

# Report on Mandate 47, resulting from the EAA, and new and revised harmonised standards.

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## Introduction

The European Union, comprised of 27 Member States as of the time of writing this report. The EU is not a country but rather an alliance of nations. Each individual EU country maintains its own relationship with the UN as an independent party. For issues of media accessibility, the EU collectively engages as a party, thereby influencing all 27 Member States. Three pieces of legislation have been the result of the CRPD adoption in the EU. The three pieces have taken the form of a Directive, which is legally binding, meaning that the EU Member States have an obligation to apply the content of the Act. In chronological order the first is the Audiovisual Media Service Directive (AVMSD) Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services.<sup>5</sup> This Directive created an EU-wide legal framework to coordinate national legislation on all audiovisual media, both traditional TV broadcasting and on-demand services platforms working in EU, such as Netflix, Amazon Video, Apple and HBO. The Directive covers different aspects of audiovisual media, such as prohibition of hate speech and discrimination based on disability and other grounds, commercial information on TV programmes, protection of minors, independence of the national regulatory bodies that monitor audiovisual services, and the promotion of European audiovisual productions. The Directive established legal requirements to advance accessibility of audiovisual media for persons with disabilities. In 2018, the EU updated AVMSD with stronger requirements for accessibility.<sup>6</sup> In light of the evolving market realities, the Directive (EU) 2018/1808 of the European Parliament and of the Council, dated 14 November 2018, modifies Directive 2010/13/EU. This Directive pertains to the coordination of certain provisions established by law, regulation, or administrative action in

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<sup>5</sup> <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32010L0013>

<sup>6</sup> <https://eur-lex.europa.eu/eli/dir/2018/1808/oj>

Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), commonly known as the Audiovisual Media Services Directive.

The second Directive is the Web Accessibility Directive (EU) 2016/2102 of the European Parliament and the Council of 26 October 2016.<sup>7</sup> This Directive covers the accessibility of the websites and mobile applications of public sector bodies. It forces public sector bodies, such as municipalities, schools, health services, transport information, to make their websites and mobile applications accessible to people with disabilities. The Directive requires websites and applications (apps) of public sector institutions to meet specific technical requirements set out in web accessibility standards, such as W3C, and it also mentions a limited number of exceptions.<sup>8</sup> The Directive requires:

- An accessibility statement for each website and mobile app;<sup>9</sup>
- A feedback mechanism so that users can flag accessibility problems or request access to inaccessible content;<sup>10</sup>
- Regular monitoring and reporting of results of public sector websites and apps by Member States.<sup>11</sup>

The third piece of legislation is the Directive (EU) 2019/882 of the European Parliament of the Council of 17 April 2019 that concerns the accessibility requirements of products and services European Accessibility Act.<sup>12</sup> This law seeks to make products and services in the EU more accessible for people with disabilities. Some examples include smartphones, tablets, and computers, TV and its content, e-books, online shopping websites, self-service terminals, delivery of transport service information, including real-time travel information, consumer banking services, etc. There is a marked difference in this Directive from the previous two accessibility Directives, namely, the extension to both public and private sector organisations, who are required to monitor the accessibility of their respective websites, mobile apps, and media content. In

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<sup>7</sup> <https://eur-lex.europa.eu/eli/dir/2016/2102/oj>

<sup>8</sup> <https://www.w3.org/WAI/standards-guidelines/wcag/>

<sup>9</sup> <https://web-directive.eu/#toc20>

<sup>10</sup> <https://web-directive.eu/#toc27>

<sup>11</sup> <https://web-directive.eu/#toc22>

<sup>12</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019L0882>

addition to this requirement, organisations are required to provide an accessibility statement to a central authority in their respective countries.

## EU Standardisation

Standardisation is disliked by almost anyone from the citizen to large monopolies. Citizens find the standardisation texts boring and often impossible to decipher, given the number of references to other standards and obtuse narrative. Companies large and small find in standardisation a common enemy, since standardisation fixes recommendations that go against the “creative” nature of enterprises. While this may be true, standardisation also protects users from endless creativity. A good example of the benefits of standardisation is the new EU common charger.<sup>13</sup> This case shows the EU sustainability policy applied to IT since “having a common charger will improve consumer convenience by harmonising charging interfaces and fast charging technology and will significantly reduce electronic waste”.

The general framework of European standardisation policy follows the EU regulation No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC, and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council Text with EEA relevance.<sup>14</sup> EU standardisation has three main aims:

- (a) Modernise and improve standardisation, which plays a leading role in the EU’s Single Market by outlining how:

the EU standards-setting process operates; and

the various organisations involved in this process (both at EU and national level) work together.

- (b) Simplify and adapt the legislative framework to reflect the latest developments and future challenges.

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<sup>13</sup> <https://www.consilium.europa.eu/en/press/press-releases/2022/10/24/common-charger-eu-ministers-give-final-approval-to-one-size-fits-all-charging-port/>

<sup>14</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012R1025>

- (c) Support market competition, reduce costs, improve safety, and enhance competition, protecting health, safety, security, and the environment.

The regulation introduces rules governing:

- Cooperation between standardisation organisations, national standardisation bodies, EU countries and the European Commission;
- Establishment of market-driven European standards for products and services in line with EU legislation and policies;
- How information and communication technology technical specifications can support this process;
- Funding standardisation activities, normally in the form of grants or calls for proposals in line with EU legislation and policies;
- Stakeholder participation.

The regulation covers standards for services as well as for products, and environmental and public health protection must also be included among the required characteristics of a product or service. The process of standardisation as stated in the EU standardisation webpage is as follows:

- European standardisation organisations must facilitate the effective participation of all relevant stakeholders, including small- and medium-sized enterprises, consumer organisations and environmental and social stakeholders in their standardisation work.
- National standardisation bodies must facilitate the access of SMEs to the standards and their development processes, sharing best practices to improve participation.
- EU countries will, where appropriate, encourage participation of public authorities, including market surveillance authorities, in national standardisation activities to develop or revise standards.

The European Commission has requested to work on accessibility standardisation to three European Standardisation Organisations (ESO): the European Committee for Standardisation (CEN), the European Electrotechnical Committee for Standardization (CENELEC), and the

European Telecommunications Standards Institute (ETSI). The Commission has requested to draft several European standards, which are market-driven, and take into account the public interest as well as EU policy objectives. The Commission determined the requirements and deadlines to be met in mandates.

### Standardisation Mandates

According to the European Commission's webpage on standardisation draft requests are drawn up by the Commission through a process of consultation with a wide group of interested parties including social partners, consumers, small and medium-sized enterprises (SMEs), industry associations and EU countries.<sup>15</sup> Before being formally sent to the ESOs, mandates are submitted to the Committee on Standards of the Regulation (EU) 1025/2012 for a vote.<sup>16</sup> The ESOs, CEN, CENELEC and ETSI, have the right to refuse a mandate if they do not think that standards can be produced in a particular area. Due to the preceding consultation process, standardisation requests are rarely refused. The standardisation requests issued by the European Commission are available in the database of mandates. There are three types of mandates:

- Standardisation requests to develop and adopt European standards or European standardisation deliverables within a given time. This is the only type of request under Regulation (EU) 1025/2012.
- Programming mandates to elaborate a standardisation programme. These types of requests are issued before Regulation (EU) 1025/2012.
- Study mandates to check the feasibility of European standardisation in a specific field or for a specific subject. These types of requests are issued before Regulation (EU) 1025/2012.

### Accessibility Mandates

Four mandates have triggered standardisation in Europe. The webpage for each mandate contains the full text with the policy background, the justification, objective, description, execution, and bodies to be associated.

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<sup>15</sup> [https://single-market-economy.ec.europa.eu/single-market/european-standards/standardisation-requests-mandates\\_en](https://single-market-economy.ec.europa.eu/single-market/european-standards/standardisation-requests-mandates_en)

<sup>16</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012R1025>

1. The European Union Mandate M 376 from 24 November 2005 Standardisation mandate to CEN, CENELEC and ETSI in support of European Accessibility requirements for public procurement of products and services in the ICT domain, which is similar to the U.S. Section 508 requirements.<sup>17</sup>
2. The European Union Mandate 420 from 6 December 2007 Standardisation mandate to CEN, CENELEC and ETSI in support of European accessibility requirements for public procurement in the built environment.<sup>18</sup>
3. The European Union Mandate 473 from 16 April 2010 Standardisation mandate to CEN, CENELEC and ETSI to include “Design for All” in relevant standardisation initiatives.<sup>19</sup>
4. The European Union Mandate 554 from 9 March 2017 standardisation request to the European standardisation organisations in support of Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies.<sup>20</sup>

In June 2021 the European Commission published a draft Standardisation Request (SR) about Harmonised Standards supporting the Accessibility Act Directive (EU) 2019/882, which was discussed and commented on by the European Standardisation Organisations and concerned stakeholders. The final draft request was presented at the European Commission Committee on Standards on 10 December 2021 and went out for public consultation. It was subsequently revised by the Commission and approved by the Member States in the Committee on Standards on 25 July 2022. The Commission Implementing Decision C(2022)6456 on a standardisation request to the ESOs as regards the accessibility requirements of products and services is the new Mandate 587.<sup>21</sup> This new Mandate will have a decisive role in Europe since in Article 6 requests expiry of existing standardisation mandates M376 and M420 and M473, and repeal of Implementing Decision C(2017)2585, which is M554.

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<sup>17</sup> <https://ec.europa.eu/growth/tools-databases/mandates/index.cfm?fuseaction=search.detail&id=333>

<sup>18</sup> <https://ec.europa.eu/growth/tools-databases/mandates/index.cfm?fuseaction=search.detail&id=392>

<sup>19</sup> <https://ec.europa.eu/growth/tools-databases/mandates/index.cfm?fuseaction=search.detail&id=461>

<sup>20</sup> <https://ec.europa.eu/growth/tools-databases/mandates/index.cfm?fuseaction=search.detail&id=577>

<sup>21</sup> [https://ec.europa.eu/growth/tools-databases/enorm/mandate/587\\_en](https://ec.europa.eu/growth/tools-databases/enorm/mandate/587_en)

With the introduction of the new mandate M587, all previous mandates are replaced. The Mandate also calls for the implementation of six separate pieces of standardisation. To develop the following three new standards:

1. Harmonised standard(s) setting up requirements on the accessibility of non Information Communication Technologies (ICT) information related to products.
2. Harmonised standard for the accessibility of support services related to products and services (e.g. help desks, call centres, technical support, relay services and training services).
3. Harmonised standard for the accessibility of emergency communications and for the answering of emergency communications by the PSAPs (including to the single European Emergency number 112).

The following three existing standards will also be repealed:

1. EN 301 549 Accessibility requirements for ICT products and services
2. EN 17161:2019 Design for All - Accessibility following a Design for All approach in products, goods and services - Extending the range of users
3. EN 17210:2021 Accessibility and usability of the built environment - Functional requirements

This last Mandate was approved at the time of writing this chapter, and the requested standardisation is expected to be completed by 2025.

## EU Transposition

EU countries are required to transpose Directives into their national law. This means all countries need to reform or adopt their existing national laws to ensure they follow the EU-wide Directive. The European Disability Forum (EDF) has created toolkits to help in the implementation of each Directive.<sup>22</sup> For the AVMSD the transposition was on 19 September 2020 and the timeline is as follows:

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<sup>22</sup> <https://www.edf-feph.org/publications/eea-toolkit/>

- 19 December 2020: Deadline for EU countries to introduce laws, regulations and administrative provisions needed to obey this Directive into force.
- 19 December 2022: Deadline for the first report by EU countries to the European Commission on the implementation of Article 7, paragraph 1, i.e. accessibility of the audiovisual media services for persons with disabilities.
- 19 December 2022: Deadline for European Commission's first report on the application of the Directive. This reporting must be done every three years.
- 19 December 2026: Deadline for evaluation by the European Commission on the impact of the Directive and its added value, accompanied by proposals for its review.<sup>23</sup>

By the time of writing this article two countries have not transposed AVMSD: Ireland and Slovakia.<sup>24</sup>

For the Web Accessibility Directive, Member States had until 23 September 2018 to transpose the Directive into national law. The Commission is working to ensure a full and correct transposition of the Directive and there is a list of transposition measures by country and the EDF toolkit.<sup>25</sup> At the time of writing this article Ireland is the only country in Europe which has not transposed this Directive.

Finally, only eight countries have transposed the European Accessibility Act as of the time of writing this report: Austria, Belgium, Croatia, Denmark, Estonia, Finland, Germany, and Italy.<sup>26</sup> The timeline is as follows:

- **28 June 2022: Deadline for Member States to adopt and publish national laws, regulations and administrative provisions to comply with the Act. They**

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<sup>23</sup> [https://www.edf-feph.org/content/uploads/2020/12/final\\_edf\\_avmsd\\_toolkit\\_november\\_2019\\_0.pdf](https://www.edf-feph.org/content/uploads/2020/12/final_edf_avmsd_toolkit_november_2019_0.pdf)

<sup>24</sup> <https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32018L1808>

<sup>25</sup> <https://eur-lex.europa.eu/legal-content/en/NIM/?uri=CELEX:32016L2102;> <https://www.edf-feph.org/content/uploads/2022/02/7.-Toolkit-Accessible-website.pdf>

<sup>26</sup> <https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32019L0882>



**must immediately communicate the text of those provisions to the Commission.**

- **28 June 2025:**Deadline for Member States to apply the measures set out in the Act.
- **28 June 2027:**Deadline for Member States to ensure accessibility of the answering of emergency communications to the single European emergency number '112'.
- **28 June 2030:**Deadline for services to stop using inaccessible products, which were already in use before 28 June 2025.
- **28 June 2030:**Deadline for submission of the first report by the European Commission on the application of the Act. This reporting must be done every five years thereafter.
- **28 June 2045:**Last possible date for services to use inaccessible self-service terminals. Services can continue using self-service terminals in use before 28 June 2025 until the economic life of those terminals, but no longer than 20 years after they start using those terminals.

As seen in the previous sections the EU has established a robust legal policy roadmap for accessibility.