



# Position Paper

## **ANEC contribution to EC public consultation with a view to a European Accessibility Act**

**February 2012**

**ANEC-DFA-2012-G-001final**

**European Association for the Co-ordination of Consumer Representation in  
Standardisation**

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## 1. Introduction

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ANEC welcomes very much the European Commission Public Consultation with a view to a European Accessibility Act and we are very pleased to be able to express our views. Since our beginning, safety and accessibility for consumers with disabilities and older consumers, have been key among our priorities because we believe standards can be suitable in making products and services safe and accessible to all consumers, whatever their impairment, age and characteristic. This is because standards determine the manner in which a product or a service is designed or provided, before it is placed on the market.

European Standards, if based on the principles of Design for all and used, can play an essential role in making Europe accessible. Design for All means designing products and services for as many consumers as possible as a very large number of people have requirements which can be easily addressed by relative small changes in product design and service provision.

In the fifteen years and more of our existence, the activities of ANEC have striven to influence standards to be as inclusive as possible while contributing to the setting of legal bases that do not take into account the needs of only mainstream consumers.

Based on our long-standing experience in the safety of products field where standards are used to implement European legislation, and our equally long experience in the field of services, we do support the elaboration of legal basis on accessibility of products and services to be underpinned by standardisation.

Nevertheless, although ANEC recognises the contribution European standardisation has made to removing technical barriers to trade, especially in support of the New Approach, we do not believe that standardisation necessarily offers the expected level of consumer protection, in terms of safety or accessibility. ANEC believes the freedom allowed to industry to self-regulate through standards needs to be accompanied by an obligation to provide the highest level of protection and accessibility to consumers that is economically and reasonably possible. This is why we are working towards a more inclusive standardisation process and effective membership of societal stakeholders in the European Standardisation Bodies<sup>1</sup>. The traditional process of standards development is voluntary. The decision of stakeholders to participate is made on their own resources and priorities. If the European Institutions believe it important to guarantee participation in the development of a particular standard, the standardisation process need to provide for all the checks and balances to allow all stakeholders to express their views.

We reply only on the questions of the consultation that we consider as relevant from our filed of activity (representation and defence of all consumers interests in standardisation), and we try to follow the same section numbering as the consultation in document format, to aid the reader.

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<sup>1</sup> Draft IMCO Report on the future of European standardization (2010/20515(INI)), ANEC summary and four proposals for amendments (<http://www.anec.eu/attachments/ANEC-SG-2010-G-005>)

## 2. ANEC replies

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### 2.1 Response to Questions common to all respondents

#### *Current situation in the Member States*

#### **29. Please provide your general assessment of the accessibility in your country in the areas of built environment, transport and ICT?**

As membership based association we refer to the feedback received from our members as follows. We also invite our members to directly reply to this public consultation and we refer to the existing information about accessibility in different European and non-European countries<sup>2</sup>.

Finland<sup>3</sup>: In Finland public buildings and private service buildings have been constructed accessible since the 1980's. Existing buildings have been made accessible by renovations little by little but are still a problem. Outdoor environment has been partly made accessible but a lot is still to be done. Public transport is rather accessible in large cities. A problem is non-accessible information system in buses, trams and stops. Long-distance buses are not accessible. Almost all trains are accessible. Large ferries and terminals are accessible. Airports are accessible. ICT is mostly not accessible.

France<sup>4</sup>: Although legislation exists, recent government stances have openly relegated implementation in public buildings on grounds of excessive cost given the present macro-economic situation. In comparison to US and UK, France has remained insensitive to questions of accessibility to built environment and transport other than in providing attendants to assist those in difficulty but on an ad hoc basis (holiday transport rushes in train stations...) and entirely at the initiative of the relevant service operators.

Germany<sup>5</sup>: With respect to new buildings accessibility is increasing permanently, whereas existing buildings, especially residential buildings, hotels, restaurants and historical sites, will remain inaccessible for the next decades.

The level of accessibility in the public transport sector is varying. As a result of the European Directive on buses and coaches urban transport by buses is almost fully

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<sup>2</sup> Study Measuring progress of E-Accessibility in Europe, 2008 ([http://ec.europa.eu/information\\_society/activities/einclusion/library/studies/meac\\_study/index\\_en.htm](http://ec.europa.eu/information_society/activities/einclusion/library/studies/meac_study/index_en.htm)); Study Monitoring eAccessibility in Europe" (<http://www.eaccessibility-monitoring.eu/>); CEN/CENELEC Joint Report "Inventory, analysis and feasibility of European and International accessibility standards in the built environment" in response to Phase I of M/420 on access to the built environment in public procurement

<sup>3</sup> Invalidiliitto, Finnish Association of People with Physical Disabilities (FPD)

<sup>4</sup> Association Léo Lagrange pour la défense des consommateurs (ALLDC)

<sup>5</sup> DIN Consumer Council

accessible. Many regional buses and nearly all coaches are still inaccessible. The level of accessibility in the rail sector is still unsatisfying although many efforts for improvement have been made. The level of accessibility of taxis and planes is very poor.

In the ICT sector mainly public authorities provide accessible internet and other media, whereas the accessibility within the private sector is unsatisfying.

UK<sup>6</sup>: Generally access is good and has improved over last 20/30 years. The real challenge (amongst others) is improving access to existing buildings which is often a low priority. This is for many reasons including practicality, lack of incentive and knowledge and economic reasons. New buildings are required to comply with Part M of the Building Regulations, to make reasonable provision to enable access and use of the building and its facilities. Most new buildings are generally accessible though the enforcement of, and compliance with, Part M requirements can be variable. One of the other key issues is that Part M of the building regulations sets out a very minimum standard for building accessibility, but many architects and building managers assume that if the building complies with Part M then is it by default accessible and this is generally not the case. Access problems are still seen in new buildings, plus there is little ongoing compliance requirement so, for example, an accessible WC can be rendered inaccessible by using the cubicle for storage. Existing buildings - accessibility varies greatly and there are still many inaccessible existing buildings.

External built environment - public realm, pedestrian environments: Accessibility to the external built environment varies considerably around the UK and indeed within a local authority area. For instance, narrow and poorly maintained pavements and obstructions make some areas difficult to negotiate for disabled people. New and refurbished environments may also create access problems, for instance the trend for 'shared surface streets' where there is no discernible footway/pavement and sometimes no controlled crossings has been criticised by an alliance of over 45 organisations representing a range of disabled people and older people.

New transport vehicles are required to comply with accessibility regulations for buses, coaches and trains. All trains should comply with the access regulations by 2020; buses and coaches used for scheduled services should comply by various end dates (depending on size etc) - 2015 for buses up to 7.5 tonnes; 2016 for full size single deck buses; 2017 for double deck buses; and 2020 for coaches.

Although bus accessibility is improving, there are major issues with information provision as the accessibility regulation for buses does not include all access requirements, for instance audible and visual announcements are not covered. There are still many examples of inaccessible buses (even according to the accessibility regulations) particularly in rural areas.

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<sup>6</sup> BSI Consumer Public Interest Network (CPI) and Disabled Experts Reference Group (DERG)

ICT – good access is inconsistent and websites are often dictated by style over function. It is essential that technology is inclusive and there needs to be a real drive to improve accessibility in this area. Due to the year on year improvements in technology the knock on effect is felt by all including disabled people. On one hand technology can provide significant access improvements such as satellite navigations systems on mobile phones which can be a huge benefit for visually impaired people. On the other hand technology can be the very barrier that excludes people such as touch screen information systems.

### **30. Please provide your opinion on the accessibility legislation in your country in terms of its scope and efficiency?**

As membership based association we refer to the feedback received from our members as follows. We also invite our members to directly reply to this public consultation and we refer to the existing information about accessibility in different European and non-European countries<sup>7</sup>.

Finland<sup>8</sup>: The accessibility legislation concerning new public and private service buildings is rather good. Also blocks of flats of two floors or more must be made accessible. Smaller blocks of flats as well as private small houses are mostly made non-accessible although there is a regulation that the entrances outside and to the small house must be accessible taking into consideration the terrain conditions. A problem is existing buildings of all kinds. In building legislation there is little said about outdoor environment, the walking routes must be kept accessible for pedestrians.

Germany<sup>9</sup>: The scope of accessibility legislation with respect to the built environment seems to be comprehensive. However, the execution is rather ineffective for two reasons: despite of the existing regulation there is few surveillance of whether the regulation has been followed or not. Lean building inspection is official policy and therefore hardly existing.

Secondly, the regulation is hardly being applied to major renovation of residential buildings. For the fact that only 1-2 % p. A. of the building stock are newly erected building, the main activity in the residential building area relates to renovation and refurbishment of existing buildings. This is aggravated by the fact that no political aim is formulated on the percentage of existing residential buildings to be refurbished according to accessibility requirements unlike the required two percent

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<sup>7</sup> Study Measuring progress of E-Accessibility in Europe, 2008 ([http://ec.europa.eu/information\\_society/activities/einclusion/library/studies/meac\\_study/index\\_en.htm](http://ec.europa.eu/information_society/activities/einclusion/library/studies/meac_study/index_en.htm)); Study Monitoring eAccessibility in Europe" (<http://www.eaccessibility-monitoring.eu/>); CEN/CENELEC Joint Report "Inventory, analysis and feasibility of European and International accessibility standards in the built environment" in response to Phase I of M/420 on access to the built environment in public procurement

<sup>8</sup> Invalidiliitto, Finnish Association of People with Physical Disabilities (FPD)

<sup>9</sup> DIN Consumer Council

p. A. of energetic renovated residential buildings of the existing building stock by 2050.

UK<sup>10</sup>: The Equality Act 2010 (formerly the Disability Discrimination Act) requires access to services and not specifically to premises but most organisations don't know what they are supposed to do and many disabled people have no access to advice and support to get the access to services they need. While much has been achieved under the Equality Act (and formerly the DDA) to improve access provision there remain many examples where accessibility - to services and/or premises - is poor and it is a difficult process to challenge this. For instance guide and assistance dog owners are regularly refused access to premises despite this being covered under the Equality Act.

In terms of the built environment legislation there are many good standards. The challenge for the built environment is the standards are open to interpretation and there are many loop holes that professionals can use. Such loop holes are used for many reasons. One such reason is the ease in which designers can reduce access whilst on site due to 'unforeseen circumstance' or 'mistakes' is alarming and often the statutory organisations accept access statements which are designed to deflect issues and allow poor standards to manifest themselves.

### ***Content of possible measures***

#### **31. The accessibility for persons with disabilities of which goods and services should be given priority?**

As a consumer organisation, we believe that consumers should be able to use products and services for their everyday's activities such as shopping, travelling and administrative duties (social security, passports, etc), irrespective of their ages and abilities. However, any list of goods and services is likely to omit some, and will exclude future goods and services.

It is difficult to prioritise because the need and desire to access particular goods and services will vary among disabled consumers and older consumers as it would among non-disabled consumers and young consumers. Moreover, accessibility of a particular good or service is likely to be dependent on the accessibility of another service. For example, in order to access 'X goods or service' a disabled consumer may need to access information about the goods/service while at home; be able to leave their home; access the pedestrian environment to a transport stop, access the transport vehicle, pedestrian environment to the destination; (or access a car and park the car close to the destination); access a premises, then within the premises to the goods/service; communicate with service providers; obtain the specific goods or services; access information on how to use it; access the functions, controls etc of the specific goods; and the specific goods be accessible and meet the requirements of the disabled person to enable them to use it etc....

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<sup>10</sup> BSI Consumer Public Interest Network (CPI) and Disabled Experts Reference Group (DERG)

Access to goods and services requires a seamless chain of accessibility. It may be considered that accessibility of goods and services from home would eliminate some barriers, (and this may be useful for some people), but there must be a choice as going out to access goods or services is for many people an important social activity.

In addition to physical accessibility to a product and/or built environment, we would like to suggest that accessibility requirements are present in the following steps of the consumer purchasing experience of a product or service, based on our Guide on Accessibility of Services<sup>11</sup>:

1. Pre-contractual stage and contract conclusion

This stage covers issues such as information provision, advice, advertising, and the form of contract conclusion. Any such information, advice or documents should be clear, concise, correct, and provided in formats accessible for all.

2. Content of contract

This stage covers issues such as safety and quality provisions, billing and payment modalities, the right of withdrawal, compensation for improper service, and liability for injury.

3. Post-contractual stage

This stage includes after-sales assistance, complaints handling systems, dispute resolution mechanisms, cooling-off periods, and any insolvency rules applicable to the service.

4. Monitoring and inspection

'Best practice' requires a constant improvement and learning process – this should be incorporated in all service standards. In practice this means that as knowledge and technology advances, such advances should be taken into account.

**32. Which are the most important policy and legal measures to improve accessibility in your opinion?**

We are of the opinion that commitment to an "Access Agenda" should benefit the whole community, consumers and businesses alike, and not just perceived for disabled people or older people. Such agenda should take a staged approach on a priority basis building on existing best practices and successes of the "European project" while respecting the subsidiarity and proportionality principles.

*Free movement of products and services*

EU harmonisation legislation ensuring the free movement of products has contributed considerably to the completion of the Single Market. It is based on a high level of protection and provides economic operators with the means to demonstrate conformity, thus ensuring free movement of products<sup>12</sup>. Bearing in mind the different national legislations on accessibility of products or services

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<sup>11</sup> ANEC-DFA-2008-049final, ANEC-SERV-2008-049final, October 2008

<sup>12</sup> Art. 26 and 114 of TFEU



illustrated under questions 29 and 30, we think EU harmonisation legislation ensuring the free movement of products should be extended to cover the accessibility of products in order to provide a high level of consumer protection and remove barriers both for consumers (eg: obstacles to mobility) and for traders (as already done in the case of lifts, escalators, ramps<sup>13</sup>).

The apparent complexities of drafting an accessible legislation taking account of the diversity of impairments and the range of products it would need to cover can be addressed by the analogy with safety legislation. There is a general requirement for products to be safe in the Single Market. How this is achieved is vastly different for lifts and kettles, so general obligations are implemented by product-specific standards and regulation.

#### *Market surveillance*

As stated before, most of the national existing legal measures are ineffective and not sufficient. An effective market surveillance and building surveillance based on legislation and standards are an absolute prerequisite to improve the situation. A dissuasive financial penalty could be a very effective instrument as well as tax incentives for products, services and even companies.

Experience with the implementation of the EU harmonisation legislation has shown, on a cross-sector scale- certain weaknesses and inconsistencies in the implementation of this legislation, leading to competitive disadvantages for economic operators complying with the legislation not to mention non-compliant products. New rules have been put in place establishing a common framework for the marketing of products<sup>14</sup>. We therefore propose that such rules also apply to the accessibility of products, where relevant. It is important that policy is developed to support providers to meet their requirements.

#### *EU database on complaints about lack of accessibility*

The collection of complaints and accidents statistics about the lack of accessibility of products and services should be established and financed at the European level. Such statistics are needed to provide data for elaboration of standards and drive inspections and market surveillance actions about accessibility. Data is also needed to evaluate the effectiveness of measures and the impact of the introduction of a new/revised regulation or standard.

The efficiency of the any legal framework on products and services depends on the ability to the European Commission and Member States to identify and recognise problems associated with inaccessible products or services. Member States should be required to contribute to the establishment of the database and its regular updating. Relevant stakeholders - such as consumer organisations - should also have access to the database.

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<sup>13</sup> Directive 95/16/EC on lifts

<sup>14</sup> Regulation 765/2008 and Decision 768/2008.



### *Safety of products and services for all consumers*

In addition, safety of consumers with disabilities and older consumers should not be forgotten. In product safety legislation and standardisation, the age and abilities of consumers must be taken into account in the assessment of risk if injuries are to be prevented<sup>15</sup>.

From the point of view of a consumer, and especially consumers with disabilities and older consumers, the concept of “intended use” of a product or a service does not correspond with real-life situations and neglects the expectations of consumers in modern society. In particular, “intended use” does not address the specific risks that consumers with disabilities and older consumers may face. However, apart from the GPSD and the Toys Directive, the other consumer relevant product safety pieces of legislation do refer to the concept of “intended use”.

ANEC thinks that consumers with disabilities and older consumers can be effectively protected only if their (foreseeable) behaviour is duly taken into account by manufacturers when designing products. If manufacturers are allowed to rely on the concept of “intended use” of the product as laid down in the instruction for use, consumers who can not read for example, are at a higher risk of being exposed to harm or injury. Hence, as far as consumer products are concerned, we call for the safety concepts of the R&TTE Directive and Low Voltage Directive<sup>16</sup> to be aligned with that of the General Product Safety Directive (“foreseeable use”)<sup>17</sup>. And we also call for the scope of the safety concept of the GPSD, which is also under revision, to not only include the needs of children and elderly but also people with disabilities<sup>18</sup>.

We believe that the adoption of the Accessibility Act should also provide an occasion to address this very important consumer issue.

### **33. What should public authorities and market operators do to improve accessibility of goods and services?**

National public authorities have an important role to play as with annual purchases of over 2 Trillion Euros, the public sector is the single biggest consumer market. The aim of the Public Procurement Directives<sup>19</sup> is to help authorities buy “best value for money”, that is to use public money to best fit the needs of the community.

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<sup>15</sup> ANEC position “How to protect vulnerable consumers?”, December 2011, (ANEC-CHILD-2011-G-111final, ANEC-DFA-2011-G-071final), [www.anec.eu](http://www.anec.eu)

<sup>16</sup> Directive 1999/5/EC, Directive 2006/95/EC.

<sup>17</sup> ANEC comments on revision of the R&TTE directive (ANEC-ICT-2011-G-001), ANEC response to the public consultation of the European Commission on the New Legislative Framework for the marketing of products: proposal to align 10 product harmonisation directives to Decision 768/2008: Low Voltage Directive – 2006/95/EEC (ANEC-DOMAP-2010-G-031)

<sup>18</sup> Revision of the General Product Safety Directive - Key issues from a consumer perspective (ANEC-GA-2010-G-001final)

<sup>19</sup> Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (hereafter the ‘Directive 2004/17/EC’); Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts(hereafter the ‘Directive 2004/18/EC’).

Therefore, in ANEC's opinion, it is not only the price which is important but also the social and green considerations. Social considerations can be combined with green considerations in an integrated approach to sustainability in public procurement<sup>20</sup>. We welcome very much the recently released European Commission proposal for the revision of public procurement which strengthens accessibility requirements in public tenders and believe that the future Accessibility Act should build and/or complement it.

It is also important for R&D activities to be planned in order to provide industry with innovative solutions and technologies to design and market accessibility products. Benchmarking on those products and services exported but not marketable in diverse EU countries should also not be forgotten.

**34. Could you please provide your opinion on the role that SME's could play in the provision of accessible goods and service? Should there be any specific measures to that extent?**

We are of the opinion that mandatory accessibility requirements might represent a "niche market" for specialised small companies who could reap the benefits of new business opportunities<sup>21</sup>. SME's could in the beginning be a driver to trigger the "Niche" products and services thereby stimulating the market. However, measures to facilitate SME innovation in this field are needed. It is worth noting that the European countries who have achieved the highest levels of accessibility to Information Communications Technologies (ICT) products and services, so called e-Accessibility, are also qualified as "Innovation leaders"<sup>22</sup>.

And because of the direct link between standards and innovation, we are working together with SMEs and other stakeholders to improve the present standardisation system and make it more inclusive. Furthermore, we hope that the work on how to include Design for All principles in standardisation undertaken by CEN BT WG 213 SAGA, the creation of which we supported and to which we participate, will benefit in particular SMEs as the main economic actors in Europe.

**35. Based on your experience with existing national or foreign accessibility legislation, which provisions do you consider as essential for the effectiveness and success of such legislation? In that context could you please explain how prescriptive and detailed do you think accessibility legislation should be and how it should be enforced?**

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<sup>20</sup> Public consultation on revision of the Public Procurement Directive, ANEC response (ANEC-DFA-2011-G-016)

<sup>21</sup> Public consultation on revision of the Public Procurement Directive, ANEC response (ANEC-DFA-2011-G-016)

<sup>22</sup> European Innovation Scoreboard (EIS) 2009, <http://www.proinno-europe.eu/page/1-executive-summary>

The accessibility requirements of the future Accessibility Act (or any other accessibility relevant legislation) harmonising the conditions for the marketing of products, should be clearly and precisely defined, in order to avoid misinterpretation on the part of the standardisers with regard to the objectives set by the legislation<sup>23</sup>. The Commission should clearly and accurately define in its request (mandates) to the European Standardisation Organisations, the scope of the standards on the basis of which conformity with the applicable requirements will be presumed. When necessary, the European Commission should be delegated to adopt acts to complement the legislation.

And no matter how good a standard is, it will not increase consumer accessibility if it is not properly implemented. We therefore suggest that the future Accessibility Act establishes a market surveillance system of public authorities, harmonised at the European level or at least very well coordinated and resourced.

Beyond that, deadlines and binding timeframes would be very helpful to enforce accessibility<sup>24</sup>.

Based on the UK experience, there should be:

- a. Increased political support for accessibility at national level
- b. User friendly framework to encourage the Public Sector rather than deter
- c. Real enforcement of the legislation – there is little access to good free advice so disabled people can get their rights
- d. Increased resources to improve accessibility, most organisations now claim they just can't afford to do anything.

In terms of the built environment legislation there are many good standards. The challenge for the built environment is the standards are open to interpretation and there are many loop holes that professionals can use. Such loop holes are used for many reasons. One such reason is the ease in which designers can reduce access whilst on site due to 'unforeseen circumstance' or 'mistakes' is alarming and often the statutory organisations accept access statements which are designed to deflect issues and allow poor standards to manifest themselves<sup>25</sup>.

### **36. Please provide your comments about the complementary role that the EU, national, regional and local authorities could play in improving accessibility?**

In order to complement the EU approach we outlined in the previous sections, we suggest that national, regional and local authorities should be exemplar in introducing accessibility requirements in the services and/or products they provide.

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<sup>23</sup> Standardisation Regulation - ANEC amendments & justifications (ANEC-SG-2012-G-003)

<sup>24</sup> DIN Consumer Council

<sup>25</sup> BSI Consumer Public Interest Network (CPI) and Disabled Experts Reference Group (DERG)

In addition, they should introduce accessibility in engineering and technical training curricula (architects, designers, transport...).

From a standardisation point of view, it is important to stress that there is now a consensus that ANEC, and the other European associations representing the societal stakeholders, complement, and so do not compete, with national delegations in CEN & CENELEC.

## **2.2 Questions for individuals, and in particular persons with disabilities**

**Question 9: What are the most important goods and services that in your opinion should be covered by accessibility legislation in order to ensure their accessibility?**

Finland<sup>26</sup>: ICT in general is not yet accessible

France<sup>27</sup>: Public transport and individual solutions for mobility and access to the built environment.

Germany<sup>28</sup>: New and existing buildings of any kind; Planes, taxis, railways, coaches; ICT in general.

UK<sup>29</sup>: Housing, Transport, Public facilities

**Question 10: What would be the impact of an increased availability of accessible goods and services in the market on the purchasing behaviour of potential customers? Could you give concrete examples?**

The world population has doubled since 1968, surpassing 7 billion on 31 October 2011<sup>30</sup>. Lower mortality rates, longer life expectancy and large youth populations in countries where fertility remains high, all contributed to the rapid population growth of recent decades. As a result, there is an increasing trend of consumers who are (very) young or (very) old.

The proportion of older persons is increasing at a faster rate than any other age group. In developed countries, the proportion of older people already exceeds that of children. One fifth of the population is 60 years or older; by 2050, that proportion is expected to rise to almost a third, and there will be two elderly people to every child. Europeans reaching the age of 65 in 2050 can expect to live on average between four and five years longer than those reaching 65 today. There will be a sharp increase in the number of people surviving to the ages of 80 and 90, leading to many of them spending several decades in retirement and reaching an age where infirmity and disability are more prevalent<sup>31</sup>. However, they constitute an important market share with an unequal share of disposable incomes. The provision of accessible products and services could help manufacturers and service

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<sup>26</sup> Invalidiliitto, Finnish Association of People with Physical Disabilities (FPD)

<sup>27</sup> Association Léo Lagrange pour la défense des consommateurs (ALLDC)

<sup>28</sup> DIN Consumer Council

<sup>29</sup> BSI Consumer Public Interest Network (CPI) and Disabled Experts Reference Group (DERG)

<sup>30</sup> <http://www.unfpa.org/pds/ageing.html>

<sup>31</sup> European Commission, The demographic future of Europe – from challenge to opportunity, 2006

providers with the possibility of capitalising on the ageing consumer population of Europe and across the world<sup>32</sup>.

**Question 11: Please describe the main accessibility barriers you are facing when you want to exercise your right of freedom of movement. What would be the possible effect of adopting EU wide common accessibility standards?**

Finland<sup>33</sup>: people with disabilities would use more ICT if it was accessible.

France<sup>34</sup>: adequate lifts and escalators in subways facilitate carrying suitcases/ shopping, push chairs, diminishing eyesight and other kinds of disabilities, temporary or permanent

UK<sup>35</sup>: Emphasise market potential of Design for All. Disabled and older consumers often have to obtain 'special' accessible goods which usually cost more, yet often such accessible goods, if marketed for all, would be more usable by many people who would not consider themselves to be a disabled person. It is also often necessary to pay more for accessible services. For instance accessible hotels are generally in the more expensive categories of hotels.

Supermarkets are a good example of the success of increased accessibility. For example Tesco commitment to inclusion is business driven and the results are there for all to see. Not only can their stores be used by the whole community (there's still room for improvement) but the easy access to their stores and websites are making them a huge success as £1 in every £6 spent in the UK is through Tesco's tills.

Germany<sup>36</sup>: EU wide accessibility standards would improve this situation just slightly. Only a European Accessibility Act which enforces accessibility within a binding timeframe and with some sort of surveillance will improve the current situation substantially. In this regard it is secondary whether a good or service meets a national or a European standard.

As replied under question 35, the accessibility requirements of the future Accessibility Act (or any other accessibility relevant legislation) harmonising the conditions for the marketing of products, should be clearly and precisely defined, in order to avoid misinterpretation on the part of the standardisers with regard to the objectives set by the legislation<sup>37</sup>. The Commission should clearly and accurately define in its request (mandates) to the European Standardisation Organisations, the scope of the standards on the basis of which conformity with the applicable requirements will be presumed.

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<sup>32</sup> A study of the difficulties disabled people have when using everyday consumer products, Consumer Affairs, Directorate, DTI, August 2000; *Testing standard products for elderly and disabled people*, International Consumer Research and Testing, London, September, 1994

<sup>33</sup> Invalidiliitto, Finnish Association of People with Physical Disabilities (FPD)

<sup>34</sup> Association Léo Lagrange pour la défense des consommateurs (ALLDC)

<sup>35</sup> BSI Consumer Public Interest Network (CPI) and Disabled Experts Reference Group (DERG)

<sup>36</sup> DIN Consumer Council

<sup>37</sup> Standardisation Regulation - ANEC amendments & justifications (ANEC-SG-2012-G-003)

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## **APPENDIX – About ANEC and other documentation**

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### **A.1 About ANEC**

*ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and conformity assessment as well as related legislation and public policies. ANEC was established in 1995 as an international non-profit association under Belgian law and represents consumer organisations from 31 European countries. ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.*

*ANEC has signed the European Commission's Register of Interest Representatives and accepted its Code of Conduct: Identification Number 507800799-30.*

### **A.2 Contact person at the ANEC Secretariat**

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More information about ANEC and its activities is available at [www.anec.eu](http://www.anec.eu)

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