



## Response to the consultation of the European Commission on the Proposal for a Directive on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services - COM(2015)615

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AGE Platform Europe members welcome the initiative of the European Commission to open a consultation on the proposal for a European Accessibility Act. Our members have followed for many years EU policy developments on accessibility and they welcomed this new step which is in line with the ratification by the EU of the UN Convention on the Rights of People with Disabilities (UNCRPD). 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 accessible and supportive environments will help reduce the demand on care and assistance for the rapidly growing number of older people. It will create new opportunities for employment and will enable persons with disabilities of working age, many of whom are older workers, remain actively involved in the labour market until retirement age. It will also help address the gender inequalities that result from the burden of informal care falling mainly on women, complementing progress achieved already thanks to EU gender equality legal framework and the new legislative initiative envisaged by the European Commission on the reconciliation of work and family life.

We are pleased to provide our preliminary comments on the European Commission's proposal. We have coordinated our position with the European Disability Forum (EDF) and ANEC, the European Voice of Consumers in Standardisation. AGE is also supporting the position developed by Pay-Able which campaign it has joined.

### Article 1 – Scope of the directive

The list of products and services included in the scope of the proposed directive is of great interest for AGE members who have always underlined the importance of



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accessibility of ticketing machines or of transport services. Now looking again at the transport area, the issue of seamless travel is key and would thus require complementary actions in the field of built environment for instance: the whole journey matters for older people from door to door. It would be thus essential to consider including in the proposed directive the built environment, including outdoor spaces.

Keeping in mind the notion of seamlessness, we feel it would be essential to include not only ATMs (cash machines) but all retail payment terminals (POS) in the scope of the proposed directive: while it is key to have accessible goods and services, it is equally important for everyone to be able to pay them using the payment terminals put at the disposal of clients. Excluding payment terminals will result in increasing discrimination against persons with functional limitations and older people who will be forced to carry cash to pay for all their daily purchases.

This is also key considering the fact that payment terminals are widely used in the EU while banks tend to close their ATMs in many villages and remote places, making increasingly difficult for older people who are living in rural and remote areas to pay in local shops. Retail payment terminals are also increasingly used by consumers while travelling across the EU and it is essential that they should be accessible everywhere for persons with disabilities and persons with functional limitations, many of whom are older persons. . . .

AGE members also repeatedly mentioned household appliances as key in relation to accessibility, including their packaging which is an issue especially for older people with limited strength in their hands. Thus extending the scope of the directive to household appliances would be of added value for older consumers but would also create a level playing field for manufacturers across the EU.

One of the key strength of such a proposed directive is to avoid further fragmentation of the EU Internal market, thus a wider approach is essential. Furthermore, it would avoid further increasing disparities between Member States' provision that should be implemented in line with the UNCRPD.

Last but not least, it is essential to consider this proposed directive in the light of the currently discussed directive on the accessibility of the public sector bodies' websites, in order to make sure they will be complementary and avoid any loophole.

## **Article 2 – Definitions**

AGE welcomes the wide approach that is taken with the two complementary definitions of “persons with functional limitations” and “persons with disabilities”. This allows for a broad coverage of the population, including older persons.

Including a definition of equipment/services with advanced computing capability would be requested in order to have a clearer understanding of the scope of the proposed directive.

## **Article 5 -Obligation of manufacturers**

Regarding the instructions and safety information provided to consumers, it is essential to allow not only for access in different languages but also in different formats – like it is actually foreseen under article 11 « Obligations of service providers ». For example, an adequate size of the font and clarity of the information (use of plain language) are essential for older people who have visual impairments.

## **Article 16 - General principles of the CE marking of products**

As mentioned on the European Commission website: “By affixing the CE marking to a product, a manufacturer declares that the product meets all the legal requirements for CE marking and can be sold throughout the EEA. This also applies to products made in other countries that are sold in the EEA.”

If the EU proposed legislation makes it mandatory for all goods sold on the EU market to become “accessible” to all, the CE mark will automatically cover these requirements. While the CE marking may seem the easiest way to label products across the EU, it is a self-declared label whereby the manufacturer confirms that the product meets the EC requirements. The label as such does not guarantee that the product has gone through an independent check that it meets EU accessibility standards. AGE members wonder therefore how this label could guarantee that safety and accessibility requirements are adequately covered.

It is also important to keep in mind that the labelling of services is equally important and yet is not covered by the CE mark.



Further options should thus be considered such as compulsory standardized consumer information to include specific information on the product/service's accessibility features.

### **Article 27 – Transposition**

The transition period foreseen in the proposed directive is actually pretty long since Member States have six years after the entry into force of the Directive. Considering the current scope of the proposed directive mainly linked to ICT related products and services, it would make sense to shorten that transition period: this is indeed a domain with fast evolution which should not take so long to transpose.

