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From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services
– Outcome of the European Parliament's proceedings
(Strasbourg, 11 to 14 September 2017)

I. INTRODUCTION

The Rapporteur, Morten LØKKEGAARD (ALDE, DK), presented a report consisting of 221 amendments (amendments 1-221) to the proposal for a Directive, on behalf of the Committee on Internal Market and Consumer Protection. For the plenary, a further 141 amendments (amendments 222-362) were tabled.

II. VOTE

When it voted on 14 September 2017, the plenary adopted a large number of amendments, the text of which is annexed to this note.

At the end of the vote, the proposal was referred back to the Committee on Internal Market and Consumer Protection, pursuant to Rule 59(4)(4) of the European Parliament's Rules of Procedure, thereby not bringing the Parliament's first reading to a close and opening the possibility for interinstitutional negotiations with the Council.

P8_TA-PROV(2017)0347

Accessibility requirements for products and services ***I

Amendments adopted by the European Parliament on 14 September 2017 on the proposal for a directive of the European Parliament and of the Council 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)0615 – C8-0387/2015 – 2015/0278(COD))¹

(Ordinary legislative procedure: first reading)

Amendment 1

Proposal for a directive
Citation 1 a (new)

Text proposed by the Commission

Amendment

Having regard to the Charter of Fundamental Rights of the European Union, and in particular to Article 26 thereof,

Amendment 2

Proposal for a directive
Recital 1

Text proposed by the Commission

Amendment

(1) The purpose of this Directive is to contribute to the proper functioning of the internal market by approximating laws, regulations and administrative provisions of the Member States, by eliminating barriers to the free movement of certain accessible products and services This will increase the availability of accessible products and services *on* the internal

(1) The purpose of this Directive is to contribute to the proper functioning of the internal market by approximating laws, regulations and administrative provisions of the Member States *and* by eliminating barriers to the free movement of certain accessible products and services. This will increase the availability, *and improve the accessibility and practicality*, of

¹ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0188/2017).

market.

information on accessible products and services *in* the internal market.

Amendment 3

Proposal for a directive Recital 2

Text proposed by the Commission

(2) The demand for accessible products and services is high and the number of *citizens* with disabilities *and/or functional limitations* will increase significantly with the ageing of the *European* Union's population. An environment where products and services are more accessible allows for a more inclusive society and facilitates independent living.

Amendment

(2) The demand for accessible products and services is high and the number of *persons with functional limitations, including persons* with disabilities *within the meaning of Article 1 of the United Nations Convention on the Rights of Persons with Disabilities (“the Convention”)*, will increase significantly with the ageing of the Union's population. An environment where products and services are more accessible allows for a more inclusive society and *is a prerequisite* for independent living.

Amendment 4

Proposal for a directive Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) “Universal accessibility”, “design for all” and “gender-perspective” should be ensured in products, tools, devices and services in order for them to be commonly used by persons with disabilities.

Amendment 5

Proposal for a directive Recital 3

Text proposed by the Commission

(3) The disparities between the laws and administrative measures adopted by the Member States in relation to accessibility of products and services for persons with functional limitations including persons with disabilities create barriers to **the** free movement **of such products and services** and distort effective competition in the internal market. Economic operators, in particular small and medium-sized enterprises (SMEs), are particularly affected by those barriers.

Amendment

(3) The disparities between the laws and administrative measures adopted by the Member States in relation to **the** accessibility of **some** products and services for persons with functional limitations, including persons with disabilities, create barriers to **their** free movement and distort effective competition in the internal market. **For other products, disparities are likely to increase due to the entry into force of the Convention.** Economic operators, in particular small and medium-sized enterprises (SMEs), are particularly affected by those barriers.

Amendment 6

Proposal for a directive Recital 5

Text proposed by the Commission

(5) Consumers of accessible products and recipients of accessible services are faced with high prices due to limited competition among suppliers. Fragmentation among national regulations reduces potential benefits from sharing experiences with national and international peers in responding to societal and technological developments.

Amendment

(5) Consumers of accessible products, **and in particular of assistive technologies,** and recipients of accessible services are faced with high prices due to limited competition among suppliers. Fragmentation among national regulations reduces potential benefits from sharing experiences with national and international peers in responding to societal and technological developments.

Amendment 7

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) The approximation of national measures at Union level is therefore necessary for the proper functioning of the internal market in order to put an end to fragmentation in the market of accessible products and services, to create economies of scale, to facilitate cross-border trade and **mobility**, as well as to help economic operators to concentrate resources on innovation instead of using those resources for **complying with** fragmented **legal requirements across the Union**.

Amendment

(6) The approximation of national measures at Union level is therefore necessary for the proper functioning of the internal market in order to put an end to fragmentation in the market of accessible products and services, to create economies of scale, to facilitate cross-border trade, **freedom of movement of products and services, and free movement of persons, including persons with disabilities**, as well as to help economic operators to concentrate resources on innovation instead of using those resources for **covering expenses arising from** fragmented **legislation**.

Amendment 8

Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Article 10 of the Treaty on the Functioning of the European Union (TFEU) requires the Union to combat discrimination based on disability when defining and implementing its policies and activities. Article 19 TFEU gives the Union the power to adopt legal acts to combat such discrimination.

Amendment 9

Proposal for a directive Recital 9

Text proposed by the Commission

(9) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for the rights of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community and to promote the application of **Article 26** of the Charter of Fundamental Rights of the European Union.

Amendment

(9) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for the rights of persons with disabilities, **and older persons**, to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community and to promote the application of **Articles 21, 25 and 26** of the Charter of Fundamental Rights of the European Union.

Amendment 250
Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Better accessibility to products and services will improve the lives not only of persons with disabilities but also of persons with other permanent or temporary functional limitations, such as elderly persons, pregnant women and persons travelling with luggage. Therefore, it is essential that this Directive includes persons with disabilities as well as persons with temporary or permanent functional limitations, in order to ensure genuine benefits and an independent life for a wider portion of society.

Amendment 11

Proposal for a directive
Recital 9 b (new)

(9b) The prevalence of disability in the Union is higher among women than among men. Women with disabilities are faced with multiple forms of discrimination and face substantial obstacles to the proper enjoyment of their basic rights and freedoms. These include physical, emotional, sexual, economic and institutional violence. They also include discrimination in access to education and employment, which can lead to social isolation and psychological trauma. Women are also disproportionately affected by disability as carers of family members with disabilities and experience discrimination by association more frequently than men. In view of the above, action is needed to ensure equal treatment and positive measures and policies for women with disabilities and mothers of children with disabilities is a fundamental human right and an ethical obligation.

Amendment 12

Proposal for a directive Recital 10

(10) The overall aim of the 'Digital Single Market Strategy', is to deliver sustainable economic and social benefits from a connected digital single market. Union consumers still do not enjoy the full benefits of prices and choice that the single market can offer, because cross-border online transactions are still very limited. Fragmentation also limits demand for cross-border e-commerce transactions.

(10) The overall aim of the 'Digital Single Market Strategy', is to deliver sustainable economic and social benefits from a connected digital single market, ***facilitating trade and promoting employment within the Union.*** Union consumers still do not enjoy the full benefits of prices and choice that the single market can offer, because cross-border online transactions are still very limited.

There is also a need for concerted action to make sure that new electronic content is also fully available to persons with disabilities. It is therefore necessary to harmonise accessibility requirements across the digital single market and to ensure that all Union citizens regardless of their abilities can enjoy its benefits.

Fragmentation also limits demand for cross-border e-commerce transactions. There is also a need for concerted action to make sure that new electronic content is also fully available to persons with disabilities. It is therefore necessary to harmonise accessibility requirements across the digital single market and to ensure that all Union citizens regardless of their abilities can enjoy its benefits.

Amendment 13

Proposal for a directive Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Article 4 of the Convention calls on State Parties to undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities. The Convention also calls for priority to be given to affordable technologies.

Amendment 232

Proposal for a directive Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) In the rail transport sector, Directive (EU) 2016/797 of the European Parliament and of the Council^{1a} and Commission Regulation (EU) No

1300/2014^{1b} (PRM TSI) explicitly refer to, and implement, the accessibility requirements set out in Article 9 of the Convention. Accordingly, accessibility for persons with disabilities and persons with reduced mobility in the rail transport sector is regulated under those instruments. In order to ensure consistency between Directive (EU) 2016/797 and Commission Regulation (EU) No 1300/2014, on the one hand, and this Directive on the other, any future revision of the PRM TSI should also take into account the accessibility requirements resulting from the European Accessibility Act.

^{1a} Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44-101).

^{1b} Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p.110-178)

Amendment 233

Proposal for a directive Recital 13

Text proposed by the Commission

(13) The entry into force of the Convention in the Member States' legal orders entails the need to adopt additional national provisions on accessibility of products and services which without Union

Amendment

(13) The entry into force of the Convention in the Member States' legal orders entails the need to adopt additional national provisions on accessibility of products and services ***and on the built***

action would further increase disparities between national provisions.

environment related to the provision of goods and services which without Union action would further increase disparities between national provisions.

Amendment 14

Proposal for a directive Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In addition to the requirements laid down in this Directive, efforts should be made to implement and enforce Union legislation on the rights of passengers using air, rail, bus and inland-waterway transport. Such efforts should focus on intermodal aspects with a view to promoting barrier-free accessibility, including facets such as infrastructure and transportation vehicles.

Amendment 15

Proposal for a directive Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) The Commission should encourage urban authorities to integrate barrier-free accessibility to urban transport services in their Sustainable urban Mobility Plans (SUMP), as well as to regularly publish lists of best practices regarding barrier-free accessibility to urban public transport and mobility.

Amendment 16

Proposal for a directive Recital 15

Text proposed by the Commission

(15) The European Disability Strategy 2010-2020 – A Renewed Commitment to a Barrier-Free Europe³³ – in line with the Convention, establishes accessibility as one of the eight areas of action, and aims **at ensuring** accessibility of products and services.

³³ COM(2010) 636.

Amendment

(15) The **communication of the Commission of 15 November 2010** “European Disability Strategy 2010-2020 – A Renewed Commitment to a Barrier-Free Europe” – in line with the Convention, establishes accessibility, **which is a basic precondition for participation in society**, as one of the eight areas of action, and aims **to ensure the** accessibility of products and services.

Amendment 17

Proposal for a directive Recital 16

Text proposed by the Commission

(16) Products and services falling within the scope of this Directive are the result of a screening exercise, carried out during the preparation of the Impact Assessment that identified those relevant products and services for **persons with functional limitations, including** persons with disabilities **and older persons**, for which Member States have adopted or are likely to adopt diverging national accessibility requirements.

Amendment

(16) Products and services falling within the scope of this Directive are the result of a screening exercise, carried out during the preparation of the Impact Assessment that identified those relevant products and services for persons with disabilities, for which Member States have adopted or are likely to adopt diverging national accessibility requirements.

Amendment 227

Proposal for a directive Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Directive 2010/13/EU of the European Parliament and of the Council^{1a} imposes a number of obligations on providers of audiovisual media services. It is therefore more appropriate to include accessibility requirements in that Directive.

However, as regards websites and mobile-based services, Directive 2010/13/EU only covers audiovisual media content. It is therefore appropriate to include the architecture of the websites and mobile-based services and all content not falling within the scope of Directive 2010/13/EU within the scope of this Directive.

This Directive should cover accessibility requirements for telephony services equipment and websites. This Directive should also cover accessibility requirements for telephony services unless they are addressed in another Union legal act providing at least the same level of protection as provided in this Directive. In the latter case, the Union legal act concerned should prevail over this Directive.

^{1a} 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 (OJ L 95, 15.04.2010, p. 1).

Amendment 19

Proposal for a directive Recital 17

Text proposed by the Commission

(17) Each product and service **has to** comply with the accessibility requirements **identified** in Article 3 and listed in Annex I to be accessible for persons with disabilities **and older persons**. The e-commerce accessibility obligations also apply to the online sale of services under Article 1(2)(a) **to (e)** of this Directive.

Amendment

(17) Each product and service **falling within the scope of this Directive and placed on the market after the date of application of this Directive should** comply with the accessibility requirements **set out** in Article 3 and listed in Annex I to be accessible for persons with disabilities. The e-commerce accessibility obligations also apply to the online sale of services under **points (a) to (e) of** Article 1(2) of this Directive.

Amendment 20

Proposal for a directive Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Even if a service, or part of a service, is subcontracted to a third party, the accessibility of that service should not be compromised and the service providers should comply with the obligations set out in this Directive. Service providers should also ensure proper and continuous training of their personnel in order to ensure that they are knowledgeable about how to use accessible products and services. That training should cover issues such as information provision, advice and advertising.

Amendment 21

Proposal for a directive Recital 18

Text proposed by the Commission

(18) It is necessary to introduce the accessibility requirements in the least burdensome manner for the economic operators and the Member States, notably by only including in the scope the products and services which have been thoroughly selected.

Amendment

(18) ***On the one hand***, it is necessary to introduce the accessibility requirements in the ***most effective and*** least burdensome manner for the economic operators and the Member States, notably by only including in the scope the products and services which have been thoroughly selected ***and which are placed on the market after the date of application of this Directive. On the other hand, it is necessary to enable economic operators to implement the accessibility requirements set out in this Directive efficiently, in particular by taking into account the lifetime of self-service terminals, ticketing machines and check-in machines. Also, the specific position of SMEs in the internal market should be taken into account. Additionally, microenterprises, due to their size, resources and nature, should not be required to comply with the accessibility requirements set out in this Directive or be obliged to use the procedure laid down in Article 12 in order to be exempted from the obligations of this Directive.***

Amendment 22

Proposal for a directive Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) In order to ensure a better functioning of the internal market, national authorities should make use of the accessibility requirements set out in

this Directive when applying the accessibility-related provisions in the Union legal acts referred to in this Directive. This Directive should however not change the compulsory or voluntary nature of the provisions in those other Union legal acts. This Directive should thus ensure that when accessibility requirements are used in accordance with those other acts, those requirements are the same across the Union.

Amendment 23

Proposal for a directive Recital 21

Text proposed by the Commission

(21) *The Commission's proposal for a Directive of the European Parliament and of the Council³⁴ includes accessibility requirements for a specific set of public sector bodies' websites. In addition, it proposes to establish the basis for a monitoring and reporting methodology of the compliance of the relevant websites with the requirements listed in that Directive. Both the accessibility requirements and the monitoring and reporting methodology included in that Directive are to apply to the public sector bodies' websites. With the purpose of, notably, ensuring that relevant authorities implement the same accessibility requirements independently of the type of regulated website, the accessibility requirements set out in this Directive should be aligned to those of the proposed Directive on the accessibility of public sector bodies' websites. Activities of ecommerce of public sector websites not covered by that Directive, fall under the scope of this proposal, in order to ensure that the online sale of products and services is accessible for persons with disabilities and older persons, irrespective of their*

Amendment

(21) Directive (EU) 2016/2102 of the European Parliament and of the Council³⁴ includes accessibility requirements for websites *and mobile applications of public sector bodies. However, that Directive contains a specific list of exceptions because making certain content of websites and mobile applications and certain types of websites and mobile applications fully accessible creates a disproportionate burden.* In addition, it *establishes* the basis for a monitoring and reporting methodology of the compliance of the relevant websites *and mobile applications* with the requirements *set out* in that Directive. Both the accessibility requirements and the monitoring and reporting methodology included in that Directive are to apply to the public sector bodies' websites *and mobile applications*. With the purpose of, notably, ensuring that relevant authorities implement the same accessibility requirements independently of the type of regulated website *and mobile applications*, the accessibility requirements set out in this Directive should be aligned to those of *Directive (EU) 2016/2102*. Activities of ecommerce of websites *and*

public or private sale.

mobile applications of public sector bodies not covered by that Directive, fall *within* the scope of this *Directive*, in order to ensure that the online sale of products and services is accessible for persons with disabilities, irrespective of their public or private sale.

³⁴ *Proposal for a* Directive of the European Parliament and of the Council on the accessibility of *public sector bodies'* websites *COM(2012) 721*.

³⁴ 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 (OJ L 327, 2.12.2016, p. 1)*.

Amendment 24

Proposal for a directive Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) Certain elements of the accessibility requirements laid down by this Directive, particularly those set out in Annex I relating to the provision of information, are already covered by existing legislative acts of the Union in the area of transport. Those acts include Regulation (EC) No 1371/2007 of the European Parliament and of the Council^{1a} and Commission Regulation (EU) No 1300/2014^{1b} and Commission Regulation (EU) No 454/2011^{1c} as regards rail transport; Regulation (EU) No 181/2011 of the European Parliament and of the Council^{1d} as regards bus and coach transport; and Regulation (EU) No 1177/2010 of the European Parliament and of the Council^{1e} as regards maritime transport. To ensure regulatory consistency and predictability for the economic operators covered by those acts, the relevant requirements under this Directive should be deemed to have been complied with where the relevant parts of

those acts are complied with. However, when the accessibility requirements are not covered by those acts, for example the requirement to make websites of airlines accessible, this Directive should apply.

^{1a} *Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).*

^{1b} *Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 110).*

^{1c} *Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system (OJ L 123, 12.5.2011, p. 11).*

^{1d} *Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).*

^{1e} *Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1).*

Amendment 25

Proposal for a directive Recital 22 b (new)

Text proposed by the Commission

Amendment

(22b) This Directive is intended to complement existing sectorial Union legislation by covering aspects not yet covered by that legislation.

Amendment 26

Proposal for a directive Recital 22 c (new)

Text proposed by the Commission

Amendment

(22c) The determination of the scope of this Directive with regard to air, bus, rail and waterborne passenger transport services should be based on the existing sectorial legislation relating to passenger rights. Where this Directive does not apply to certain types of transport services, Member States should be able to encourage service providers to apply the relevant accessibility requirements provided for in this Directive.

Amendments 223 and 228

Proposal for a directive Recital 23

Text proposed by the Commission

Amendment

(23) In some situations, ***common*** accessibility ***requirements*** of the built environment ***would facilitate the free***

(23) In some situations, accessibility of the built environment ***is a precondition for the proper enjoyment*** of the related

movement of the related services *and of* persons with disabilities. Therefore, this Directive *enables* Member States to include the built environment used in the provision of the services under the scope of this Directive, ensuring compliance with the accessibility requirements set in Annex X.

services *by* persons with disabilities. Therefore, this Directive *should oblige* Member States to include the built environment used in the provision of the services under the scope of this Directive, ensuring compliance with the accessibility requirements set *out* in Annex X.

However, accessibility requirements should only be applicable when constructing new infrastructure or when undertaking substantial renovations.

Amendment 28

Proposal for a directive Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) It is not necessary for this Directive to amend existing Union law that provides for voluntary compliance with accessibility requirements.

Amendment 29

Proposal for a directive Recital 24

Text proposed by the Commission

Amendment

(24) It is necessary to provide that, for legislative acts of the Union establishing accessibility obligations without providing accessibility requirements or specifications, accessibility is defined by reference to the accessibility requirements of this Directive. *That is the case of* Directive 2014/23/EU of the European Parliament and of the Council³⁵, Directive 2014/24/EU of the European Parliament and of the Council³⁶, and Directive 2014/25/EU of the European Parliament

(24) It is necessary to provide that, for legislative acts of the Union establishing accessibility obligations without providing accessibility requirements or specifications, accessibility is defined by reference to the accessibility requirements of this Directive. *Those acts include* Directive 2014/23/EU of the European Parliament and of the Council³⁵, Directive 2014/24/EU of the European Parliament and of the Council³⁶, and Directive 2014/25/EU of the European Parliament

and of the Council,³⁷ which require that technical specifications and technical or functional requirements of the concessions, works or services falling within their scope take into account accessibility criteria for persons with disabilities or "design for all" users.

³⁵ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

³⁶ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65°).

³⁷ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

and of the Council³⁷, which require that technical specifications and technical or functional requirements of the concessions, works or services falling within their scope take into account accessibility criteria for persons with disabilities or "design for all" users.

³⁵ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

³⁶ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

³⁷ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

Amendment 30

Proposal for a directive Recital 24 a (new)

Text proposed by the Commission

Amendment

(24a) The obligation to ensure accessibility of the transport infrastructure on the Trans-European Transport Network is established in Regulation (EU) No 1315/2013 of the European Parliament and of the Council^{1a}. The accessibility requirements provided for in this Directive should also apply to certain elements of the transport infrastructure regulated by that Regulation, to the extent that the products and services covered by this Directive are concerned and the infrastructure and the

built environment related to those services are intended to be used by passengers.

^{1a} Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network (OJ L 348, 20.12.2013, p.1).

Amendment 31

Proposal for a directive Recital 24 b (new)

Text proposed by the Commission

Amendment

(24b) It is not, however, appropriate for this Directive to change the compulsory or voluntary nature of the provisions in those other legislative acts of the Union such as Article 67 of Directive 2014/24/EU on contract award criteria, which contracting authorities can use to determine the most economically advantageous tender. If they are deemed to be linked to the subject matter of the procurement in question, it is possible for potential social aspects to be included. This Directive should therefore ensure that, when accessibility requirements are used in accordance with those other legislative acts of the Union, those requirements are the same across the Union.

Amendment 32

Proposal for a directive Recital 25

Text proposed by the Commission

(25) Accessibility should be achieved by the removal and prevention of barriers, preferably through a universal design or "design for all" approach. Accessibility should not exclude the provision of reasonable accommodation when requested by national or Union law.

Amendment

(25) Accessibility should be achieved by the removal and prevention of barriers, preferably through a universal design or "design for all" approach. ***According to the Convention, that approach 'means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design'. In line with the Convention, 'Universal design' is not to exclude assistive devices for particular groups of persons with disabilities where this is needed***". Accessibility should not exclude the provision of reasonable accommodation when requested by national or Union law.

Amendment 33

Proposal for a directive Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) The fact that a product or a service falls within the scope of this Directive does not automatically mean that it falls within the scope of Council Directive 93/42/EEC^{1a}.

^{1a}Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (OJ L 169, 12.7.1993, p. 1).

Amendment 34

Proposal for a directive Recital 25 b (new)

(25b) When identifying and classifying those needs of persons with disabilities that the product or service is intended to meet, the principle of universal design should be interpreted in accordance with the UN Committee on the Rights of Persons with Disabilities General Comment No. 2(2014) on Article 9 of the Convention.

Amendment 35

Proposal for a directive Recital 27

Text proposed by the Commission

(27) This Directive should be based on Decision No 768/2008/EC of the European Parliament and of the Council³⁸ as it concerns products already subject to other Union acts, this way ensuring the consistency of Union legislation.

³⁸ Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products (OJ L 218, 13/08/2008, p. 82).

Amendment

(27) This Directive should be based on Decision No 768/2008/EC of the European Parliament and of the Council³⁸ as it concerns products already subject to other Union acts, this way ensuring the consistency of Union legislation. ***However, it is not appropriate for this Directive to include the safety-related provisions of that Decision, such as those relating to recalls, since a non-accessible product is not a dangerous product.***

³⁸ Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products (OJ L 218, 13/08/2008, p. 82).

Amendment 36

Proposal for a directive Recital 28

Text proposed by the Commission

(28) All economic operators intervening in the supply and distribution chain should ensure that they make available on the market only products which are in conformity with the accessibility requirements of this Directive. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each operator in the supply and distribution process.

Amendment

(28) All economic operators ***falling within the scope of this Directive and*** intervening in the supply and distribution chain should ensure that they make available on the market only products which are in conformity with the accessibility requirements of this Directive. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each operator in the supply and distribution process.

Amendment 37

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) Economic operators should be responsible for the compliance of products and services, in relation to their respective roles in the supply chain, so as to ***ensure a high level of protection of*** accessibility and to guarantee fair competition on the Union market.

Amendment

(29) Economic operators should be responsible for the compliance of products and services, in relation to their respective roles in the supply chain, so as to ***achieve improved*** accessibility and to guarantee fair competition on the Union market.

Amendment 38

Proposal for a directive

Recital 30

Text proposed by the Commission

(30) The manufacturer having detailed knowledge of the design and production process is best placed to carry out the complete conformity assessment

Amendment

(30) The manufacturer having detailed knowledge of the design and production process is best placed to carry out the complete conformity assessment. ***However,***

procedure. The obligations for conformity assessment should rest with the manufacturer.

*the responsibility for that assessment should **not** rest **solely** with the manufacturer. **A strengthened market surveillance authority could play a crucial role in the assessment procedure.***

Amendment 39

Proposal for a directive Recital 32

Text proposed by the Commission

(32) Importers should ensure that products from third countries entering the Union market comply with the accessibility requirements of this Directive **and in particular that** appropriate conformity assessment procedures **have been** carried out **by manufacturers** with regard to those products.

Amendment

(32) Importers should ensure that products from third countries entering the Union market comply with the accessibility requirements of this Directive, **providing all the necessary information to the relevant market surveillance authority to enable** appropriate conformity assessment procedures **to be** carried out with regard to those products.

Amendment 40

Proposal for a directive Recital 36

Text proposed by the Commission

(36) For reasons of proportionality, accessibility requirements should **only apply to the extent that they do** not impose a disproportionate burden on the economic operator concerned, or require a change in the products and services which would result in their fundamental alteration in accordance with the specified criteria.

Amendment

(36) For reasons of proportionality, accessibility requirements should not impose a disproportionate burden on the economic operator concerned, or require a change in the products and services which would result in their fundamental alteration in accordance with the specified criteria. **Control mechanisms nevertheless have to be in place in order to verify entitlement to exceptions to the applicability of accessibility requirements.**

Amendment 41

Proposal for a directive Recital 36 a (new)

Text proposed by the Commission

Amendment

(36a) When assessing whether compliance with accessibility requirements imposes a disproportionate burden on the economic operators, account should be taken of the size, resources and nature of those economic operators and their estimated costs and benefits of compliance compared to the estimated benefit for persons with disabilities. That cost-benefit analysis should take into account inter alia the frequency and duration of use of the specific product or service, including the estimated number of persons with disabilities using the specific product or service, the life span of the infrastructure and products used in the provision of a service and the extent of alternatives that are available free of charge, including from passenger transport service providers. When assessing whether compliance with accessibility requirements imposes a disproportionate burden, only legitimate reasons should be taken into consideration. Lack of priority, time or knowledge should not be considered to be legitimate reasons.

Amendment 42

Proposal for a directive Recital 39

Text proposed by the Commission

Amendment

(39) In order to facilitate conformity assessment with applicable requirements it is necessary to provide for a presumption of conformity for products and services which are in conformity with voluntary harmonised standards that are adopted in

(39) In order to facilitate conformity assessment with applicable **accessibility** requirements it is necessary to provide for a presumption of conformity for products and services which are in conformity with voluntary harmonised standards that are

accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council³⁹ for the purpose of expressing detailed technical specifications of those requirements. The Commission has already issued a number of standardisation requests to the European standardisation organisations on accessibility which would be relevant for the preparation of harmonised standards.

³⁹ Regulation (EU) No 1025/2012 of 25 October 2012 of the European Parliament and of the Council 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 (OJ L 316, 14.11.2012, p. 12).

adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council³⁹ for the purpose of expressing detailed technical specifications of those requirements. The Commission has already issued a number of standardisation requests to the European standardisation organisations on accessibility which would be relevant for the preparation of harmonised standards.

³⁹ Regulation (EU) No 1025/2012 of 25 October 2012 of the European Parliament and of the Council 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 (OJ L 316, 14.11.2012, p. 12).

Amendment 43

Proposal for a directive Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) Regulation (EU) No 1025/2012 provides for a procedure for formal objections to harmonised standards that are considered not to comply with the requirements of this Directive.

Amendment 44

Proposal for a directive Recital 40

Text proposed by the Commission

(40) *In the absence of harmonised standards and where needed for market harmonisation purposes, the Commission should be able to adopt implementing acts establishing common technical specifications for the accessibility requirements set in this Directive.*

Amendment

(40) *European standards should be market-driven, take into account the public interest, as well as the policy objectives clearly stated in the Commission's request to one or more European standardisation organisations to draft harmonised standards, and be based on consensus. Recourse to technical specifications should therefore only be a last resort. The Commission should be able to adopt technical specifications for instance when the standardisation process is blocked due to a lack of consensus between stakeholders, creating undue delays in the establishment of a requirement which would, without the adoption of an appropriate standard, be impossible to implement, such as interoperability. The Commission should leave enough time between the adoption of a request to one or more European standardisation organisations to draft harmonised standards and the adoption of a technical specification related to the same accessibility requirement. The Commission should not be allowed to adopt a technical specification if it has not previously tried to have the accessibility requirements covered through the European standardisation system. The Commission should not use the procedure for adoption of technical specifications to circumvent the European standardisation system.*

Amendment 45

**Proposal for a directive
Recital 40 a (new)**

Text proposed by the Commission

Amendment

(40a) *With a view to establishing*

harmonised standards and technical specifications that meet the accessibility requirements set out in this Directive for the products and services in the most efficient way, the Commission should, where this is feasible, involve European umbrella organisations of persons with disabilities and all other relevant stakeholders in the decision making process.

Amendment 46

Proposal for a directive Recital 42 a (new)

Text proposed by the Commission

Amendment

(42a) When carrying out market surveillance of products, market surveillance authorities should review the assessment in cooperation with persons with disabilities and the organisations that represent them and their interests.

Amendment 47

Proposal for a directive Recital 44

Text proposed by the Commission

Amendment

(44) The CE marking, indicating the conformity of a product with the accessibility requirements of this Directive, is the visible consequence of a whole process comprising conformity assessment in a broad sense. This Directive should follow the general principles governing the CE marking of Regulation (EC) No 765/2008 of the European Parliament and of the Council⁴⁰ setting out the requirements for

(44) This Directive should follow the general principles of Regulation (EC) No 765/2008 of the European Parliament and of the Council⁴⁰ setting out the requirements for accreditation and market surveillance relating to the marketing of products. In addition to the declaration of conformity, the manufacturer should inform consumers in a cost-effective manner about the accessibility of their products by including a notice on the

accreditation and market surveillance relating to the marketing of products.

packaging.

⁴⁰ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13/08/2008, p. 30).

⁴⁰ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13/08/2008, p. 30).

Amendment 48

Proposal for a directive Recital 45

Text proposed by the Commission

(45) ***In accordance with Regulation (EC) No 765/2008 by affixing the CE marking to a product, the manufacturer declares that the product is in conformity with all applicable accessibility requirements and that he takes full responsibility therefor.***

Amendment

(45) ***The non-compliance of a product with the accessibility requirements set out in Article 3 should not per se constitute a serious risk within the meaning of Article 20 of Regulation (EC) No 765/2008.***

Amendment 49

Proposal for a directive Recital 48

Text proposed by the Commission

(48) Member States are expected to ensure that market surveillance authorities check the compliance of the economic operators with the criteria referred to in Article 12 (3) in accordance with Chapter V.

Amendment

(48) Member States are expected to ensure that market surveillance authorities check the compliance of the economic operators with the criteria referred to in Article 12(3) in accordance with Chapter V ***and that they hold regular consultations with organisations representing persons with disabilities.***

Amendment 50

Proposal for a directive Recital 48 a (new)

Text proposed by the Commission

Amendment

(48a) National databases containing all relevant information on the degree of accessibility of the products and services listed in this Directive would allow better inclusion of persons with disabilities, and their organisations in the market surveillance.

Amendment 51

Proposal for a directive Recital 49

Text proposed by the Commission

Amendment

(49) Member States ***are expected to*** ensure that competent authorities ***indicated*** in Article 22 notify the Commission of the use of the exceptions ***referred to*** in Article 22 ***(1) as well as include the assessment referred to in paragraph (2) in accordance with Chapter VI.***

(49) Member States ***should*** ensure that competent authorities notify the Commission of the use of the exceptions ***laid down*** in Article 22. ***The initial assessment performed by the competent authorities concerned should be submitted to the Commission upon its request. When assessing whether compliance with accessibility requirements imposes a disproportionate burden on the competent authorities, account should be taken of the size, resources and nature of those competent authorities and the estimated costs and benefits of compliance compared to the estimated benefit for persons with disabilities. That cost-benefit analysis should take into account inter alia the frequency and duration of use of the specific product or service, including the estimated number of persons with disabilities using the specific product or service, the life span of the infrastructure and products used in the provision of a***

service and the extent of alternatives that are available free of charge, including from passenger transport service providers. When assessing whether compliance with accessibility requirements imposes a disproportionate burden, only legitimate reasons should be taken into consideration. Lack of priority, time or knowledge should not be considered to be legitimate reasons.

Amendment 52

Proposal for a directive Recital 50

Text proposed by the Commission

(50) A safeguard procedure should be set up which applies only in the event of disagreement between Member States over measures taken by a Member State under which interested parties are informed of measures intended to be taken with regard to products not complying with the accessibility requirements of this Directive. It should allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an earlier stage in respect of such products.

Amendment

(50) A safeguard procedure should be set up which applies only in the event of disagreement between Member States over measures taken by a Member State under which interested parties are informed of measures intended to be taken with regard to products not complying with the accessibility requirements of this Directive. It should allow market surveillance authorities, in cooperation with ***organisations representing persons with disabilities, as well as with*** the relevant economic operators, to act at an earlier stage in respect of such products.

Amendment 53

Proposal for a directive Recital 51 a (new)

Text proposed by the Commission

Amendment

(51a) In order to ensure the proper application of the proportionality principle with regard to the obligations

concerning the identification of economic operators and the criteria to be used when assessing whether compliance with an obligation under this Directive would impose a disproportionate burden, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to define the period during which economic operators have to be able to identify any economic operator who has supplied them with a product or to whom they have supplied a product and to further specify the criteria that are to be taken into account for all products and services covered by this Directive when assessing whether the burden is to be considered disproportionate, without modifying those criteria. That period should be specified in proportion to the life cycle of the product. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making^{1a}. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

^{1a} OJ L 123, 12.5.2016, p. 1.

Amendment 54

**Proposal for a directive
Recital 51 b (new)**

Text proposed by the Commission

Amendment

(51b) Member States should ensure that adequate and effective means exist to ensure compliance with this Directive and thus establish appropriate control mechanisms, such as a posteriori control by the market surveillance authorities, in order to verify that the exemption from the accessibility requirements application is justified. When dealing with complaints related to accessibility, Member States should comply with the general principle of good administration, and in particular with the obligation of officials to ensure that a decision on each complaint is taken within a reasonable time-limit.

Amendment 55

Proposal for a directive Recital 52 a (new)

Text proposed by the Commission

Amendment

(52a) Member States should ensure that effective and rapid remedies are available against decisions taken by contracting authorities and contracting entities as to whether a particular contract falls within the scope of Directives 2014/24/EU and 2014/25/EU. Given the existing legal framework concerning remedies in the areas covered by Directives 2014/24/EU and 2014/25/EU, those areas should be excluded from the provisions of this Directive relating to enforcement and penalties. Such exclusion is without prejudice to the obligations of Member States under the Treaties to take all measures necessary to guarantee the application and effectiveness of Union law.

Amendment 56

**Proposal for a directive
Recital 53 a (new)**

Text proposed by the Commission

Amendment

(53a) The accessibility requirements under this Directive should apply to products placed on the Union market after the date of application of the national measures transposing this Directive, including used and second-hand products imported from a third country and placed on the Union market after that date.

Amendment 57

**Proposal for a directive
Recital 53 b (new)**

Text proposed by the Commission

Amendment

(53b) However, public contracts for supplies, works or services which are subject to Directive 2014/24/EU or Directive 2014/25/EU, and which were awarded before the date of application of this Directive, should continue to be performed in accordance with the accessibility requirements, if any, specified in those public contracts.

Amendment 58

**Proposal for a directive
Recital 53 c (new)**

Text proposed by the Commission

Amendment

(53c) In order to give service providers sufficient time to adapt to the requirements laid down in this Directive, it is necessary to provide for a transitional period, during which products used for the provision of a service do not need to comply with the accessibility requirements laid down in this Directive. Given the cost and long life cycle of automatic teller machines, ticketing machines and check-in machines, it is appropriate to provide that, when such machines are used in the provision of services, they may continue to be used until the end of their economically useful life.

Amendment 59

**Proposal for a directive
Recital 54 a (new)**

Text proposed by the Commission

Amendment

(54a) The deployment of applications providing information based on spatial data services contributes to the independent and safe movement of persons with disabilities. The spatial data used by such applications should make it possible to provide information adapted to the specific needs of persons with disabilities.

Amendment 60

**Proposal for a directive
Article - 1 (new)**

Text proposed by the Commission

Amendment

Article -1

Subject matter

This Directive aims to eliminate and prevent barriers arising from divergent requirements for accessibility to the free movement of products and services covered by this Directive in the Member States. It also aims to contribute to the proper functioning of the internal market by approximating the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for certain products and services.

Amendment 61

Proposal for a directive

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Chapters I, II to V, and VII apply to the following products:

1. Chapters I, II to V, and VII apply to the following products ***placed on the Union market after ... [the date of application of this Directive]:***

Amendment 62

Proposal for a directive

Article 1 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) general purpose computer hardware and operating systems;

(a) general purpose computer hardware and ***its embedded*** operating systems ***intended for use by consumers;***

Amendment 63

Proposal for a directive

Article 1 – paragraph 1 – point b – point iii a (new)

Text proposed by the Commission

Amendment

(iia) payment terminals;

Amendment 64

Proposal for a directive

Article 1 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) consumer terminal equipment *with advanced computing capability* related to telephony services;

(c) consumer terminal equipment related to telephony services;

Amendment 65

Proposal for a directive

Article 1 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) consumer terminal equipment *with advanced computing capability* related to audio-visual media services.

(d) consumer terminal equipment related to audiovisual media services;

Amendment 66

Proposal for a directive

Article 1 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) e-book readers.

Amendment 67

Proposal for a directive

Article 1 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Chapters I, II to V, and VII, apply to the following services:

2. **Without prejudice to Article 27,** Chapters I, II to V, and VII, apply to the following services ***provided after ... [the date of application of this Directive]:***

Amendment 68

Proposal for a directive

Article 1 – paragraph 2 – point -a (new)

Text proposed by the Commission

Amendment

(-a) operating systems when they are not embedded in the computer hardware and are provided as intangible property to consumers;

Amendment 69

Proposal for a directive

Article 1 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) telephony services and related consumer terminal equipment ***with***

(a) telephony services and related

advanced computing capability;

consumer terminal equipment;

Amendment 70

Proposal for a directive Article 1 – paragraph 2 – point b

Text proposed by the Commission

(b) audiovisual media services *and related consumer equipment with advanced computing capability;*

Amendment

(b) *websites and mobile device-based services of* audiovisual media services;

Amendments 235, 236, 237, 238, 239 and 253

Proposal for a directive Article 1 – paragraph 2 – point c

Text proposed by the Commission

(c) air, bus, rail and waterborne passenger transport services;

Amendment

(c) air, bus, rail and waterborne passenger transport, *mobility and their intermodal connection* services, *including public urban transport such as underground, rail, tramway, trolleybus and bus related to:*

(i) *self-service terminals, located within the territory of the Union, including ticketing machines, payment terminals and check-in machines;*

(ii) *websites, mobile device-based services, smart ticketing and real-time information;*

(iii) *vehicles, the related infrastructure and the built environment, including step-free access on all public stations;*

(iv) fleets of taxis and hire cars include an adequate proportion of adapted vehicles.

Amendment 71

Proposal for a directive Article 1 – paragraph 2 – point d

Text proposed by the Commission

(d) banking services;

Amendment

(d) **consumer** banking services;

Amendment 72

Proposal for a directive Article 1 – paragraph 2 – point e

Text proposed by the Commission

(e) e-books;

Amendment

(e) e-books **and related equipment used in the provision of those services provided by the service provider and access thereto;**

Amendment 240

Proposal for a directive Article 1 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) tourism services, including the provision of accommodation and catering.

Amendment 73

Proposal for a directive Article 1 – paragraph 3 – point a

Text proposed by the Commission

(a) public contracts and concessions which are subject to Directive 2014/23/EU⁴² Directive 2014/24/EU and Directive 2014/25/EU.

⁴² *Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1)*

Amendment

(a) public contracts and concessions which are subject to Directive 2014/23/EU, Directive 2014/24/EU and Directive 2014/25/EU, ***conceived or granted after ... [the date of application of this Directive];***

Amendment 74

**Proposal for a directive
Article 1 – paragraph 3 – point b**

Text proposed by the Commission

(b) the preparation and implementation of programmes under Regulation (EU) No 1303/2013 of the European Parliament and of the Council ***laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund;***⁴³ and Regulation (EU) No 1304/2013 of the European Parliament and of the Council.⁴⁴

⁴³ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions

Amendment

(b) the preparation and implementation of programmes under Regulation (EU) No 1303/2013 of the European Parliament and of the Council⁴³ and Regulation (EU) No 1304/2013 of the European Parliament and of the Council⁴⁴, ***adopted or implemented after ... [the date of application of this Directive];***

⁴³ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions

on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

⁴⁴ Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006.

on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

⁴⁴ Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 (*OJ L 347, 20.12.2013, p. 470*).

Amendment 75

Proposal for a directive Article 1 – paragraph 3 – point c

Text proposed by the Commission

(c) *tender* procedures for public passenger transport services by rail and by road under Regulation (EC) No 1370/2007 of the European Parliament and of the Council.⁴⁵

⁴⁵ Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) 1191/69 and 1107/70 (OJ L 315 of 3.12.2007, p.1).

Amendment

(c) ***public service contracts which, after ... [the date of application of this Directive], are awarded either through competitive tendering procedures or directly*** for public passenger transport services by rail and by road under Regulation (EC) No 1370/2007 of the European Parliament and of the Council⁴⁵;

⁴⁵ Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) 1191/69 and 1107/70 (OJ L 315 of 3.12.2007, p.1).

Amendment 76

Proposal for a directive Article 1 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) transport infrastructure in accordance with Regulation (EU) No 1315/2013 *of the European Parliament and of the Council*.⁴⁶

(d) transport infrastructure in accordance with Regulation (EU) No 1315/2013, *designed or constructed after ... [the date of application of this Directive];*

⁴⁶ *Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network (OJ L 348, 20.12.2013, p.1).*

Amendment 79

Proposal for a directive
Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. This Directive does not apply to the following content of websites and mobile device-based applications:

(a) office file formats published before ... [the date of application of this Directive];

(b) online maps and mapping services, if essential information is provided in an accessible digital manner for maps intended for navigational use;

(c) third-party content that is neither funded nor developed by, nor under the control of, the economic operator or competent authority concerned;

(d) content of websites and mobile device-based applications qualifying as archives, meaning that they only contain content that is not updated or edited after ... [the date of application of this Directive].

Amendment 80

Proposal for a directive Article 1 a (new)

Text proposed by the Commission

Amendment

Article 1a

Exclusion of microenterprises

This Directive does not apply to microenterprises that manufacture, import or distribute products and services that fall within its scope.

Amendment 81

Proposal for a directive Article 2 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

(1) “accessible products and services” *are* products and services that are *perceptible, operable and understandable for persons with functional limitations, including persons with disabilities, on an equal basis with others;*

(1) “accessible products and services” *means* products and services that are *capable of being perceived, operated and understood by persons with disabilities and are sufficiently robust for them to use;*

Amendment 82

Proposal for a directive Article 2 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) “universal design” referred to also

deleted

as “design for all” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design; “universal design” does not exclude assistive devices for particular groups of persons with functional limitations, including persons with disabilities where this is needed;

Amendment 83

Proposal for a directive
Article 2 – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

(5a) "service" means a service as defined in point 1 of Article 4 of Directive 2006/123/EC of the European Parliament and of the Council^{1a};

^{1a} *Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).*

Amendment 84

Proposal for a directive
Article 2 – paragraph 1 – point 5 b (new)

Text proposed by the Commission

Amendment

(5b) "service provider" means any natural or legal person who offers or provides a service which is directed towards the Union market;

Amendment 85

Proposal for a directive Article 2 – paragraph 1 – point 16 a (new)

Text proposed by the Commission

Amendment

(16a) "SME" means a small or medium-sized enterprise as defined in Commission Recommendation 2003/361/EC^{1a};

^{1a} ***Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).***

Amendment 86

Proposal for a directive Article 2 – paragraph 1 – point 19

Text proposed by the Commission

Amendment

(19) "recall" means any measure aiming at the return of a product that has already been made available to the end user;

deleted

Amendment 87

Proposal for a directive Article 2 – paragraph 1 – point 20 a (new)

Text proposed by the Commission

Amendment

(20a) "consumer banking services" means services enabling consumers to open and use payment accounts with basic features in the Union within the meaning of Directive 2014/92/EU of the European Parliament and of the

Council^{1a};

^{1a} Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (OJ L 257, 28.8.2014, p. 214).

Amendment 88

Proposal for a directive Article 2 – paragraph 1 – point 21

Text proposed by the Commission

(21) “e-commerce” means the online sale of products and services.

Amendment

(21) “e-commerce” means the online sale of products and services *from business to consumers falling within the scope of Directive 2000/31/EC of the European Parliament and of the Council^{1a}*;

^{1a} Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1).

Amendment 89

Proposal for a directive Article 2 – paragraph 1 – point 21 a (new)

Text proposed by the Commission

Amendment

(21a) "air passenger transport services" means services provided by air carriers, tour operators and the managing bodies

of airports as defined in points (b) to (f) of Article 2 of Regulation (EC) No 1107/2006 of the European Parliament and of the Council^{1a};

^{1a} Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJ L 204, 26.7.2006, p. 1).

Amendment 90

Proposal for a directive
Article 2 – paragraph 1 – point 21 b (new)

Text proposed by the Commission

Amendment

(21b) "bus passenger transport services" means services covered by Article 2(1) and (2) of Regulation (EU) No 181/2011;

Amendment 91

Proposal for a directive
Article 2 – paragraph 1 – point 21 c (new)

Text proposed by the Commission

Amendment

(21c) "rail passenger transport services" means all rail passenger services covered by Article 2(1) and (2) of Regulation (EC) No 1371/2007;

Amendment 92

Proposal for a directive
Article 2 – paragraph 1 – point 21 d (new)

Text proposed by the Commission

Amendment

(21d) "waterborne passenger transport services" means passenger services covered by Article 2(1) of Regulation (EU) No 1177/2010.

Amendment 337

Proposal for a directive

Article 2 – paragraph 1 – point 21 e (new)

Text proposed by the Commission

Amendment

(21e) "assistive technology" means any item, piece of equipment or product system that is used to increase, maintain, or improve functional capabilities of individuals with functional limitations, including persons with disabilities;

Amendment 93

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. The following self-service terminals: Automatic Teller Machines, ticketing machines **and** check-in machines shall comply with the requirements set out in Section II of Annex I.

3. The following self-service terminals: Automatic Teller Machines, ticketing machines, check-in machines **and payment terminals** shall comply with the requirements set out in Section II of Annex I.

Amendment 94

Proposal for a directive Article 3 – paragraph 4

Text proposed by the Commission

4. Telephony services, including emergency services and the related consumer terminal equipment **with advanced computing capability**, shall comply with the requirements set out in Section III of Annex I.

Amendment

4. Telephony services, including emergency services and the related consumer terminal equipment, shall comply with the requirements set out in Section III of Annex I.

Amendment 95

Proposal for a directive Article 3 – paragraph 5

Text proposed by the Commission

5. Audiovisual media services and the related consumer equipment **with advanced computing capability** shall comply with the requirements set out in Section IV of Annex I.

Amendment

5. **Websites and mobile device-based services of** audiovisual media services and the related consumer equipment shall comply with the requirements set out in Section IV of Annex I.

Amendment 244

Proposal for a directive Article 3 – paragraph 6

Text proposed by the Commission

6. Air, bus, **rail and waterborne** passenger transport services, the websites, the mobile device-based services, smart ticketing and real-time information and Self-service terminals, **ticketing** machines **and** check-in machines used for provision of passenger transport services **shall comply with the corresponding requirements set out in** Section V of Annex I.

Amendment

6. Air, bus, **coach, rail, shipping and intermodal** passenger transport services, **including services related to urban transport, mobility, and the built environment**, the websites, the mobile device-based services, smart ticketing and real-time information and self-service terminals **such as payment** machines, check-in machines used for **the** provision of passenger transport services, **services**

related to tourism, inter alia, accommodation services and catering service, shall meet the requirements of Section V of Annex I only if these requirements are not already covered by the following specific legislation: regarding rail transport, Regulation (EC) No 1371/2007, Regulation (EU) No 1300/2014 and Regulation (EU) No 454/2011; regarding bus and coach transport, Regulation (EU) No 181/2011; regarding maritime and inland waterway transport, Regulation (EU) No 1177/2010 ; and, regarding air transport, Regulation (EC) No 1107/2006.

Amendment 97

Proposal for a directive Article 3 – paragraph 7

Text proposed by the Commission

7. Banking services, the websites, the mobile device-based banking services, self-service terminals, including Automatic Teller machines used for provision of banking services shall comply with the requirements set out in Section VI of Annex I.

Amendment

7. **Consumer** banking services, the websites, the mobile device-based banking services, self-service terminals, including **payment terminals and** Automatic Teller machines used for provision of **those** banking services shall comply with the requirements set out in Section VI of Annex I.

Amendment 98

Proposal for a directive Article 3 – paragraph 8

Text proposed by the Commission

8. E-books shall comply with the requirements set out in Section VII of Annex I.

Amendment

8. E-books **and related equipment** shall comply with the requirements set out in Section VII of Annex I.

Amendment 224

Proposal for a directive Article 3 – paragraph 10

Text proposed by the Commission

10. Member States *may decide, in the light of national conditions*, that the built environment used by clients of passenger transport services including the environment that is managed by service providers and by infrastructure operators as well as the built environment used by clients of banking services, and customer services centres and shops under the scope of telephony operators shall comply with the accessibility requirements *of Annex I*, section X, in order to maximise their use by persons with *functional limitations, including persons with disabilities*.

Amendment

10. Member States *shall ensure* that the built environment used by clients of passenger transport services including the environment that is managed by service providers and by infrastructure operators as well as the built environment used by clients of *consumer* banking services, and customer services centres and shops under the scope of telephony operators shall, *as regards the construction of new infrastructure or substantial renovations to existing infrastructure*, comply with the accessibility requirements *set out in* Section X *of Annex I*, in order to maximise their use by persons with *disabilities*. *This shall be without prejudice to Union legal acts and national legislation for the protection of national treasures possessing artistic, historic and archaeological value*.

Amendment 100

Proposal for a directive Article 4 – paragraph 1

Text proposed by the Commission

Member States shall not impede the

Amendment

Member States shall not impede *for*

making available on the market in their territory of products **and** services that comply with this Directive **for reasons related to accessibility requirements**.

reasons related to accessibility requirements the making available on the market in their territory of products **that comply with this Directive. Member States shall not impede for reasons related to accessibility requirements the provision of services in their territory** that comply with this Directive.

Amendment 101

Proposal for a directive Article 5 – paragraph 1

Text proposed by the Commission

1. When placing their products on the market, manufacturers shall ensure that the products have been designed and manufactured in accordance with the applicable accessibility requirements set out in Article 3.

Amendment

1. When placing their products on the market, manufacturers shall ensure that the products have been designed and manufactured in accordance with the applicable accessibility requirements set out in Article 3, **unless those requirements are not achievable because the adaptation of the product concerned would require a fundamental alteration of the basic nature of that product or would impose a disproportionate burden for the manufacturer concerned as provided for in Article 12.**

Amendment 102

Proposal for a directive Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where compliance of a product with the applicable accessibility requirements has been demonstrated by that procedure, manufacturers shall draw up an EU declaration of conformity **and affix the CE**

Amendment

Where compliance of a product with the applicable accessibility requirements **set out in Article 3** has been demonstrated by that **conformity assessment** procedure, manufacturers shall draw up an EU declaration of conformity **which shall**

marking.

clearly indicate that the product is accessible.

Amendment 103

Proposal for a directive Article 5 – paragraph 4

Text proposed by the Commission

4. Manufacturers shall keep a register of complaints, of non-conforming products **and products recalls, and shall keep distributors informed of any such monitoring.**

Amendment

4. Manufacturers shall keep a register of complaints **and** of non-conforming products.

Amendment 104

Proposal for a directive Article 5 – paragraph 7

Text proposed by the Commission

7. Manufacturers shall ensure that the product is accompanied by instructions **and safety information** in a language which can be easily understood by consumers and end-users, as determined by the Member State concerned.

Amendment

7. Manufacturers shall ensure that the product is accompanied by instructions in a language which can be easily understood by consumers and end-users, as determined by the Member State concerned.

Amendment 105

Proposal for a directive Article 5 – paragraph 8

Text proposed by the Commission

8. Manufacturers who consider or have reason to believe that a product which they

Amendment

8. Manufacturers who consider or have reason to believe that a product which they

have placed on the market is not in conformity with this Directive shall immediately take the necessary corrective measures to bring that product into conformity, to withdraw it *or recall it*, if appropriate. Furthermore, where the product *presents a risk related to accessibility*, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

have placed on the market is not in conformity with this Directive shall immediately take the necessary corrective measures to bring that product into conformity *or* to withdraw it, if appropriate. Furthermore, where the product *is not in conformity with this Directive*, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

Amendment 106

Proposal for a directive Article 5 – paragraph 9

Text proposed by the Commission

9. Manufacturers shall, further to a *reasoned* request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the product, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to *eliminate the risks posed by products which they have placed on the market and to ensure compliance with the requirements referred to in Article 3.*

Amendment

9. Manufacturers shall, further to a request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the product, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to ensure compliance with *this Directive.*

Amendment 107

Proposal for a directive Article 6 – paragraph 2 – point a

Text proposed by the Commission

(a) further to a **reasoned** request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a product;

Amendment

(a) further to a request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a product;

Amendment 108

Proposal for a directive Article 6 – paragraph 2 – point b

Text proposed by the Commission

(b) co-operate with the competent national authorities, at their request, on any action taken to **eliminate the risks posed by** products covered by their mandate.

Amendment

(b) co-operate with the competent national authorities, at their request, on any action taken to **ensure compliance of** products covered by their mandate **with this Directive**.

Amendment 109

Proposal for a directive Article 7 – paragraph 2

Text proposed by the Commission

2. Before placing a product on the market importers shall ensure that the conformity assessment procedure set out in Annex II has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation required by that Annex, that the product **bears the CE marking and** is accompanied by the required documents and that the manufacturer has complied with the requirements set out in Article 5(5) and (6).

Amendment

2. Before placing a product on the market importers shall ensure that the conformity assessment procedure set out in Annex II has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation required by that Annex, that the product is accompanied by the required documents and that the manufacturer has complied with the requirements set out in Article 5(5) and (6).

Amendment 110

Proposal for a directive Article 7 – paragraph 3

Text proposed by the Commission

3. Where an importer considers or has reason to believe that a product is not in conformity with the accessibility requirements referred to in Article 3, he shall not place the product on the market until it has been brought into conformity. Furthermore, where the product **presents a risk**, the importer shall inform the manufacturer and the market surveillance authorities to that effect.

Amendment

3. Where an importer considers or has reason to believe that a product is not in conformity with the accessibility requirements referred to in Article 3, he shall not place the product on the market until it has been brought into conformity. Furthermore, where the product **is not in conformity with this Directive**, the importer shall inform the manufacturer and the market surveillance authorities to that effect.

Amendment 111

Proposal for a directive Article 7 – paragraph 5

Text proposed by the Commission

5. Importers shall ensure that the product is accompanied by instructions **and information** in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned.

Amendment

5. Importers shall ensure that the product is accompanied by instructions in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned.

Amendment 112

Proposal for a directive Article 7 – paragraph 7

Text proposed by the Commission

7. Importers shall keep a register of complaints, of non-conforming products **and product recalls, and shall keep distributors informed of such monitoring.**

Amendment

7. Importers shall keep a register of complaints **and** of non-conforming products.

Amendment 113

**Proposal for a directive
Article 7 – paragraph 8**

Text proposed by the Commission

8. Importers who consider or have reason to believe that a product which they have placed on the market is not in conformity with **the requirements referred to in Article 3** shall immediately take the necessary corrective measures to bring that product into conformity, to withdraw it **or recall it**, if appropriate. Furthermore where the product **presents a risk**, importers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

Amendment

8. Importers who consider or have reason to believe that a product which they have placed on the market is not in conformity with **this Directive** shall immediately take the necessary corrective measures to bring that product into conformity **or** to withdraw it, if appropriate. Furthermore, where the product **is not in conformity with this Directive**, importers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

Amendment 114

**Proposal for a directive
Article 7 – paragraph 9**

Text proposed by the Commission

9. Importers shall, further to a **reasoned** request from a competent national authority, provide it with all the information and documentation necessary

Amendment

9. Importers shall, further to a request from a competent national authority, provide it with all the information and documentation necessary to demonstrate

to demonstrate the conformity of a product in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to **eliminate the risks posed by** products which they have placed on the market.

the conformity of a product in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to **ensure compliance of** products which they have placed on the market **with the accessibility requirements set out in Article 3.**

Amendment 115

Proposal for a directive Article 8 – paragraph 2

Text proposed by the Commission

2. Before making a product available on the market distributors shall verify that the product **bears the CE marking, that it is** accompanied by the required documents and by instructions **and information** in a language which can be easily understood by consumers and other end-users in the Member State in which the product is to be made available on the market and that the manufacturer and the importer have complied with the requirements set out in Article 5(5) and (6) and Article 7(4).

Amendment

2. Before making a product available on the market distributors shall verify that the product **is in conformity with this Directive and** is accompanied by the required documents and by instructions in a language which can be easily understood by consumers and other end-users in the Member State in which the product is to be made available on the market and that the manufacturer and the importer have complied with the requirements set out in Article 5(5) and (6) and Article 7(4).

Amendment 116

Proposal for a directive Article 8 – paragraph 3

Text proposed by the Commission

3. Where a distributor considers or has reason to believe that a product is not in conformity with the accessibility requirements referred to in Article 3, they shall not make the product available on the market until it has been brought into conformity. Furthermore, where the

Amendment

3. Where a distributor considers or has reason to believe that a product is not in conformity with the accessibility requirements referred to in Article 3, they shall not make the product available on the market until it has been brought into conformity. Furthermore, where the

product *presents a risk*, the distributor shall inform the manufacturer and the market surveillance authorities to that effect.

product *is not in conformity with this Directive*, the distributor shall inform the manufacturer and the market surveillance authorities to that effect.

Amendment 117

Proposal for a directive Article 8 – paragraph 5

Text proposed by the Commission

5. Distributors who consider or have reason to believe that a product which they have made available on the market is not in conformity with this Directive shall make sure that the necessary corrective measures are taken to bring that product into conformity, to withdraw it *or recall it*, if appropriate. Furthermore, where the product *presents a risk*, distributors shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect giving details, in particular, of the non-compliance and of any corrective measures taken.

Amendment

5. Distributors who consider or have reason to believe that a product which they have made available on the market is not in conformity with this Directive shall make sure that the necessary corrective measures are taken to bring that product into conformity *or* to withdraw it, if appropriate. Furthermore, where the product *is not in conformity with this Directive*, distributors shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect giving details, in particular, of the non-compliance and of any corrective measures taken.

Amendment 118

Proposal for a directive Article 8 – paragraph 6

Text proposed by the Commission

6. Distributors shall, further to a *reasoned* request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product. They shall cooperate with that authority, at its request, on any action taken to *eliminate the risks posed by* products

Amendment

6. Distributors shall, further to a request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product. They shall cooperate with that authority, at its request, on any action taken to *ensure compliance of* products which they have made

which they have made available on the market.

available on the market *with the accessibility requirements set out in Article 3.*

Amendment 119

Proposal for a directive Article 10 – paragraph 2

Text proposed by the Commission

2. Economic operators shall be able to present the information referred to in paragraph 1 for a ***period of 10 years*** after they have been supplied with the product ***and for a period of 10 years*** after they have supplied the product.

Amendment

2. Economic operators shall be able to present the information referred to in paragraph 1 for a ***certain period, which shall be at least five years***, after they have been supplied with the product ***or*** after they have supplied the product.

Amendment 120

Proposal for a directive Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission is empowered to adopt delegated acts in accordance with Article 23a supplementing this Directive in order to specify the period referred to in paragraph 2 of this Article. That period shall be in proportion to the life cycle of the product concerned.

Amendment 121

Proposal for a directive Article 11 – paragraph 2

Text proposed by the Commission

2. Service providers shall prepare the necessary information in accordance with Annex III explaining how **the** services meet the accessibility requirements referred to in Article 3. The information shall be made available to the public **in written and oral format, including** in a manner which is accessible to **persons with functional limitations and** persons with disabilities. Service providers shall keep the information as long as the service is in operation.

Amendment

2. Service providers shall prepare the necessary information in accordance with Annex III explaining how **their** services meet the accessibility requirements referred to in Article 3. The information shall be made available to the public in a manner which is accessible to persons with disabilities. Service providers shall keep the information as long as the service is in operation.

Amendment 122

**Proposal for a directive
Article 11 – paragraph 4**

Text proposed by the Commission

4. Service providers shall, further to a **reasoned** request from a competent authority, provide it with all information necessary to demonstrate the conformity of the service with the accessibility requirements referred to in Article 3. They shall cooperate with those authorities, at their request, on any action taken to bring the service in conformity with those requirements.

Amendment

4. Service providers shall, further to a request from a competent authority, provide it with all information necessary to demonstrate the conformity of the service with the accessibility requirements referred to in Article 3. They shall cooperate with those authorities, at their request, on any action taken to bring the service in conformity with those requirements.

Amendment 339

**Proposal for a directive
Article 12 – paragraph 3 – point b**

Text proposed by the Commission

(b) the estimated costs and benefits for the economic operators in relation to the estimated benefit for persons with disabilities, taking into account the frequency and duration of use of the specific product or service.

Amendment

(b) the estimated **additional** costs and benefits for the economic operators in relation to the estimated benefit for **persons with functional limitations, including** persons with disabilities, taking into account the frequency and duration of use of the specific product or service.

Amendment 123

**Proposal for a directive
Article 12 – paragraph 4**

Text proposed by the Commission

4. The burden shall not be deemed disproportionate where it is compensated by funding from other sources than the economic operator's own resources, whether public or private.

Amendment

4. The burden shall not be deemed disproportionate where it is compensated by funding from other sources than the economic operator's own resources, **made available for the purpose of improving accessibility**, whether public or private.

Amendment 124

**Proposal for a directive
Article 12 – paragraph 5**

Text proposed by the Commission

5. The assessment of whether compliance with accessibility requirements regarding products or services imposes a fundamental alteration or disproportionate burden shall be performed by the economic operator.

Amendment

5. The **initial** assessment of whether compliance with accessibility requirements regarding products or services imposes a fundamental alteration or disproportionate burden shall be performed by the economic operator.

Amendment 230

Proposal for a directive Article 12 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall adopt delegated acts in accordance with Article 23a to supplement paragraph 3 of this Article by further specifying the criteria that are to be taken into account for all products and services covered by this Directive when assessing whether the burden is to be considered to be disproportionate, without modifying those criteria.

When further specifying those criteria, the Commission shall not only take into account the potential benefits for persons with disabilities, but also those for persons with functional limitations.

The Commission shall adopt the first such delegated act covering all products and services falling within the scope of this Directive by ... [one year after the date of entry into force of this Directive].

Amendment 126

Proposal for a directive Article 12 – paragraph 6

Text proposed by the Commission

Amendment

6. Where the economic operators have used the exception provided for in paragraphs 1 to 5 for a specific product or

6. Where the economic operators have used the exception provided for in paragraphs 1 to 5 for a specific product or

service they shall notify the relevant market surveillance authority of the Member State in the market of which the product or service is placed or made available. **Notification shall include** the assessment referred to in paragraph 3. Microenterprises are exempted from this notification requirement but must be able to supply the relevant documentation upon request from a relevant market surveillance authority.

service they shall notify the relevant market surveillance authority of the Member State in the market of which the product or service is placed or made available. The assessment referred to in paragraph 3 **shall be submitted to the market surveillance authority upon its request**. Microenterprises are exempted from this notification requirement but must be able to supply the relevant documentation upon request from a relevant market surveillance authority.

Amendment 127

Proposal for a directive Article 12 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Commission shall adopt implementing acts establishing a model notification for the purposes of paragraph 6 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 24(1a). The Commission shall adopt the first such implementing act by ... [two years after the date of entry into force of this Directive].

Amendment 128

Proposal for a directive Article 12 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. A structured dialogue shall be established between relevant stakeholders, including persons with disabilities and their representative organisations, and the market surveillance authorities to ensure

that adequate principles for the assessment of the exceptions are established in order to ensure that they are coherent.

Amendment 129

Proposal for a directive Article 12 – paragraph 6 c (new)

Text proposed by the Commission

Amendment

6c. Member States are encouraged to provide incentives and guidelines to microenterprises to facilitate the implementation of this Directive. The procedures and guidelines shall be developed in consultation with relevant stakeholders, including persons with disabilities and their representative organisations.

Amendment 130

Proposal for a directive Chapter IV – title

Text proposed by the Commission

Amendment

Harmonised Standards, ***common*** technical specifications and Conformity of products and services

Harmonised Standards, technical specifications and conformity of products and services

Amendment 131

Proposal for a directive Article 13 – paragraph 1

Text proposed by the Commission

Products and services **which are in conformity with** harmonised standards or parts thereof the references of which have been published in the *Official Journal of the European Union*, shall be presumed to be in conformity with the accessibility requirements covered by those standards or parts thereof, **referred to in Article 3**.

Amendment

1. Products and services **that meet the** harmonised standards or parts thereof the references of which have been published in the *Official Journal of the European Union*, shall be presumed to be in conformity with the accessibility requirements, **referred to in Article 3, that are** covered by those standards or parts thereof.

Amendment 132

**Proposal for a directive
Article 13 – paragraph 1 a (new)**

Text proposed by the Commission

1a. *The Commission shall, in accordance with Article 10 of Regulation (EU) No 1025/2012, request one or more European standardisation organisations to draft harmonised standards for each of the accessibility requirements of products set out in Article 3. The Commission shall adopt those requests by ... [two years after the date of entry into force of this Directive].*

Amendment

Amendment 133

**Proposal for a directive
Article 13 – paragraph 1 b (new)**

Text proposed by the Commission

1b. *The Commission may adopt implementing acts establishing technical specifications that meet the accessibility requirements set out in Article 3.*

Amendment

However, it shall only do so if the following conditions are met:

(a) no reference to harmonised standards has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012;

(b) the Commission has adopted a request referred to in paragraph 2 of this Article; and

(c) the Commission notes undue delays in the standardisation procedure.

Before adopting implementing acts referred to in the first subparagraph, the Commission shall consult the relevant stakeholders, including organisations representing persons with disabilities.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2) of this Directive.

Amendment 134

Proposal for a directive Article 13 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Where no references to the harmonised standards referred to in paragraph 1 of this Article have been published in the Official Journal of the European Union, products and services that meet the technical specifications referred to in paragraph 1b of this Article or parts thereof shall be deemed to be in conformity with the accessibility requirements set out in Article 3 that are covered by those technical specifications or parts thereof.

Amendment 135

Proposal for a directive Article 14

Text proposed by the Commission

Amendment

Article 14

deleted

Common technical specifications

1. Where no reference to harmonised standards has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012, and where further detail for the accessibility requirements of certain products and services would be needed for harmonisation of the market, the Commission may adopt implementing acts establishing common technical specifications ('CTS') for the accessibility requirements set out in Annex I to this Directive. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2) of this Directive.

2. Products and services which are in conformity with the CTS referred to in paragraph 1 or parts thereof shall be deemed to be in conformity with the accessibility requirements referred to in Article 3, covered by those CTS or parts thereof.

Amendment 136

Proposal for a directive Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. The EU declaration of conformity shall have the model structure set out in Annex III to Decision No 768/2008/EC. It shall contain the elements specified in Annex II to this Directive and shall be continuously updated. The requirements concerning the technical documentation

2. The EU declaration of conformity shall have the model structure set out in Annex III to Decision No 768/2008/EC. It shall contain the elements specified in Annex II to this Directive and shall be continuously updated. The requirements concerning the technical documentation

shall avoid imposing any disproportionate burden for *micro*, small and medium-sized enterprises. It shall be translated into the language or languages required by the Member State in the market of which the product is placed or made available.

shall avoid imposing any disproportionate burden for small and medium-sized enterprises. It shall be translated into the language or languages required by the Member State in the market of which the product is placed or made available.

Amendment 137

Proposal for a directive Article 15 – paragraph 3

Text proposed by the Commission

3. Where a product is subject to more than one Union act requiring an EU declaration of conformity, *a single* EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall contain the identification of the acts concerned including the publication references.

Amendment

3. Where a product is subject to more than one Union act requiring an EU declaration of conformity, *the* EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall contain the identification of the acts concerned including the publication references.

Amendment 138

Proposal for a directive Article 15 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In addition to the EU declaration of conformity, the manufacturer shall include a notice on the packaging informing consumers in a cost-effective, simple and precise way that the product incorporates accessibility features.

Amendment 139

Proposal for a directive Article 16

Text proposed by the Commission

Article 16

General principles of the CE marking of products

The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.

Amendment

deleted

Amendment 140

Proposal for a directive Article -17 (new)

Text proposed by the Commission

Amendment

Article -17

National database

Each Member State shall establish a publicly accessible database to register non-accessible products. Consumers shall be able to consult and log information about non-accessible products. Member States shall take the necessary measures to inform consumers or other stakeholders of the possibility of lodging complaints. An interactive system between national databases shall be envisaged, where possible under the responsibility of the Commission or the relevant representative organisations, so that information on non-accessible products can be disseminated across the Union.

Amendment 141

Proposal for a directive

Article 18 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall ensure that the public is informed of the existence, responsibilities and identity of the authorities referred to in the first subparagraph. Those authorities shall make the information *available* in accessible formats upon request.

Amendment

Member States shall ensure that the public is informed of the existence, responsibilities and identity of the authorities referred to in the first subparagraph. Those authorities shall make *available* the information *on their own work and on the decisions that they have taken* in accessible formats upon request *by the members of the public concerned*.

Amendment 142

Proposal for a directive

Article 19 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where the market surveillance authorities of one Member State have taken action pursuant to Article 20 of Regulation (EC) No 765/2008, or where they have sufficient reason to believe that a product covered by this Directive *presents a risk related to accessibility aspects covered by* this Directive, they shall carry out an evaluation in relation to the product concerned covering all the requirements laid down in this Directive. The relevant economic operators shall fully cooperate with the market surveillance authorities.

Amendment

Where the market surveillance authorities of one Member State have taken action pursuant to Article 20 of Regulation (EC) No 765/2008, or where they have sufficient reason to believe that a product covered by this Directive *is not in conformity with* this Directive, they shall carry out an evaluation in relation to the product concerned covering all the *relevant* requirements laid down in this Directive. The relevant economic operators shall fully cooperate with the market surveillance authorities.

Amendment 143

Proposal for a directive

Article 19 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where, in the course of that evaluation, the market surveillance authorities find that the product does not comply with the requirements laid down in this Directive, they shall without delay require the relevant economic operator to take all appropriate corrective action to bring the product into compliance with those requirements, to withdraw the product from the market, *or to recall it* within a reasonable period, *commensurate with the nature of the risk, as they may prescribe.*

Amendment

Where, in the course of that evaluation, the market surveillance authorities find that the product does not comply with the requirements laid down in this Directive, they shall without delay require the relevant economic operator to take all appropriate corrective action to bring the product ***concerned*** into compliance with those requirements. ***If the relevant economic operator fails to take any adequate corrective action, the market surveillance authorities shall require that economic operator*** to withdraw the product from the market within a reasonable period.

Amendment 144

**Proposal for a directive
Article 19 – paragraph 4**

Text proposed by the Commission

4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict products being made available on their national markets, to withdraw the product from that market ***or to recall it***. The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.

Amendment

4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict products being made available on their national markets ***or*** to withdraw the product from that market. The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.

Amendment 145

Proposal for a directive Article 19 – paragraph 5 – introductory part

Text proposed by the Commission

5. The information referred to in paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant product, the origin of the product, the nature of the alleged non-compliance **and the risk involved**, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to any of the following:

Amendment

5. The information referred to in paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant product, the origin of the product, the nature of the alleged non-compliance, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to any of the following:

Amendment 146

Proposal for a directive Article 19 – paragraph 5 – point a

Text proposed by the Commission

(a) the failure of the product to meet requirements **relating to those** set out in Article 3 **of this Directive**, or

Amendment

(a) the failure of the product to meet **relevant** requirements set out in Article 3, or

Amendment 147

Proposal for a directive Article 19 – paragraph 8

Text proposed by the Commission

8. Member States shall ensure that appropriate restrictive measures are taken in respect of the product concerned, such

Amendment

8. Member States shall ensure that appropriate **and proportionate** restrictive measures are taken in respect of the

as withdrawal of the product from their market, without delay.

product concerned, such as withdrawal of the product from their market, without delay.

Amendment 148

Proposal for a directive

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where, on completion of the procedure set out in Article 19(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission *considers* a national measure *to be* contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.

Amendment

Where, on completion of the procedure set out in Article 19(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission *has reasonable evidence to suggest that* a national measure *is* contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.

Amendment 149

Proposal for a directive

Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

Working Group

1. The Commission shall establish a working group.

That working group shall consist of the representatives of the national market surveillance authorities and the relevant stakeholders, including persons with

disabilities and their representative organisations.

2. The working group shall perform the following tasks:

(a) facilitating the exchange of information and best practices among the market surveillance authorities;

(b) ensuring coherence in the application of the accessibility requirements set out in Article 3;

(c) expressing an opinion on exceptions from the accessibility requirements set out in Article 3 in cases that are considered to be necessary, after receiving the Commission request.

Amendment 151

Proposal for a directive
Article 21 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) When establishing the accessibility requirements related to social and quality criteria established by competent authorities in tender procedures for public passenger transport services by rail and by road under Regulation (EC) No 1370/2007;

deleted

Amendments 247 and 281

Proposal for a directive
Article 21 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) where applicable, to all relevant Union legislation or to the provisions in Union legislation referring to accessibility for persons with disabilities;

Amendment 282

Proposal for a directive

Article 21 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) when the Union co-finances barrier-free accessible transport and telecommunication infrastructure projects under the CEF, the Structural Funds, or the EFSI, projects supporting or including accessibility components shall be prioritised.

Amendment 152

Proposal for a directive Article 22 – paragraph 1

Text proposed by the Commission

Amendment

1. Accessibility requirements referred to in Article 21 apply to the extent that they do not impose a disproportionate burden on the competent authorities for the purposes of that Article.

1. Accessibility requirements referred to in Article 21 apply to the extent that they do not impose a disproportionate burden on the competent authorities ***or the operators contracted by them*** for the purposes of that Article.

Amendments 226 and 257

Proposal for a directive Article 22 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the estimated costs and benefits for the competent authorities concerned in relation to the estimated benefit for persons with disabilities, taking into account the frequency and duration of use of the specific product or service;

(b) the estimated costs and benefits for the competent authorities concerned in relation to the estimated benefit for persons with ***functional limitations and persons with*** disabilities, taking into account the frequency and duration of use of the specific product or service.

Amendment 153

Proposal for a directive Article 22 – paragraph 3

Text proposed by the Commission

3. The assessment of whether compliance with accessibility requirements referred to in Article 21 imposes a disproportionate burden shall be performed by the competent authorities concerned.

Amendment

3. The *initial* assessment of whether compliance with accessibility requirements referred to in Article 21 imposes a disproportionate burden shall be performed by the competent authorities concerned.

Amendment 231

Proposal for a directive Article 22 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall adopt delegated acts in accordance with Article 23a to supplement paragraph 2 of this Article by further specifying the criteria that are to be taken into account for all products and services covered by this Directive when assessing whether the burden is to be considered disproportionate, without modifying those criteria.

When further specifying those criteria, the Commission shall not only take into account the potential benefits for persons with disabilities, but also those for persons with functional limitations.

The Commission shall adopt the first such delegated act covering all products and services falling within the scope of this

Directive by ... [one year after the date of entry into force of this Directive].

Amendment 155

Proposal for a directive Article 22 – paragraph 4

Text proposed by the Commission

4. Where a competent authority has used the exception provided for in paragraphs 1, 2 and 3 for a specific product or service it shall notify the Commission thereof. ***The notification shall include*** the assessment referred to in paragraph 2.

Amendment

4. Where a competent authority has used the exception provided for in paragraphs 1, 2 and 3 for a specific product or service, it shall notify the Commission thereof. ***The*** assessment referred to in paragraph 2 ***shall be submitted to the Commission upon its request.***

Amendment 156

Proposal for a directive Article 22 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. If the Commission has reason to doubt the decision of the competent authority concerned, the Commission may request the working group referred to in Article 20a to verify the assessment referred to in paragraph 2 of this Article and issue an opinion.

Amendment 157

Proposal for a directive Article 22 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. The Commission shall adopt implementing acts setting out a model notification for the purposes of paragraph 4 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 24(1a). The Commission shall adopt the first such implementing act by ... [two years after the date of entry into force of this Directive].

Amendment 158

Proposal for a directive Chapter VII – title

Text proposed by the Commission

IMPLEMENTING POWERS AND
FINAL PROVISIONS

Amendment

**DELEGATED ACTS, IMPLEMENTING
POWERS AND FINAL PROVISIONS**

Amendment 159

Proposal for a directive Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.**
- 2. The power to adopt delegated acts referred to in Article 10(2a), Article 12(5a) and Article 22(3a) shall be conferred on the Commission for an**

*indeterminate period of time from
[date of entry into force of this Directive].*

3. The delegation of power referred to in Article 10(2a), Article 12(5a) and Article 22(3a) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 10(2a), Article 12(5a) and 22(3a) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 160

Proposal for a directive Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.*

Amendment 161

Proposal for a directive Article 25 – paragraph 2

Text proposed by the Commission

Amendment

2. The means referred to paragraph 1 shall include:

2. The means referred to *in* paragraph 1 shall include:

Amendment 162

Proposal for a directive Article 25 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) *provisions whereby a* consumer *may* take action under national law before the courts or before the competent administrative bodies to ensure that the national provisions transposing this Directive are complied with;

(a) *the possibility, for the* consumer *directly affected by the non-conformity of a product or service, to* take action under national law before the courts or before the competent administrative bodies to ensure that the national provisions transposing this Directive are complied with;

Amendment 163

Proposal for a directive Article 25 – paragraph 2 – point b

Text proposed by the Commission

(b) **provisions whereby** public bodies or private associations, organisations or other legal entities which have a legitimate interest, in ensuring that the provisions of this Directive are complied with, **may** take action under national law before the courts or before the competent administrative bodies on behalf of consumers to ensure that the national provisions transposing this Directive are complied with.

Amendment

(b) **the possibility, for the** public bodies or private associations, organisations or other legal entities which have a legitimate interest, in ensuring that the provisions of this Directive are complied with, **to** take action under national law before the courts or before the competent administrative bodies on behalf of consumers to ensure that the national provisions transposing this Directive are complied with. **That legitimate interest could be the representation of consumers that are directly affected by the non-conformity of a product or service;**

Amendment 164

Proposal for a directive

Article 25 – paragraph 2 – point b a (new)

Text proposed by the Commission

(ba) **the possibility, for the consumer directly affected by the non-conformity of a product or service, to use a complaint mechanism; that mechanism could be handled by an existing body such as a national ombudsman.**

Amendment

Amendment 165

Proposal for a directive

Article 25 – paragraph 2 a (new)

Text proposed by the Commission

2a. Member States shall ensure that, prior to an action being brought before the courts or before the competent

Amendment

administrative bodies, as referred to in points (a) and (b) of paragraph 1, alternative dispute resolution mechanisms are in place to resolve any alleged non-compliance with this Directive which has been reported by means of a complaint mechanism referred to in point (ba) of paragraph 2.

Amendment 166

Proposal for a directive Article 25 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. This Article shall not apply to contracts which are subject to Directives 2014/24/EU or 2014/25/EU.

Amendment 288

Proposal for a directive Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. The penalties provided for shall be effective, proportionate and dissuasive.

2. The penalties provided for shall be effective, proportionate and dissuasive, **but shall not serve as an alternative to the fulfilment by economic operators of their obligation to make their products or services accessible. Those penalties shall also be accompanied by effective remedial action in case of non-compliance of the economic operator.**

Amendment 168

Proposal for a directive Article 26 – paragraph 4

Text proposed by the Commission

4. Penalties shall take into account the extent of the non-compliance, including the number of units of non-complying products or services concerned, as well as the number of people affected.

Amendment

4. Penalties shall take into account the extent of the non-compliance, including *its seriousness, and* the number of units of non-complying products or services concerned, as well as the number of people affected.

Amendment 169

**Proposal for a directive
Article 27 – paragraph 2**

Text proposed by the Commission

2. They shall apply those provisions from [... *insert date* - *six* years after the entry into force of this Directive].

Amendment

2. They shall apply those provisions from ... [*five* years after the entry into force of this Directive].

Amendment 170

**Proposal for a directive
Article 27 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Without prejudice to paragraph 2b of this Article, Member States shall provide for a transitional period of five years after ... [six years after the date of entry into force of this Directive] during which service providers may continue to provide their services using products which were lawfully used by them to provide similar services before that date.

Amendment 171

Proposal for a directive Article 27 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *Member States may provide that self-service terminals lawfully used by service providers for the provision of services before [six years after the date of entry into force of this Directive] may continue to be used in the provision of similar services until the end of their economically useful life.*

Amendment 172

Proposal for a directive Article 27 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States *using the possibility provided for in Article 3(10)* shall communicate to the Commission the text of the main provisions of national law which they adopt to **that** end and shall report to the Commission on the progress made in their implementation.

5. **Where appropriate**, Member States shall communicate to the Commission the text of the main provisions of national law which they adopt to **the end of Article 3(10)** and shall report to the Commission on the progress made in their implementation.

Amendment 173

Proposal for a directive Article 28 – paragraph 1

Text proposed by the Commission

Amendment

By [...**insert date - five** years after the application of this Directive], and every five years thereafter, the Commission shall submit to the European Parliament, the

-1. By ... [**three** years after the **date of the** application of this Directive], and every five years thereafter, the Commission shall submit to the European Parliament, the

Council, the European Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.

Council, the European Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.

Amendment 174

Proposal for a directive Article 28 – paragraph 1

Text proposed by the Commission

1. ***The report*** shall, *inter alia*, address in the light of social, economic and technological developments the evolution of the accessibility of products and services **and** the impact on economic operators and persons with disabilities, identifying where possible, areas for burden reduction, with a view to assessing the need to review this Directive.

Amendment

1. ***Those reports, drawn up on the basis of the notifications received in accordance with Article 12(6) and Article 22(4), shall assess whether this Directive has achieved its objectives, in particular with regard to enhancing the free movement of accessible products and services. In addition, those reports shall in the light of social, economic and technological developments, address the evolution of the accessibility of products and services, the need to include new products and services within the scope of this Directive, or the need to exclude certain products or services from the scope of this Directive as well as the impact of this Directive on economic operators and persons with disabilities, identifying where possible, areas for burden reduction, with a view to assessing the need to review this Directive.***

Amendment 175

Proposal for a directive Article 28 – paragraph 2

Text proposed by the Commission

2. Member States shall communicate to the Commission in due time all the information necessary for the Commission to draw up such **a report**.

Amendment

2. Member States shall communicate to the Commission in due time all the information necessary for the Commission to draw up such **reports**.

Amendment 176

Proposal for a directive Article 28 – paragraph 3

Text proposed by the Commission

3. The Commission's report shall take into account the viewpoints of the economic stakeholders and relevant non-governmental organisations, including organisations of persons with disabilities ***and those representing older persons.***

Amendment

3. The Commission's report shall take into account the viewpoints of the economic stakeholders and relevant non-governmental organisations, including organisations of persons with disabilities.

Amendment 177

Proposal for a directive Annex I – Section I – Part A (new)

Text proposed by the Commission

Amendment

A. Operating systems

1. The provision of services in order to maximise their reasonably foreseeable use by persons with disabilities shall be achieved by meeting the functional performance requirements set out in Part C, and shall include:

(a) information about the functioning of the service concerned and about its accessibility characteristics and facilities; and

(b) electronic information, including the websites necessary for the provision of the service concerned.

Amendment 178

Proposal for a directive Annex I – Section I – Part B (new)

Text proposed by the Commission

Amendment

B. General-purpose computer hardware and its embedded operating systems

Amendment 180

Proposal for a directive Annex I – Section I – point 2

Text proposed by the Commission

Amendment

[.....]

deleted

Amendment 181

Proposal for a directive Annex I – Section I – Part C (new)

Text proposed by the Commission

Amendment

C. Functional performance requirements

In order to make accessible their design and user interface products and services shall be designed, where applicable, as follows:

(a) Usage without vision

Where the product provides visual modes of operation, it shall provide at least one

mode of operation that does not require vision.

(b) Usage with limited vision

Where the product provides visual modes of operation, it shall provide at least one mode of operation that enables users to operate the product with limited vision; which can be achieved for instance via features related to flexible contrast and brightness, flexible magnification without loss of content or functionalities, flexible ways to separate and control foreground from background visual elements and flexible control over the field of vision required.

(c) Usage without perception of colour

Where the product provides visual modes of operation, it shall provide at least one mode of operation that does not require user perception of colour.

(d) Usage without hearing

Where the product provides auditory modes of operation, it shall provide at least one mode of operation that does not require hearing.

(e) Usage with limited hearing

Where the product provides auditory modes of operation, it shall provide at least one mode of operation with enhanced audio features; which can be achieved for instance for user control of volume and flexible ways to separate and control foreground from background sound where voice and background are available as separate audio streams.

(f) Usage without vocal capability

Where the product requires vocal input from users, it shall provide at least one mode of operation that does not require them to generate vocal output. Vocal output includes any orally-generated sounds like speech, whistles or clicks.

(g) Usage with limited manipulation or strength

Where the product requires manual

actions, it shall provide at least one mode of operation that enables users to make use of the product through alternative actions not requiring fine motor control and manipulation, hand strength or operation of more than one control at the same time.

(h) Usage with limited reach

Where the products are freestanding or installed, the operational elements shall be within reach of all users.

(i) Minimising the risk of triggering photosensitive seizures

Where the product provides visual modes of operation, it shall avoid modes of operation that are known to trigger photosensitive seizures.

(j) Usage with limited cognition

The product shall provide at least one mode of operation incorporating features that make it simpler and easier to use.

(k) Privacy

Where the product incorporates features that are provided for accessibility, it shall provide at least one mode of operation that maintains privacy when using those product features that are provided for accessibility.

Amendment 182

**Proposal for a directive
Annex I – Section I – Part D (new)**

Text proposed by the Commission

Amendment

D. Support services

Where available, support services shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication for persons with disabilities.

Amendments 183 and 291

Proposal for a directive Annex I – Section II – title

Text proposed by the Commission

Self-service terminals: Automatic Teller Machines, ticketing machines **and** check-in machines

Amendment

Self-service terminals: Automatic Teller Machines, ticketing machines, check-in machines **and payment terminals**

Amendments 184, 291, 299 and 342

Proposal for a directive Annex I – Section II – point 1

Text proposed by the Commission

1. Design and production:
The design and production of products in order to maximise their foreseeable use by **persons with functional limitations, including** persons with disabilities **and those with age related impairments**, shall be achieved by **making accessible** the following:

- (a) the information on the use of the product provided on the product itself (labelling, instructions, warning), **which:**
 - (i) **must be available by more than one sensory channel;**
 - (ii) **must be understandable**
 - (iii) **must be perceivable;**
 - (iv) **shall have an adequate size of fonts in foreseeable conditions of use;**

Amendment

1. Design and production:
The design and production of products in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting** the **functional performance requirements set out in Part C of Section I. In that regard, products shall not require an accessibility feature to be activated in order to enable a user who needs the feature to turn it on.**

The design and production of products shall be made accessible, including the following:

- (a) the information on the use of the product provided on the product itself (**the** labelling, instructions **and** warning);

(b) the user interface of the product (handling, controls and feedback, input and output) *in accordance with point 2*;

(c) the functionality of the product by providing functions aimed to address the needs of persons with *functional limitations, in accordance with point 2*;

(d) *the interfacing of the product* with assistive devices.

(b) the user interface of the product (handling, controls and feedback, input and output);

(c) the functionality of the product by providing functions aimed to address the needs of persons with *disabilities, which must be achieved by allowing for the use of personal headsets, where a timed response is required, by alerting the user by more than one sensory channel and by giving the possibility to extend the time permitted and by having an adequate contrast and tactilely discernible keys and controls*;

(d) *when relevant, compatibility* with assistive devices *and technologies available at Union level, including hearing technologies such as hearing aids, telecoils, cochlear implants and assistive listening devices*.

Amendment 185

Proposal for a directive Annex I – Section II – point 2

Text proposed by the Commission

[...]

Amendment

deleted

Amendment 186

Proposal for a directive Annex I – Section III – title

Text proposed by the Commission

Telephony services, including emergency services and the related consumer terminal equipment *with advanced computing capability*

Amendment

Telephony services, including emergency services and the related consumer terminal equipment

Amendments 187, 292 and 300

Proposal for a directive

Annex I – Section III – Part A – point 1

Text proposed by the Commission

1. The provision of services in order to maximise their foreseeable use by **persons with functional limitations, including** persons with disabilities, shall be achieved by:
 - (a) **ensuring the accessibility of** the products **they** use in the provision of the service, in accordance with the rules laid down in **point B on "Related terminal equipment with advance computing capability used by consumers"**
 - (b) **providing** information about the functioning of the service and about its accessibility characteristics and facilities **as follows:**
 - (i) **the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,**
 - (ii) **alternatives to non-text content shall be provided;**
 - (iii) **the** electronic information, including the related online applications needed in the provision of the service **shall be provided in accordance with point (c).**
 - (c) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies

Amendment

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in Part C of Section I, and shall include:**
 - (a) the products **the service providers** use in the provision of the service **concerned**, in accordance with the rules laid down in **Part B of this Section;**
 - (b) information about the functioning of the service **concerned** and about its accessibility characteristics and facilities;
 - (ba) electronic information, including the related online applications needed in the provision of the service **concerned;**
 - (c) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies

available at Union and international level;

(d) ***providing accessible*** information to facilitate complementarities with assistive services;

(e) ***including*** functions, practices, policies ***and*** procedures and alterations in the operation of the service targeted to address the needs of persons with ***functional limitations***.

available at Union and international level;

(ca) ***mobile-based apps***;

(d) information to facilitate complementarities with assistive services;

(e) functions, practices, policies, procedures and alterations in the operation of the service targeted to address the needs of persons with ***disabilities and ensure interoperability; which 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.***

Amendment 344

Proposal for a directive

Annex I – Section III – Part A – point 1 a (new)

Text proposed by the Commission

Amendment

1a. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.

Amendments 188 and 292

Proposal for a directive

Annex I – Section III – Part B – title

Text proposed by the Commission

B. Related terminal equipment **with advance computing capability** used by consumers:

Amendment

B. Related terminal equipment used by consumers:

Amendments 189, 292 and 301

**Proposal for a directive
Annex I – Section III – Part B – point 1**

Text proposed by the Commission

1. Design and production:
- The design and production of products in order to maximise their foreseeable use by **persons with functional limitations, including** persons with disabilities **and those with age related impairments**, shall be achieved by **making accessible the following**:
- (a) the information on the use of the product provided on the product itself (labelling, instructions, warning), **which**:
 - (i) **must be available by more than one sensory channel**;
 - (ii) **must be understandable**
 - (iii) **must be perceivable**;
 - (iv) **shall have an adequate size of fonts in foreseeable conditions of use**;
 - (b) the packaging of the product including the information provided in it (opening, closing, use, disposal);
 - (c) the product instructions for use, installation and maintenance, storage and disposal of the product **which shall comply with the following**:
 - (i) **content of instruction shall be available in text formats that can be used for generating alternative assistive formats to be presented in different ways**

Amendment

1. Design and production:
- The design and production of products in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in Part C of Section I, and shall include**:
- (a) the information on the use of the product provided on the product itself (**the** labelling, instructions **and** warning);
 - (b) the packaging of the product including the information provided in it (opening, closing, use, disposal);
 - (c) the product instructions for use, installation and maintenance, storage and disposal of the product;

*and via more than one sensory channel,
and*

*(ii) instructions shall provide
alternatives to non-text content;*

(d) the user interface of the product
(handling, controls and feedback, input and
output) *in accordance with point 2;*

(e) the functionality of the product by
providing functions aimed to address the
needs of persons with *functional
limitations, in accordance with point 2;*

(f) the interfacing of the product with
assistive devices.

(d) the user interface of the product
(handling, controls and feedback, input and
output);

(e) the functionality of the product by
providing functions aimed to address the
needs of persons with *disabilities and
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;*

(f) the interfacing of the product with
assistive devices.

Amendment 190

Proposal for a directive Annex I – Section III – Part B – point 2

Text proposed by the Commission

[...]

Amendment

deleted

Amendment 346rev

Proposal for a directive Annex I – Section III – Part B – point 2 a (new)

Text proposed by the Commission

Amendment

2a. Support services:

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.

Amendment 191

Proposal for a directive Annex I – Section IV – title

Text proposed by the Commission

Audiovisual media services and the related consumer equipment *with advance computing capability*

Amendment

Websites and online applications of audiovisual media services and the related consumer equipment

Amendment 192

Proposal for a directive Annex I – Section IV – Part A – title

Text proposed by the Commission

A. *Services:*

Amendment

A. **Websites and online applications:**

Amendment 193

Proposal for a directive Annex I – Section IV – Part A – point 1

Text proposed by the Commission

1. The provision of services in order to maximise their foreseeable use by *persons with functional limitations, including*

Amendment

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be

persons with disabilities, shall be achieved by:

- (a) *ensuring the accessibility of the products they use in the provision of the service, in accordance with the rules laid down in point B on "Related terminal equipment with advance computing capability used by consumers"*
- (b) *providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:*
 - (i) *the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,*
 - (ii) *alternatives to non-text content shall be provided;*
 - (iii) *the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (c).*
- (c) *making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;*
- (d) *providing accessible information to facilitate complementarities with assistive services;*
- (e) *including functions, practices,*

achieved by *meeting the functional performance requirements set out in Part C of section I, and shall include:*

- (a) *making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;*
- (b) *mobile device-based applications.*

policies and procedures and alterations in the operation of the service targeted to address the needs of persons with functional limitations.

Amendment 194

Proposal for a directive Annex I – Section IV – Part B – title

Text proposed by the Commission

B. Related consumer equipment *with advance computing capability*:

Amendment

B. Related consumer equipment:

Amendments 195 and 293

Proposal for a directive Annex I – Section IV – Part B – point 1

Text proposed by the Commission

1. Design and production:
The design and production of products in order to maximise their foreseeable use by persons with *functional limitations, including persons with disabilities and those with age related impairments*, shall be achieved by *making accessible the following*:

- (a) the information on the use of the product provided *in* the product itself (labelling, instructions, warning), *which*:
 - (i) *must be available by more than one sensory channel*;
 - (ii) *must be understandable*
 - (iii) *must be perceivable*;
 - (iv) *shall have an adequate size of fonts in foreseeable conditions of use*;
- (b) the packaging of the product including the information provided in it

Amendment

1. Design and production:
The design and production of products in order to maximise their *reasonably* foreseeable use by persons with disabilities shall be achieved by *meeting the functional performance requirements set out in part C of Section I, and shall include*:

- (a) the information on the use of the product provided *on* the product itself (*the* labelling, instructions *and* warning);
- (b) the packaging of the product including the information provided in it

(opening, closing, use, disposal);
(c) the product instructions for use, installation and maintenance, storage and disposal of the product *which shall comply with the following:*

(i) content of instruction shall be available in text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel, and

(ii) instructions shall provide alternatives to non-text content;

(d) the user interface of the product (handling, controls and feedback, input and output) *in accordance with point 2;*

(e) the functionality of the product by providing functions aimed to address the needs of persons with *functional limitations, in accordance with point 2;*

(f) the interfacing of the product with assistive devices.

(opening, closing, use, disposal);
(c) the product instructions for use, installation and maintenance, storage and disposal of the product;

(d) the user interface of the product (handling, controls and feedback, input and output);

(e) the functionality of the product by providing functions aimed to address the needs of persons with *disabilities; which 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, by providing means for effective wireless coupling to hearing technologies or by providing the user controls to activate access services for audiovisual services to the user at the same level of prominence as the primary media controls;*

(f) the interfacing of the product with assistive devices.

Amendment 196

Proposal for a directive Annex I – Section IV – Part B – point 2

Text proposed by the Commission

[...]

Amendment

deleted

Amendments 197 and 308

Proposal for a directive Annex I – Section V – title

Text proposed by the Commission

Air, bus, rail and waterborne passenger transport services; websites used for provision of passenger transport services; mobile device-based services, smart ticketing and real time information; Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services

Amendment

Air, bus, **coach**, rail and waterborne passenger transport services; websites used for provision of passenger transport services; mobile device-based services, smart ticketing and real time information; self-service terminals, **including payment terminals**, ticketing machines and check-in machines used for provision of passenger transport, **mobility and tourism** services.

Amendments 198, 294/rev, 303, 311, 315 and 316

Proposal for a directive Annex I – Section V – Part A – point 1

Text proposed by the Commission

1. The provision of services in order to maximise their foreseeable use by **persons with functional limitations, including** persons with disabilities, shall be achieved by:

(a) **providing** information about the functioning of the service and about its accessibility characteristics and facilities **as follows:**

(i) **the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,**

(ii) **alternatives to non-text content shall be provided;**

Amendment

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in Part C of Section I, and shall include:**

(a) information about the functioning of the service **concerned** and about its accessibility characteristics and facilities;

(aa) **information on how to use the accessibility features of the service including accessibility of vehicles and**

surrounding infrastructure and built environment shall be listed and explained and information about assistance shall be provided, in accordance with Regulations (EU) No 1107/2006, (EU) No 1177/2010, (EU) No 1371/2007 and (EU) No 181/2011;

(iii) *the* electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).

(b) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, *including* the adaptability of *content* presentation and interaction, *when necessary providing* an accessible electronic alternative, *and in a way which* facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(c) including functions, practices, policies *and* procedures and alterations in the operation of the service targeted to address the needs of persons with *functional limitations*.

(ab) electronic information, including the related online applications needed in the provision of the service *concerned* shall be provided in accordance with point (b);

(b) making websites *including online applications needed for the provision of the passenger transport, tourism, accommodation and catering services*, accessible in a consistent and adequate way for users' perception, operation and understanding; *this includes* the adaptability of *the contents* presentation and interaction, *with the provision of* an accessible electronic alternative *when necessary, in a robust way that* facilitates interoperability with a variety of user agents and the assistive technologies available at Union and international level;

(ba) *making mobile-based services including mobile applications needed in the provision of the service accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;*

(c) including functions, practices, policies, procedures and alterations in the operation of the service targeted to address the needs of persons with *disabilities, including making mobile-based services, including mobile applications needed in the provision of the service, accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a robust way which*

facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

This concerns services such as smart ticketing (electronic reservation, booking of tickets, etc.), real-time passenger information (timetables, information about traffic disruptions, connecting services, onwards travel with other transport modes, etc.), and additional service information (e.g. staffing of stations, lifts that are out of order or services that are temporarily unavailable).

(ca) mobile device-based services, smart ticketing and real-time information.

Amendment 199

Proposal for a directive Annex I – Section V – Part B

Text proposed by the Commission

Amendment

B. Websites used for the provision of passenger transport services:

deleted

(a) Making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, where necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level.

Amendment 200

Proposal for a directive Annex I – Section V – Part C

Text proposed by the Commission

Amendment

C. Mobile device-based services, smart

deleted

ticketing and real time information:

1. The provision of services in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:

(a) providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:

(i) the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,

(ii) alternatives to non-text content shall be provided;

(iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).

(b) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

Amendment 201

Proposal for a directive Annex I – Section V – Part D – title

Text proposed by the Commission

D. Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services:

Amendment

D. Self-service terminals, ***including payment terminals***, ticketing machines and check-in machines used for provision of

passenger transport services:

Amendments 202 and 327

Proposal for a directive Annex I – Section V – Part D – point 1

Text proposed by the Commission

1. Design and production:

The design and production of products in order to maximise their foreseeable use by ***persons with functional limitations, including persons with disabilities and those with age related impairments***, shall be achieved by ***making accessible the following***:

- (a) the information on the use of the product provided on the product itself (labelling, instructions, warning), ***which***:
 - (i) ***must be available by more than one sensory channel***;
 - (ii) ***must be understandable***
 - (iii) ***must be perceivable***;
 - (iv) ***shall have an adequate size of fonts in foreseeable conditions of use***;
- (b) the user interface of the product (handling, controls and feedback, input and output) ***in accordance with point 2***;
- (c) the functionality of the product by providing functions aimed to address the needs of persons with ***functional limitations, in accordance with point 2***;
- (d) the ***interfacing*** of the product with assistive devices

Amendment

1. Design and production:

The design and production of products in order to maximise their ***reasonably*** foreseeable use by persons with disabilities shall be achieved by ***meeting the functional performance requirements set out in Part C of Section I, and shall include***:

- (a) the information on the use of the product provided on the product itself (***the*** labelling, instructions ***and*** warning);
- (b) the user interface of the product (handling, controls and feedback, input and output);
- (c) the functionality of the product by providing functions aimed to address the needs of persons with ***disabilities***;
- (d) the ***compatibility*** of the product with assistive devices ***and technologies, including hearing technologies, such as hearing aids, telecoils, cochlear implants, and assistive listening devices; the product shall also allow for the use of personal headsets.***

Amendment 352

Proposal for a directive Annex I – Section V – Part D – point 1 a (new)

Text proposed by the Commission

Amendment

1a. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.

Amendment 203

Proposal for a directive Annex I – Section V – Part D – point 2

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 204

Proposal for a directive Annex I – Section VI – title

Text proposed by the Commission

Banking services; websites used for provision of banking services; mobile device-based banking services; self service terminals, including Automatic Teller machines used for provision of banking services

Amendment

Consumer banking services; websites used for provision of banking services; mobile device-based banking services; self-service terminals, including **payment terminals** and Automatic Teller machines used for provision of banking services

Amendments 205, 295 and 304

**Proposal for a directive
Annex I – Section VI – Part A – point 1**

Text proposed by the Commission

1. The provision of services in order to maximise their foreseeable use by **persons with functional limitations, including** persons with disabilities, shall be achieved by:

- (a) **ensuring the accessibility of** the products **they** use in the provision of the service, in accordance with the rules laid down in **point D**;
- (b) **providing** information about the functioning of the service and about its accessibility characteristics and facilities **as follows**:

- (i) **the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,**
- (ii) **alternatives to non-text content shall be provided;**

Amendment

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in Part C of Section I, and shall include**:

- (a) the products **the service providers** use in the provision of the service **concerned**, in accordance with the rules laid down in **Part D of this Section**;
- (b) information about the functioning of the service and about its accessibility characteristics and facilities. **This information shall be understandable, without exceeding a level of complexity superior to level B2 (upper intermediate) of the Council of Europe's Common European Framework of Reference for Languages;**

(iii) *the* electronic information, including the related online applications needed in the provision of the service **shall be provided in accordance with point (c)**.

(c) **making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;**

(d) **including** functions, practices, policies **and** procedures and alterations in the operation of the service targeted to address the needs of persons with **functional limitations**.

(ba) electronic information, including the related **websites and** online applications needed in the provision of the service **concerned, and including information on electronic identification, security and payment methods**.

(d) functions, practices, policies, procedures and alterations in the operation of the service targeted to address the needs of persons with **disabilities**;

(da) **mobile device-based banking services**.

Amendment 206

Proposal for a directive Annex I – Section VI – Part B

Text proposed by the Commission

Amendment

B. Websites used for provision of banking services:

deleted

The provision of services in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:

(a) **making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which**

facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

Amendment 207

Proposal for a directive Annex I – Section VI – Part C

Text proposed by the Commission

Amendment

C. Mobile device-based banking services: *deleted*

1. The provision of services in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:

(a) providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:

(i) the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,

(ii) alternatives to non-text content shall be provided;

(iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).

(b) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international

level;

Amendment 208

Proposal for a directive Annex I – Section VI – Part D – title

Text proposed by the Commission

D. Self-service terminals, including Automatic Teller machines used for provision of banking services'

Amendment

D. Self-service terminals, including **payment terminals**, Automatic Teller machines used for provision of **consumer** banking services

Amendment 209

Proposal for a directive Annex I – Section VI – point D – point 1

Text proposed by the Commission

1. Design and production
The design and production of products in order to maximise their foreseeable use by persons with **functional limitations, including persons with disabilities and those with age related impairments**, shall be achieved by **making accessible the following**:

- (a) the information on the use of the product provided **in** the product itself (labelling, instructions, warning), **which**:
 - (i) **must be available by more than one sensory channel**;
 - (ii) **must be understandable**
 - (iii) **must be perceivable**;
 - (iv) **shall have an adequate size of fonts in foreseeable conditions of use**;
- (b) the user interface of the product (handling, controls and feedback, input and

Amendment

1. Design and production
The design and production of products in order to maximise their foreseeable use by persons with disabilities, shall be achieved by **meeting the functional performance requirements set out in Part C of Section I, and shall include**:

- (a) the information on the use of the product provided **on** the product itself (**the** labelling, instructions **and** warning);
- (b) the user interface of the product (handling, controls and feedback, input and

output) *in accordance with point 2*;

(c) the functionality of the product by providing functions aimed to address the needs of persons with *functional limitations, in accordance with point 2*;

(d) the interfacing of the product with assistive devices.

output);

(c) the functionality of the product by providing functions aimed to address the needs of persons with *disabilities*;

(d) the interfacing of the product with assistive devices.

Amendment 356

Proposal for a directive

Annex I – Section VI – Part D – point 1 a (new)

Text proposed by the Commission

Amendment

1a. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.

Amendment 210

Proposal for a directive

Annex I – Section VI – Part D – point 2

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 211

Proposal for a directive Annex I – Section VII – title

Text proposed by the Commission

Amendment

E-books

E-books *and related equipment*

Amendment 305

Proposal for a directive Annex I – Section VII – Part A – point 1

Text proposed by the Commission

Amendment

1. The provision of services in order to maximise their foreseeable use by persons with ***functional limitations, including persons with disabilities***, shall be achieved by:

(a) ***ensuring the accessibility of*** the products ***they*** use in the provision of the service, in accordance with the rules laid down in ***point B “Products”***;

b) ***providing*** information about the functioning of the service and about its accessibility characteristics and facilities ***as***

1. The provision of services in order to maximise their ***reasonably*** foreseeable use by persons with disabilities shall be achieved by ***meeting the functional performance requirements set out in this Directive, and shall include:***

(a) the products ***the service providers*** use in the provision of the service ***concerned***, in accordance with the rules laid down in ***Part B***

follows:

- (i) *the information content shall be available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,*
- (ii) *alternatives to non-text content shall be provided;*
- (iii) *the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (c).*

(c) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(d) providing accessible information to facilitate complementarities with assistive services;

(e) including functions, practices, policies *and* procedures and alterations in the operation of the service targeted to address the needs of persons with *functional limitations*.

of this Section;

b) information about the functioning of the service and about its accessibility characteristics and facilities, *and provide available information (metadata) on accessibility features of products and services;*

(ba) electronic information, including the related online applications *and the e-book device*, needed in the provision of the service *concerned;*

(c) making websites and mobile device-based applications accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(d) providing accessible information to facilitate complementarities with assistive services;

(e) including functions, practices, policies, procedures and alterations in the operation of the service targeted to address the needs of persons with *disabilities, which must be achieved by ensuring the navigation throughout the document, such as by means of dynamic layouts, the possibility to synchronize text and audio content, text-to-speech technology, allowing alternative renditions of the content and its interoperability with a variety of assistive technologies, in such a way that can be perceivable, understandable, operable and*

maximizes compatibility with user agents.

Amendment 358

Proposal for a directive Annex I – Section VII – Part B – point 1

Text proposed by the Commission

1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities and those with age related impairments, shall be achieved by ***making accessible the following:***

- (a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which:
 - (i) ***must*** be available by more than one sensory channel;
 - (ii) ***must*** be understandable;
 - (iii) ***must*** be perceivable;
 - (iv) shall have an adequate size of fonts in foreseeable conditions of use;

Amendment

1. Design and production: The design and production of products in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by ***complying with*** the following ***accessibility requirements:***

- (a) the information on the use of the product provided on the product itself (labelling, instructions, warning), which ***shall be provided in multiple accessible formats and which:***
 - (i) ***shall*** be available by more than one sensory channel;
 - (ii) ***shall*** be understandable;
 - (iii) ***shall*** be perceivable;
 - (iv) shall have an adequate size of fonts

with sufficient contrast between the characters and their background in order to maximise its readability in foreseeable conditions of use;

(b) the packaging of the product including the information provided in it (opening, closing, use, disposal);

(b) the packaging of the product including the information provided in it (opening, closing, use, disposal) **and an indication of the brand, the name and the type of the product which:**

(i) *shall meet the requirements laid down in point a;*

(ii) *shall in a simple and precise way inform the users how the product incorporates accessibility features and its compatibility with assistive technology;*

(c) **the product** instructions for use, installation and maintenance, storage and disposal of the product which shall comply with the following:

(c) the instructions for **the** use, installation and maintenance, storage and disposal of the product, **whether provided separately or integrated within the product**, which shall comply with the following:

(i) *content of instruction* shall be available in **text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel;**

(i) shall be **made** available in **accessible web format and electronic non-web document format that is both perceivable and operable;** and

(ii) the *instructions shall provide alternatives to non-text content;*

(ii) the **manufacturer shall list and explain how to use the accessibility features of the product and its compatibility with assistive technologies;**

(ca) **the instructions for the use, installation and maintenance, storage and disposal of the product, whether provided separately or integrated within the product, which shall comply with the following:**

(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;

(e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;

(f) *the interfacing of the product with assistive devices.*

(d) the user interface of the product (handling, controls and feedback, input and output) in accordance with point 2;

(e) the functionality of the product by providing functions aimed to address the needs of persons with functional limitations, in accordance with point 2;

(f) *when relevant, compatibility with assistive devices and technologies.*

Amendment 214

Proposal for a directive Annex I – Section VII – Part B – point 2

Text proposed by the Commission

[...]

Amendment

deleted

Amendments 215, 296, 306 and 359

Proposal for a directive Annex I – Section VIII – Part A – point 1

Text proposed by the Commission

1. The provision of services in order to maximise their foreseeable use by **persons with functional limitations, including** persons with disabilities, shall be achieved by:

(a) **providing** information about the functioning of the service and about its accessibility characteristics and facilities **as follows:**

(i) **the information content shall be**

Amendment

1. The provision of services in order to maximise their **reasonably** foreseeable use by persons with disabilities shall be achieved by **meeting the functional performance requirements set out in Part C of Section I, and shall include:**

(a) information about the functioning of the service **concerned** and about its accessibility characteristics and facilities;

available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,

(ii) alternatives to non-text content shall be provided;

(iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).

(b) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(aa) electronic information, including the related online and mobile applications and websites, and including information on the electronic identification, security and payment methods, needed in the provision of the service concerned shall be provided in accordance with point (b).

(b) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(ba) mobile device-based e-commerce services.

Amendment 360

Proposal for a directive

Annex I – Section VIII – Part A – point 1 a (new)

Text proposed by the Commission

Amendment

1a. Support services: where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication for users with functional limitations, including persons with disabilities.

Amendment 335

Proposal for a directive Annex I – section VIII a (new)

Text proposed by the Commission

Amendment

SECTION VIIIa

Accommodation services

Services

1. The provision of services in order to maximise their foreseeable use by persons with functional limitations, including persons with disabilities, shall be achieved by:

(a) providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:

(i) making them available in an accessible web format and by making them perceivable, operable, understandable and robust in accordance with point (b);

(ii) listing and explaining how to use the accessibility features of the service and its complementarity with a variety of assistive technologies.

(b) making websites and online applications needed for the provision of the service accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(c) making mobile-based services including mobile applications needed for the provision of e-commerce services accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

(d) making electronic identification, security and payment methods needed for the provision of the service understandable, perceivable, operable and robust without undermining the security and privacy of the user;

(e) making the built environment accessible to persons with disabilities in accordance with the requirements of Section X, including:

(i) all common areas (reception, entrance, leisure facilities, conference rooms, etc.).

(ii) rooms, in accordance with the requirements of Section X; the minimum number of accessible rooms per establishment shall be:

– 1 accessible room, for establishments with less than 20 rooms overall

– 2 accessible rooms, for establishments with more than 20 but fewer than 50 rooms

– 1 supplementary accessible room for every additional 50 rooms.

2. Support services

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the service and its compatibility with assistive technologies and services, in accessible modes of communication for

*users with functional limitations,
including persons with disabilities.*

Amendment 216

Proposal for a directive Annex I – Section IX – Part A – point 1

Text proposed by the Commission

1. Design and production

The design and production of products in order to maximise their foreseeable use by persons with ***functional limitations, including persons with*** disabilities and those with age related impairments, shall be achieved by ***making accessible the following***:

- (a) the information on the use of the product provided in the product itself (labelling, instructions, warning), ***which***:
 - (i) ***must be available by more than one sensory channel***;
 - (ii) ***must be understandable***;
 - (iii) ***must be perceivable***;
 - (iv) ***shall have an adequate size of fonts in foreseeable use conditions***;
- (b) the packaging of the product including the information provided in it (opening, closing, use, disposal);
- (c) the product instructions for use, installation and maintenance, storage and disposal of the product ***which shall comply with the following***:
 - (i) ***content of instruction shall be available in text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel, and***
 - (ii) ***instructions shall provide alternatives to non-text content***;

Amendment

1. Design and production

The design and production of products in order to maximise their foreseeable use by persons with disabilities and those with age-related impairments shall be achieved by ***meeting the functional performance requirements set out in Part C of Section I, and shall include***:

- (a) the information on the use of the product provided in the product itself (labelling, instructions, warning);
- (b) the packaging of the product including the information provided in it (opening, closing, use, disposal);
- (c) the product instructions for use, installation and maintenance, storage and disposal of the product;

- (d) the user interface of the product (handling, controls and feedback, input and output) *in accordance with point 2*;
- (e) the functionality of the product by providing functions aimed to address the needs of persons with *functional limitations, in accordance with point 2*;
- (f) the interfacing of the product with assistive devices.

- (d) the user interface of the product (handling, controls and feedback, input and output);
- (e) the functionality of the product by providing functions aimed to address the needs of persons with *disabilities*;
- (f) the interfacing of the product with assistive devices.

Amendments 217 and 297/rev

Proposal for a directive Annex I – Section IX – Part A – point 2

Text proposed by the Commission

[...]

Amendment

deleted

Amendment 218

Proposal for a directive Annex I – Section IX – Part B – point 1

Text proposed by the Commission

1. The provision of services in order to maximise their foreseeable use by persons with *functional limitations, including persons with* disabilities, shall be achieved by:

- (a) *making accessible* the built environment where the service is provided, including transport infrastructure, in accordance with Part C, without prejudice to national and Union legislation for the protection of national treasures possessing artistic, historic or archaeological value;
- (b) *making* facilities *accessible*, including vehicles, crafts and equipment

Amendment

1. The provision of services in order to maximise their *reasonably* foreseeable use by persons with disabilities shall be achieved by *meeting the functional performance requirements set out in Part C of Section I, and shall include:*

- (a) the built environment where the service is provided, including transport infrastructure, in accordance with Part C, without prejudice to national and Union legislation for the protection of national treasures possessing artistic, historic or archaeological value;
- (b) facilities, including vehicles, crafts and equipment needed for the delivery of

needed for the delivery of the service as follows:

- (i) the design of its built space shall follow the requirements *under* Part C in relation to boarding, disembarking, circulation and use;
- (ii) *the information shall be available in different ways and via more than one sensory channel;*
- (iii) *alternatives to non-text visual content shall be provided.*
- (c) *ensuring the accessibility of* the products used in the provision of the service, in accordance with the rules laid down in Part A;
- (d) *providing* information about the functioning of the service and about its accessibility characteristics and facilities *as follows:*
 - (i) *the information content shall be available in text formats that can be used for generating alternative assistive formats to be presented in different ways by the users and via more than one sensory channel,*
 - (ii) *alternatives to non-text content shall be provided;*
 - (iii) *the electronic information, including the online related applications needed in the provision of the service shall be provided in accordance with point (e).*
- (e) making websites accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;
- (f) *providing accessible* information to facilitate complementarities with assistive services;

the service as follows:

- (i) the design of its built space shall follow the requirements *set out in* Part C in relation to boarding, disembarking, circulation and use;
- (c) the products used in the provision of the service, in accordance with the rules laid down in Part A;
- (d) information about the functioning of the service and about its accessibility characteristics and facilities;
- (e) making websites *and mobile-based devices* accessible in a consistent and adequate way for users' perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative; and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;
- (f) information to facilitate complementarities with assistive services;

(g) **including** functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with **functional limitations**.

(g) functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with **disabilities**.

Amendment 219

Proposal for a directive

Annex I – Section IX – Part C – point 1 – introductory part

Text proposed by the Commission

1. The accessibility to persons with **functional limitations, including persons with** disabilities, of the built environment for its foreseeable use in an independent manner, shall include the following aspects of areas intended for public access:

Amendment

1. The accessibility to persons with disabilities of the built environment for its foreseeable use in an independent manner, shall include the following aspects of areas intended for public access:

Amendment 220

Proposal for a directive

Annex I – Section X – point 1 – introductory part

Text proposed by the Commission

The accessibility to **persons with functional limitations, including** persons with disabilities, of the built environment where the service is provided, referred to in Article 3(10) for its foreseeable use in an independent manner, shall include the following aspects of areas intended for public access:

Amendment

The accessibility to persons with disabilities of the built environment where the service is provided, referred to in Article 3(10) for its foreseeable use in an independent manner, shall include the following aspects of areas intended for public access:

Amendment 221

Proposal for a directive

Annex II – paragraph 4 – point 4.1

Text proposed by the Commission

Amendment

4.1. The manufacturer shall affix the CE marking referred to in this Directive to each individual product that satisfies the applicable requirements of this Directive.

deleted
