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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	COMMISSION STAFF WORKING DOCUMENT Implementation Plan Accompanying 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

Delegations will find attached document SWD(2015) 266 final.

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COMMISSION STAFF WORKING DOCUMENT

Implementation Plan

Accompanying 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) 615 final }

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on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services

1. INTRODUCTION

The objective of this Directive is to improve the functioning of the internal market for specific accessible products and services, while facilitating the work of industry and serving the needs of consumers, especially those with disabilities.

Currently, there is a divergence in national legislation containing accessibility requirements related to products and services. The national accessibility requirements that Member States have put in place differ both as regards their coverage and their level of detail. Concerning certain products or services, some Member States have established detailed technical rules whereas in other Member States there are no such rules. In the future this divergence is expected to increase. This Commission proposal for a Directive aims to remove and prevent fragmentation.

In order to ensure an effective and consistent implementation of the Directive's accessibility requirements in all Member States, Commission services will envisage specific actions based on an analysis of the challenges relating to the implementation of this present Directive. Well-structured explanatory documents will facilitate the tasks of monitoring the transposition and support the achievement of the implementation process.

This implementation plan will be regularly reviewed and, if necessary, adapted. Both the risks relating to external actors (Member States, businesses and citizens) and risks related to the actions to be taken by the Commission services in the transposition of the Directive are assessed in this document.

2. GENERAL ASSISTANCE BY THE COMMISSION

Under the proposed Directive, Member States will have to ensure that the provisions on accessibility requirements of selected products and services are properly regulated and implemented within the prescribed deadline. The Commission is conscious that cooperation with national authorities must be developed at an early stage to reach this goal. The following general actions should be put in place as soon as possible after the adoption of the proposal to guide Member States:

- (a) Provide a contact point for Member States to facilitate the dissemination of information regarding the new Directive as well as transposition procedures (e.g. a functional mailbox); and
- (b) Update DG Employment's website with relevant information on the new Directive.

3. DETAILED RISK ASSESSMENT AND PROPOSED ACTIONS

Concerning the specific risks three categories have been identified:

(i) Providing full coverage within the timeframe

The proposed Directive aims at ensuring that similar accessibility requirements are in force for some selected products and services in all Member States of the European Union. For that purpose, Member States need to make sure that the Directive is properly **transposed** in national legislation **within two years** and that **application is from six years** after the entry into force of the Directive.¹

In order to ensure smooth implementation and address potential risks linked to this element of the proposed Directive, the Commission will consider the following actions:

Box 1 Actions:

- Hold meetings with Member States to closely monitor the implementation process and to highlight the importance of a timely and proper transposition;
- Focus on problems emerging during the preparation of the national measures;
- Spread best practices amongst all Member States; and
- Set up training activities addressed to national authorities.

(ii) Ensuring an adequate monitoring (and evaluation) of the Directive's transposition

A full evaluation of the effects of the accessibility requirements laid down in the Directive could, however, only be undertaken in the longer term. Some of the requirements will take time to have any impact e.g. in products with a long life cycle. A first report will be done five years after the application of the Directive. This report may include selected issues: e.g. *changes in the market structure; changes in the relevance of the products and services for accessibility; assessment of the availability of accessible products and services in the market; the impacts of this Directive on economic operators and persons with disabilities.*

In order to ensure smooth implementation and address potential risks linked to this element of the proposed Directive, the Commission will consider the following actions:

Box 2 Actions:

- Address issues relating to the assessment of different topics (such as the ones indicated above in italics) in meetings with Member States during the implementation, paying specific attention to inform relevant stakeholders;

¹ See timeline in Annex 2 of this Implementation Plan.

- Meet as needed with a group of experts to serve as a forum for mutual learning and exchange of best practices on the implementation process (longer term perspective);
- Work with the European Standardisation organisations to develop accessibility standards where more technical detail is needed;
- Cooperate with industry umbrella organisations; and
- Consult with consumers and involve organisations of persons with disabilities and older persons.

(iii) Ensuring adequate information is given to economic operators

In order to raise consumers' awareness on accessibility of products and services targeted by the Directive, the proposed Directive requires manufacturers, importers, distributors, authorised representatives and service providers to inform, verify and prepare documentation on how they conform with the accessibility requirements of this Directive.

In order to ensure smooth implementation and address potential risks linked to this element of the proposed Directive, the Commission will consider the following actions:

Box 3 Actions:

- Organise meetings with businesses representatives on the new Directive to provide guidance on its implementation, taking into account economic operators' obligations;
- Foresee awareness raising activities on accessibility among the general public upon adoption of the proposal;
- Provide information (namely online) to Member States and relevant stakeholders upon adoption of the legislative instrument; and
- Promote mutual learning and exchange of best practices between Member States regarding the implementation of the new Directive.

DETAILED IMPLEMENTATION PLAN

A. ACTIONS BY THE COMMISSION TO PROVIDE GENERAL ASSISTANCE TO THE MEMBER STATES

Objective	Action	Timing
Disseminate information and facilitate transposition procedures	Provide a contact point for Member States	<i>Upon adoption of the proposal</i>
Disseminate all relevant information	Develop the relevant page in DG Employment's Internet site	<i>Upon adoption of the proposal</i>

B. ACTIONS BY THE COMMISSION TO ENSURE SMOOTH IMPLEMENTATION AND ADDRESS POTENTIAL RISKS

Objective	Action	Timing
Providing full coverage within the timeframe	Hold meetings with Member States to closely monitor the implementation process and to highlight the importance of a timely and proper transposition	<i>Starting three months after the adoption of the proposal</i>
	Focus on problems emerging during the preparation of the national measures	<i>During the transposition period</i>
	Spread best practices amongst all Member States	<i>During the transposition period</i>
	Set up training addressed to national authorities	<i>During the transposition period</i>
Ensuring an adequate monitoring and evaluation of the transposition	Address issues relating to the assessment of different topics in meetings with Member States on the implementation process, paying specific attention to inform relevant stakeholders	<i>During the transposition period</i>
	Meet with a group of experts to serve as a forum for mutual learning and exchange of best practices	<i>At the end of the transposition deadline</i>

	Cooperate with industry umbrella organisations	<i>Upon adoption of the proposal</i>
	Consult with consumers and organisations of persons with disabilities and older persons	<i>Upon adoption of the proposal</i>
Ensuring that adequate information is disseminated	Organise meetings with businesses representatives on the Directive to provide guidance on its implementation, taking into account economic operators' obligations	<i>Upon adoption of the proposal</i>
	Raise awareness on accessibility amongst the general public	<i>Starting after the adoption of the proposal</i>
	Provide information (namely online) to Member States and relevant stakeholders (<i>i.e.</i> economics operators)	<i>Upon adoption of the proposal</i>
	Promote mutual learning and exchange of best practices between Member States on the implementation process	<i>During the transposition period</i>

IMPLEMENTATION TIMELINE

