

Contribution to the consultation on the Accessibility Act **February 2012**

Introduction

AGE Platform Europe members welcome the initiative of the European Commission to open a consultation on a European Accessibility Act and strongly support the broad approach taken by the European Commission which includes the accessibility needs of our ageing population. Our members have followed for many years EU policy developments on accessibility and they welcomed the ratification by the EU of the UN Convention on the Rights of People with Disabilities (UNCRPD). These new steps come very timely. Together with a wide range of stakeholders, AGE campaigned to get the European Year 2012 on active ageing and solidarity between generations and our common objective is to mobilise strong political support “towards an age-friendly European Union by 2020”, in which accessibility and design-for-all are key principles. In our view EU action to improve accessibility will also boost innovation and growth potential across the EU and will bring economic benefits at local, national and EU levels.

Accessibility is first of all a right issue and we are pleased that this is now strongly enshrined in the UNCRPD. The ratification of UNCRPD creates new legal obligations for the EU and the envisaged Accessibility Act should help the EU live up to its commitment and ensure that persons with disabilities and older people with impairments will be able to enjoy their right to freedom of movement and to participate fully in the economic and social life of their communities like any other citizens.

In our view EU action to improve accessibility will also boost innovation and growth potential across the EU and will bring economic benefits at local, national and EU levels. Considering the demographic change occurring in Europe today, it is obvious that ensuring the development of an accessible and supportive environment will help reduce the demand on care and assistance for the rapidly growing number of older people. This will create new opportunities for employment and will enable persons with disabilities of working age, many of whom are older workers, get actively involved in the labour market. This will also help address the gender inequalities that result from the burden of informal care falling mainly on women.

So far the debate on demographic ageing has mainly focused on the cost of pension promises and health and LTC needs on public budgets, and policy responses have focused on the need to keep people at work for longer. But little has been done to enable older people to remain active and healthy and to live independent lives for much longer, in order to decrease the need for costly care and LTC services.

Overall progress on accessibility has been very slow in view of the growing needs posed by the large cohorts of baby boomers who are reaching retirement age. There is a great variety in the national and local legislations with regard to accessibility and their scope and efficiency vary a lot. Unfortunately little is done to build and share evidence on the efficiency of such measures.

However, it is worth noting that countries with high accessibility standards in the built environment, transport and ICT are the countries where the highest levels of employment of both older women and men are found and those which perform best in terms of Healthy Life Year indicators. It is also in these countries that the employment rates of women are the highest and where gender equality indicators show the best outcomes (gender income gap, gender pension gap, etc.). This shows that promoting accessibility in a pro-active way does not hamper the economy, but on the contrary benefits society and the economy in general by lowering the disability threshold which makes life easier for everyone and supports labour market participation of persons with disabilities and an active and productive participation of older persons in their communities. This supports also informal carers and enables them to reconcile work and care duties. Creating environments that are designed for all and support independent living of those with disabilities or activity limitations have proved cost efficient. The Swedish experience shows that the decreasing need for help in Sweden over the past 15 years cannot be explained by improvements in health (there is no evidence of improvements in health among the elderly over the past 15 years in Sweden). The most likely explanation for the reduced need for elderly care is related to better accessibility standards in housing and transport, and better access to assistive technology, making it easier for older people to manage without help.

In today's context of financial constraint, it is more urgent than ever to take wise and sustainable budgetary decisions to invest in solutions which empower citizens with special needs to live more independently and to participate fully in society.

Questions common to all respondents

Current situation in the Member States

Please provide your general assessment of the accessibility in your country in the areas of built environment, transport and ICT?

AGE works at EU level and therefore our response does not relate to a specific country but is based on feedback received from our members. Depending on the country they live in, our members report different concerns.

In some countries the main concerns relate to the lack of accessibility of the public space and the built environment. Transport is also a major issue of concern although some report

that public transport has improved over the last decade but accessibility is still not always optimal even in new facilities and efforts have been patchy. For example stations considered accessible may in reality be challenging for older people when the only lift available is not maintained properly and is out of order.

In the ICT field, accessibility is improving slowly but the focus is still mainly on usability rather than accessibility and design-for-all. While some ICT companies have developed accessibility devices to enable persons with disabilities to access their products, older people often feel excluded from the wide range of e-products and services which are not relevant to them.

In the built environment, the issue of lifetime neighbourhoods have gained visibility in public debates but limited actions have been implemented so far with a few local exceptions which promote age-friendly environments, i. e. environments based on the concept of Design-for-All to lower the disability threshold and empower people with disabilities and older persons with activity limitations to function more independently (WHO approach to age-friendly environments).

Content of possible measures

The accessibility for persons with disabilities of which goods and services should be given priority?

Considering the discussion we have had with our members and the contribution they gave to us in relation to this consultation, we can argue that essential goods and services necessary for daily life must be made accessible which implies a wide range of areas:

- Housing, including private residential housing,
- The public space and outdoors facilities (incl. public toilets and rest facilities),
- Transport, especially public transport (local, regional, national and transnational – as well as taxi and transport on demand)
- Services of general interest, including healthcare and social services,
- Common goods for daily life activities (e.g. washing machine)
- ICT products and services, such as ATMs, e-banking, cash machines, smartphones, computers, websites, etc.
- All information available to the public should be available on various support (on-line, paper), including user's guides, etc.
- Packaging of common goods (food, hygiene, pharmaceutical, etc.).

It is also very important to take into account the need for seamless provision of service. This concept is usually applied in the transport sector, meaning that travel from door to door, including information links, stop-over, etc. should be made accessible. This can be widened to other areas: having accessible lifts inside the building is very important for people with reduced mobility (PRM), but the continuity with outdoor spaces and neighbourhood facilities should be considered otherwise having an accessible lift will not improve the ability of PRMs to enjoy their right to free movement and to participate in society. One of the key issues is to address also the current barriers faced by our ageing population rather than simply improve accessibility of future goods and services. The AGE Contribution Accessibility Act

demographic challenge that Europe is experiencing calls for urgent action to improve the accessibility of our environment in the coming years. Too long-term objectives would not help the EU address the challenge of its demographic ageing.

Which are the most important policy and legal measures to improve accessibility in your opinion?

The ratification of UNCRPD creates new legal obligations for the EU and the envisaged Accessibility Act should help the EU live up to its commitment and ensure that persons with disabilities and older people will be able to enjoy their right to freedom of movement and to participate fully in the economic and social life of their communities like any other citizens. Too little has been done so far to cope with the challenge posed by demographic ageing and, when action was taken, Member States have followed their own priorities and developed their own standards. This lack of harmonization hampers the deployment of an EU wide market for accessibility solutions that have proved useful and cost efficient, and prevent Member States and local actors to benefit from the experience of others elsewhere in the EU. This aggravates the impact of demographic ageing on public and individual budgets, and calls for action at EU level to introduce EU accessibility standards and to ensure that adequate support is provided by the EU financial instruments for the promotion of accessibility across the EU.

No Member States alone can create the legal environment that will enable their industries to access an EU wide market.

Improving accessibility does not depend on one single measure but rather on a set of policy and legal measures at EU, national and local levels:

- A EU legal framework is needed to enforce accessibility across the EU for all essential goods and services and to create a level playing field for all industry;
- A surveillance system should be set up to ensure the enforcement of legislation and accompanied by plans of action for national, regional and local authorities, as well as support to local actors and SME's
- The adoption of EU wide standards are an additional tool to be developed and implemented to support the industry and create an efficient single market of goods and services designed-for-all
- The Public procurement legal framework is key both at EU and national to ensuring that public investment promotes accessibility for all
- Awareness raising is needed to accompany key legal measures and make them work as a wake-up to reality. This should be targeted at local and regional authorities, at manufacturers, suppliers and services providers, and at citizens in general
- Education and training policies are important to reinforce and support accessibility: ensuring that engineers, architects, web-designers, builders, town planners (etc.) are properly trained to mainstream the issues of accessibility and apply universal design is a key requirement

- Accessibility should become an essential pre-requirement to receive EU funding (structural, projects or research funding), and help less advanced regions comply with EU standards
- Financial incentives should be considered to enhance accessibility, notably for public authorities and individuals to upgrade existing building and housing as well as to support research and innovation.

What should public authorities and market operators do to improve the accessibility of goods and services?

- Public authorities

First of all, they have an important role to play as purchasers of goods and services, notably through public procurement. They have to ensure that public money is used to benefit the whole community and thus to ensure accessibility in what they purchase. Secondly, public authorities can act as a political driver for instance by raising awareness about accessibility and Design-for-All or Universal Design, by ensuring user involvement in their decisions and action plans on accessibility, by supporting the inclusion of Universal Design in education and training, by supporting partnerships and synergies notably with universities and market operators, and by defining financial incentives for accessibility according to their context and possibility.

- Market operators

Market operators have an important role to play in making sure they apply universal design principles and make user involvement a reality to ensure that goods and services are accessible to all and relevant to consumers. Additionally, it is essential that market operators respect agreed accessibility standards rather than seek to get around the requirements. To allow innovation and accommodate new needs, the accessibility standards should be based on outcomes for consumers rather than just on technical requirements. Market operators also have an important role to play regarding the affordability of accessible goods and services: the point here is for them to avoid designing and producing for niche markets, but rather to aim at goods and products designed for all with the needs of persons with disabilities and older people in mind. This should ensure that mainstream goods and services are accessible and affordable.

Could you please provide your opinion on the role that SME's could play in the provision of accessible goods and service? Should there be any specific measures to that extent?

SME's are often are the forefront of innovation and are closer to the local markets. They often deliver a personalised service and adapt to their consumers' needs. Our members found great examples of SME's going out of their way to deliver accessible and usable services. But on the other hand, they can also be the worst offenders. Their representative bodies need to better promote good practice and the Commission should raise awareness of the potential economic value of the older consumers for SMEs. The sensitization of AGE Contribution Accessibility Act

SME's to accessibility issues e.g. via training, information campaigns, , the availability of specialist technical advice for those designing new products and services, examples of how accessibility issues were overcome in SME would be useful measures.

SME's - even more than large companies - need to maximise their potential market. With the exception of those focusing on niche markets, SMEs should benefit from having clear rules and standards that will ensure them access to an EU wide market and will facilitate interoperability with other goods and services.

Based on your experience with existing national or foreign accessibility legislation, which provisions do you consider as essential for the effectiveness and success of such legislation? In that context could you please explain how prescriptive and detailed do you think accessibility legislation should be and how it should be enforced?

According to the feedback received from our members, it seems that some efforts are made at national, regional and local level to improve accessibility but these efforts are often local, isolated and not coordinated with the broader environment. In some countries, a legal basis exists and there is a deadline to achieve accessibility in areas such as transport or the built environment.

Nonetheless, most of our members underline that much more efforts still need to be made. Often, the financial cost is raised as an issue especially for local and regional authorities or small companies because accessible solutions are more costly than the mainstream ones. Enforcement is the main challenge, meaning that this is the key point to be carefully considered in an EU wide legislation on accessibility of goods and services. A surveillance authority or office should be planned with both the duty and the means to require enforcement of the legislation. While this should be relatively straightforward for new goods and services, it will be harder to implement to existing goods and services that will need to be upgraded. Clear action plans in coordination with national, regional and local authorities and civil society, where feasible, with milestones and deadlines to be respected will be needed. Last but not least, key financial tools have to be mobilised to facilitate the implementation of legislation (e.g. research funds, structural funds).

All in all, our members highlight the importance of legally binding instruments considering them a necessary first step to enshrine accessibility as a right and to ensure that it is mainstreamed in all relevant areas. EU wide legislation should be underpinned by EU standards and should set accessibility as a condition for access to the EU internal market. Another important tool mentioned by our members is the EU public procurement legislation which must include accessibility as requirement for all EU tenders.

Please provide your comments about the complementary role that the EU, national, regional and local authorities could play in improving accessibility?

The EU is the key player in ensuring a level playing field for accessibility and ensuring a right to accessibility enshrined in the UNCRPD and adopted at EU level. Since the main goal of the EU is to achieve the Internal Market, its competence regarding accessibility is

important to make sure that people with disabilities and older people are effectively benefiting from the Internal Market.

In addition, the EU has a role with respect to enforcing EU wide accessibility standards that can only be developed at EU level and will help not only the disabled and older consumers but industry which can thus avoid having coping with 27 different market standards.

The EU Directive on public procurement is a key instrument since accessibility can be clearly set as an obligation.

Last but not least, the EU makes available funding such as structural funds, research programmes, transport infrastructure funds, that can be aligned with the objective of accessibility by including it as an essential requirement for supporting projects.

There are also additional soft measures that the EU should implement because that can only be done at EU level such as setting up a European Covenant of Mayors on demographic change that would bring together the local authorities committed to promote age-friendly environments based on the concept of design-for-all. Such a covenant exists on climate change and is led by DG Climate.

The European Commission should also support the creation of an EU Age-Friendly Environment Network which would provide support to local, regional and national actors (public authorities, business sectors, civil society organisations, etc.). The network should foster active and healthy ageing by using the participatory methodology developed by WHO (Age-Friendly Environment guidelines) and relevant EU funding programmes.

The EU should develop training modules for architects, urban developers, ICT developers, etc. on accessibility and design-for-all to promote a common understanding and answer from the market operators.

National authorities constitute the key actors in ensuring the implementation of the EU legislative framework and facilitating the enforcement of legislation. Additionally they can initiate action plans to facilitate the upgrading of existing goods and services to make them accessible, and also support local and regional authorities in undertaking such actions.

The situation varies between countries, but some may have the competence to develop and set up relevant financial incentives to support accessibility and decide on their target priorities (e.g. tax incentives for individuals to make their housing accessible, support to local and regional authorities to upgrade infrastructure, innovation funds for the business, specific support to SMEs, etc.).

For ex; Germany has a federal programme that support intergenerational housing. Slovenia has a programme to support age-friendly cities, etc. National authorities have a role to play in raising awareness on accessibility issues and facilitating the exchange of goods practices. Finally if this is part of their competence, they can ensure that education (specifically at university level) and training takes into account universal design principles.

As for **regional and local authorities**, they are the most obvious and direct link with citizens and can liaise to make action plans on accessibility tailor-made to the needs of

their local constituency. They can discuss priorities and milestones to ensure that goods and services purchased or made available by regional and local authorities are accessible. Regional and local authorities are usually the largest purchasers of goods and services via public procurement and as such they have a key role to play in making sure that the accessibility criteria is taken into account and applied. Apart from the points mentioned above that depend on the distribution of competences with national authorities, it is probably much easier for local and regional authorities to strengthen synergies with university/research centres on universal design, with SMEs delivering accessible goods or services, and local citizen groups where relevant. All in all, local and regional authorities can be strong political drivers to make accessibility a reality for citizens.

Specific questions for individuals, and in particular persons with disabilities

What would be the impact of an increased availability of accessible goods and services in the market on the purchasing behaviour of potential customers? Could you give concrete examples?

There is a consensus among our members that accessible products are usually very expensive with choices being quite limited, and as a consequence only a limited number of older people can afford them (e.g. stair lifts, accessible smart phone). Considering the quite high levels of poverty amongst disabled people and older dependent people, especially women, increased availability and mainstreaming should help decrease the price. The best option will certainly be to mainstream the Design-for-All concept as much as possible in goods and services making it economically viable and avoiding the necessity for older and disabled consumers to look for specific products or to depend on others for their daily activities.

Please describe the main accessibility barriers you are facing when you want to exercise your right of freedom of movement. What would be the possible effect of adopting EU wide common accessibility standards?

Four issues are mainly at stake for older people who want to exercise their right of freedom of movement:

- Transport: this is an area where seamlessness is key. If you have accessible transport at departure but not at your destination, your ability to travel is made very difficult. This is very obvious for example, with trains, where you can have an accessible station and coaches at your departure point but when you arrive, the height of the platform is different and you are not able to get out of the train, or the platform is not equipped with lifts or escalators, or information is not available on the platform. In such cases, the existence of EU wide standards is indispensable.
- Access to information, specifically via Internet: to be able to exercise their right for freedom of movement, older citizens need to access information on different issues

such as transport, healthcare services, ATMs, banking services, the build environment, etc. Apart from the fact that this information is not always made available through the Internet, the accessibility of websites is an issue. Again EU wide standards on web-accessibility is indispensable to allow disabled and older citizens to exercise their freedom of movement by having the initial and same access to information as other citizens.

- Assistive technologies and interoperability is another area where freedom of movement might be made difficult if older and disabled citizens cannot use their usual assistive technologies because interoperability and standards differs from one country to another.
- The build environment in particular the public space: physical barriers prevent older people from enjoying their freedom of movements. Unaccessible public space, hotels, pavements, etc. create barriers which lock older citizens inside their homes by fear of falling or not reaching destination.