

# Overview of eAccessibility legislation in EU (and beyond)

Kevin Cullen  
Work Research Centre (WRC)  
Dublin



## Sectors to be 'reached' by legislation

- ICT manufacturers / providers (ICT products & services)
- ICT deployers (public services, commercial services, employers...)

# Legislative approaches

WRC

## ➤ Explicit:

- directly mentions 'eAccessibility' in some manner  
(dedicated piece of legislation or a part of wider legislation)

## ➤ Implicit:

- obligations / rights in relation to eAccessibility can be inferred

## ➤ 'Top-down':

- imposes obligations on parties (manufacturers, providers, deployers..)

## ➤ 'Bottom-up':

- gives rights or other forms of empowerment/support to users

## ➤ Vertical (sectoral):

- addresses specific ICTs / sector (telecoms, TV, etc..)

## ➤ Horizontal:

- has cross-cutting scope across ICTs / sectors

# Current scope / coverage of existing legislation

## EU

- Some explicit legislation (although not dedicated to eAccessibility):
  - Telecoms services
  - (Telecoms equipment)
  - TV services
  - Digital content (copyright)
  
- Some implicit legislation / regulations
  - employment equality
  - public procurement
  - structural funds
  - (goods and services equality)
  
- Various other (non-legislative) measures
  - 'open method of co-ordination' (eEurope, i2010)
  - benchmarking
  - standards
  - RTD
  - etc.

Sector		Legislation	'OMC'
<i>Web</i>	Public websites		✓
	Other websites		
<i>Telecoms</i>	Fixed telephony services	✓	
	Mobile telephony services		
	Telecoms equipment	(✓)	
<i>TV</i>	TV services	✓	
	TV equipment		
<i>Other ICTs</i>	Computer HW & SW		
	Self-service terminals		
	Digital content	(✓)	
	Other ICTs / consumer electronics		
<i>Assistive Technology</i>	Public assistive technology services		
	Assistive technology manufacturers		

...many 'white spaces'

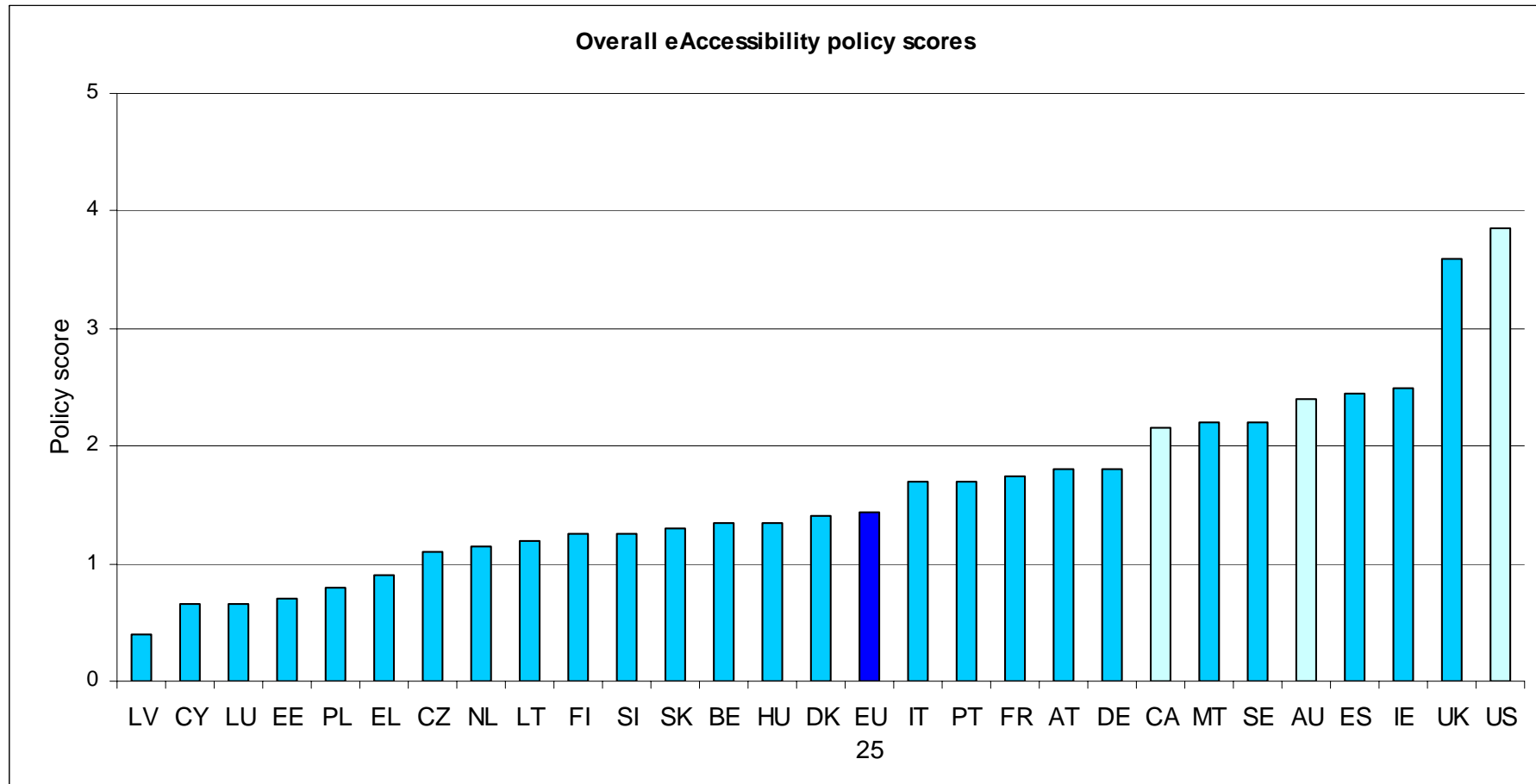
## Member States (and beyond)

	Web (=indirect via anti-discrimination legislation)		Telecommunications (= information provision only)			TV		Other ICTs (=indirect via anti-discrimination legislation)		
	Public websites	Business websites	Fixed telephony services	Mobile telephony services	Equip-ment	Broadcast services	Equip-ment	Computer HW and SW	Self-service terminals	Other ICTs / consumer electronics
AT	✓	(✓)	✓	✓		✓				
BE	✓		✓			✓				
CY	?		✓			✓				
CZ	✓		✓			✓				
DE	✓	(✓)	✓			✓				
DK	✓		✓			✓				
EE	✓		?			✓				
EL	?		✓			✓				
ES	✓		✓	✓	?	✓				?
FI	✓		✓			✓				
FR	✓		✓			✓				
HU	✓		✓			✓				
IE	✓	?	✓			✓				
IT	✓		✓			✓				
LT	✓		✓			✓				
LU	?		✓			?				
LV	?		✓			✓				
MT	✓	(✓)	✓			?			?	
NL	✓		?			✓				
PL	?		✓			✓				
PT	✓		✓			✓			?	
SE	✓	?	✓			✓				
SI	✓		✓			✓				
SK	✓		✓			✓				
UK	✓	(✓)	✓	✓	?	✓	?		?	
AU	✓	(✓)	✓	✓	(✓)	✓			(✓)	
US	✓	(✓)	✓	✓	✓	✓	✓		(✓)	

...many 'white spaces' (fewer in US and AU)

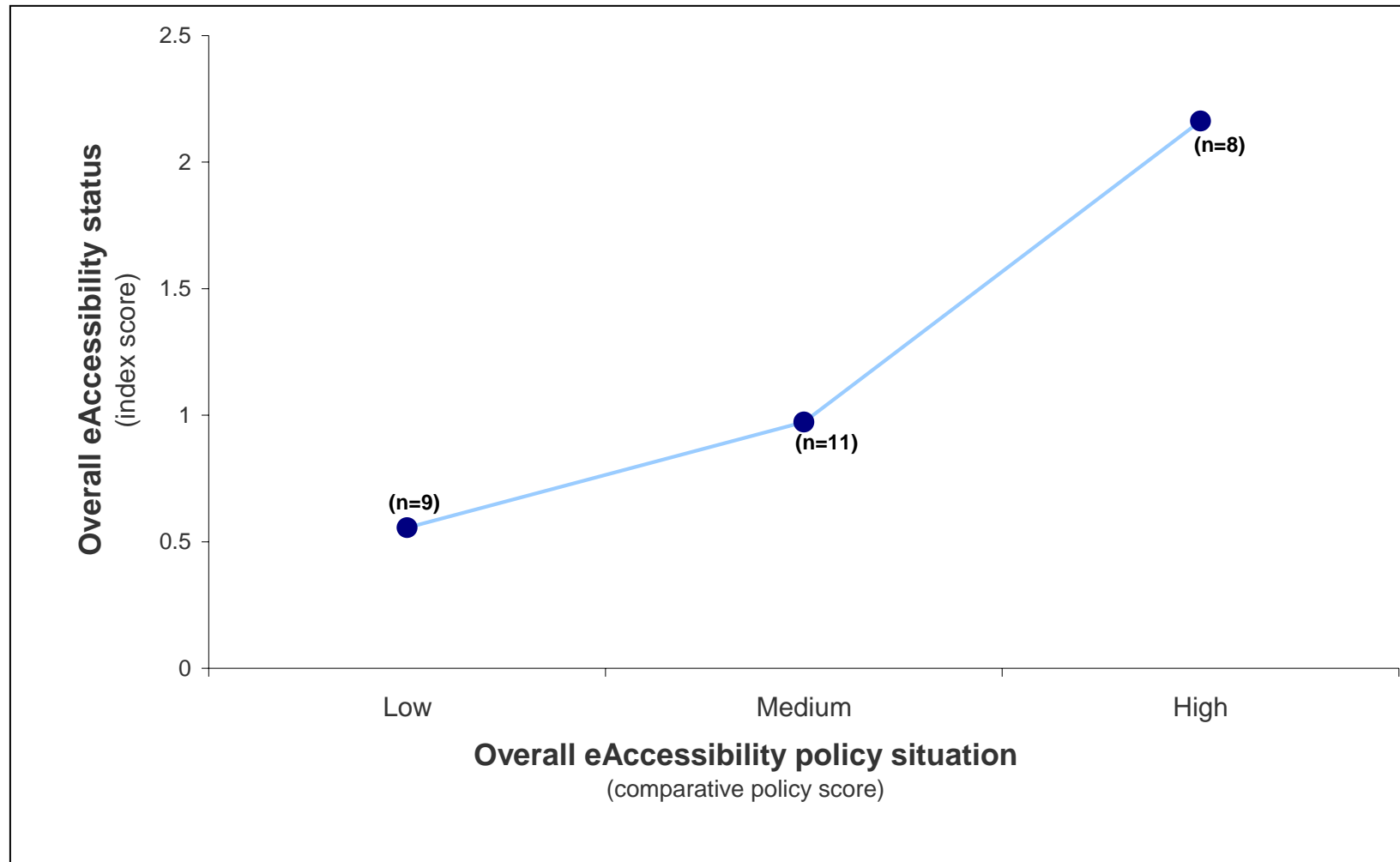


....overall



Strong legislation is needed.....

.....and works!



## **Examples (from Member States and beyond)**

## Public websites

 IT ('Stanca' Law – dedicated 'eAccessibility legislation)

 AT (eGovernment Law)

- ES, UK, DE, FR (Equality/Anti-discrimination/Accessibility Law)



- NL, PT (Cabinet Decision, Ministerial Resolution, etc.)



## Commercial websites

  IT ('Stanca' Law – encourages only)

 DE (BITV – gives rights of negotiation to disability organisations)

 ES (Equality law makes reference / encourages?)






- AT, MT, AU, US (Equality/Anti-discrimination Law, has been invoked)



## Telecoms services (fixed telephony)

-  UK (Communications Act, 2003 and associated measures by regulator)
-  DK (Strong obligations under USO legislation/regulations)
-  IE (USO regulations)
-  SE (Public procurement approach)
-  US (Section 255 of Telecoms Act, 1996; ADA, 1990)
-  AU (Telecommunications Act, 1999; Equality/Anti-discrimination legislation)

## Mobile telephony

-  UK (within scope of both equality legislation and telecoms legislation)
-  AT (regulations on accessibility of price information for international roaming)
-  ES (Equality/anti-discrimination requires accessible phones be made available)
-  US (Section 255 of Telecoms Act; HAC; FCC rules – hearing aid compatibility etc. )
-  AU (requirements for operators to provide accessibility information)

## Internet telephony (VoIP)

 US (FCC rules for access to relay services)

 UK (recent regulations on accessibility)


## Telecoms equipment

 US (Section 255, 1996; Hearing Aid Compatibility Act, 1988; FCC rules)

## TV broadcasts

 UK (Communications Act, 2003; regulator's code)

 IE (Broadcasting Act, 2001; regulator's rules)

 NL (Media Act, 2006; and subsequent regulations)

 SE (covered in licensing conditions / agreements)

## TV equipment

 US (Television Decoder Circuitry Act, 1990; FCC rules)

 UK (Communications Act, 2003 – duty to ‘encourage’?)

## Digital TV (new services/features)

 UK (Communications Act, 2003; regulator's code of practice on EPGs)

## Self-service terminals (e.g. ATMs)

 US (ADA obligations on public accommodations – ATM requirements)

 AU (agreed banking industry standards – have some legal standing)

## Horizontal legislation – ‘eAccessibility’ explicit or implicit

 ES (Equality/accessibility law, 2003)

 FR (Equality/accessibility law, 2005)

 NO (Equality/accessibility law, 2008)

 AT (Equality law, 2006)

 UK (Equality law, 1995/2005)

 US (Equality law, 1990)

 MT (Equality law, 2000)

 AU (Equality law, 1992)

## Public procurement

 UK (Equality law, 1995/2005, with positive duty; linkage with EU Directives)

 IT ('Stanca' law, 2004)

 US (Section 508 of Rehabilitation Act, 1998)

## Conclusions

- A lot happening, but a lot still to be done.....
- Considerable diversity across the Member States
- Most countries need to extend coverage to reach important ICTs and sectors
- In many cases, strengthening / better leveraging of existing legislation is also needed
- Are many good examples to learn from
- Need to know more about how laws are implemented and followed-up in practice
  - how countries achieve good results....