



## **Legislative framework behind accessibility in the EU**

### **Step “Building the foundation” into the educational approach**

#### **Relevant for all types of disability**

Accessibility to the built environment, Information and Communication (notably ICT), and transport is required by article 9 of the UN convention on persons with disabilities.

According to the mentioned Article 9 – Accessibility

“1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, 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. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

- a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

- c) To provide training for stakeholders on accessibility issues facing persons with disabilities;
- d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.”

Accessibility standards, shared across the European Union, help remove barriers for people with disabilities as well as for others (e.g. older people, people with a temporary handicap due to an accident, pregnant women, mothers with strollers and others). Several standards have already been developed and another lot is yet to be finalized. Thus for example the EU has commissioned Mandate 420 on European accessibility requirements for public procurement in the built environment (Mandate 420 or M/420), which must incorporate the requirements for a design for all and set the standard for it.

The 7 principles of design for all, some of which are equally applicable also concerning accessibility to information and ICT, are:

1. Equitable use. The design is useful and marketable to people with diverse abilities.
2. Flexibility in use. The design accommodates a wide range of individual preferences and abilities.
3. Simple and intuitive use. Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.
4. Perceptible information. The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.
5. Tolerance for error. The design minimizes hazards and the adverse consequences of accidental or unintended actions.
6. Low physical effort. The design can be used efficiently and

comfortably and with a minimum of fatigue.

7. Size and space for approach and use. Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.

The ICT Accessibility is exhaustively presented here:

<https://joinup.ec.europa.eu/collection/rolling-plan-ict-standardisation/accessibility-ict-products-and-services-0>, providing information about the policy and legislation, starting from the policy objectives, the relevance to the UN Convention, Article 9 and the EC perspective on this, as well as providing a full list of references, leading to:

- The [Directive \(EU\) 2016/2102 of the European Parliament and of the Council of 26 October 2016](#) on the accessibility of the websites and mobile applications of public sector bodies. The Web Accessibility Directive.
- The [Directive \(EU\) 2019/882 of the European Parliament and of the Council of 17 April 2019](#) on the accessibility requirements for products and services. The European Accessibility Act.
- The [UN Convention on the Rights of Persons with Disabilities \(UN CRPD\)](#).
- [Directive \(EU\) 2018/1808](#) of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities
- [Directive \(EU\) 2018/1972](#) of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), which builds on the Tallinn and Berlin Declarations and refers to the WAD and the EAA as references also for the implementation.
- The [Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL](#) on roaming on public mobile communications networks within the Union (recast), which highlights supporting aim of Directive (EU) 2018/1972 to ensure that access for end-users with disabilities to emergency services is available through emergency communications and is equivalent to that enjoyed by other end-users.
- The [Digital Education Action Plan \(2021-2027\)](#) is a renewed European Union (EU) policy initiative to support the sustainable and effective adaptation of the education and training systems of EU Member States to the digital age. It highlights accessible and inclusive digital educations for all, including learners with disabilities.
- The Commission's [Strategy for the Rights of Persons with Disabilities 2021-2030](#)

The page also provides a complete list of standards on accessibility of websites and mobile application of public sector bodies, together with a presentation of the responsible standardization organizations.

As far as assistance dogs are concerned, the relevant standard is CEN/TC 452 and it provides an explicit definition of what an assistance dog is and which dogs can be considered as such. According to the standard “Assistance Dogs are dogs specifically trained to perform tasks to mitigate the limitations of a person with a disability”.

Included within this definition are:

- Autism assistance dogs
- Guide dogs
- Hearing dogs
- Medical alert assistance dogs
- Mobility assistance dogs
- PTSD assistance dogs

The concept of the Universal Design (UD) was introduced in the second half of the 20th century by architect Ronald Mace – wheelchair user, fighting for the rights of people with disabilities at a time when people with disabilities were still not considered normal and/or deserving adaptations in order to have equal access as everyone else. In its original application, UD was described as “the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design” (Connell et al., 1997). Just as stairs or revolving doors pose barriers to access in the built environment, there are barriers to learning or accessing information. This means that we require a ‘Design for All’ approach that takes care of accessibility of both the built environment, as well as the ICT and information. The European accessibility standards have been put in place for exactly that purpose. The European Standard [EN 17161:2019 ‘Design for All – Accessibility following a Design for All approach in products, goods and services – Extending the range of users’](#) is particularly important as it specifies requirements that can enable organisations to design, develop and provide products, goods and services which are accessible to a wide diversity of users, including persons with disabilities. The Design for All approach set by the Standard can be used by private, as well as public organisations.

It can also be useful for organisations to comply with the newly adopted European Accessibility Act - <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882>, and considered by public authorities as a selection criterion for public procurement. This means that more companies that provide goods and services will be encouraged to follow a Design for All approach, which in the end will benefit

consumers and users with disabilities.

An excellent and detailed description of people with disabilities' rights is provided on the European Disability Forum web-site: <https://www.edf-feph.org/your-rights-in-the-eu/>

Among those are: accessibility of public and private services, electoral rights, rights to employment and equal treatment, healthcare rights (in the country of origin and abroad within the EU), education, traineeship and volunteering rights, passenger's and consumer's rights (especially in another EU country), social security benefits and others.

#### Bibliography:

Connell, B. R., Jones, M., Mace, R., Mueller, J., Mullick, A., Ostroff, E., et al. (1997). The principles of universal design. Retrieved February 24, 2006, from [http://design.ncsu.edu/cud/univ\\_design/principles/udprinciples.htm](http://design.ncsu.edu/cud/univ_design/principles/udprinciples.htm)