and services can still be sold in the internal market, which will make it complicated for consumers to distinguish, which products and services are accessible and which are not.

Deletion of the definition of “universal design / design for all” within the EAA

In the EAA, accessible products and services are defined as capable of being perceived, operated and understood by persons with disabilities and as being sufficiently robust for them to use. The EAA deleted the definition of “universal design” referred to also as “design for all” which meant that the design of products, environments, programmes and services shall be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design.

We regret that several crucial points were left out. We will continue to collaborate with the European Disability Forum in the next stages of the process to advocate for making the Act stronger. This process will continue at the Council but also during the negotiations between the European Parliament, the Council and the European Commission (trilogue) in the following months.