



**To:**

Members of the European Parliament's Internal Market and Consumer Protection Committee (IMCO)

**Brussels, 13 April 2017**

**RE: IMCO draft report on the European Accessibility Act**

Dear Member of the European Parliament,

After reading and analyzing Mr Løkkegaard's [draft report on the Accessibility Act \(2015/0278\(COD\)\)](#) which was published on 6 January 2017, members of COFACE Disability are deeply concerned about the direction that this report is taking. It is watering down the proposal of the European Commission, and it threatens to lead to an unambitious, sub-standard position of the European Parliament which does not represent the interests, or effectively promote the rights of the 80 Million persons with disabilities and 120 Million older people in the EU. COFACE Disability's mandate is to help persons with disabilities to enjoy their rights throughout the life cycle and in particular within their family context. COFACE Disability fights for sufficient, appropriate care provision and services, close-to-home and in-home help services for people with support needs to be made available in all Member States, but it also calls for resources, assistance and provision to be harmonised within the EU.

Therefore, we would like to ask for your support towards adopting a stronger report and especially by focusing on the following points:

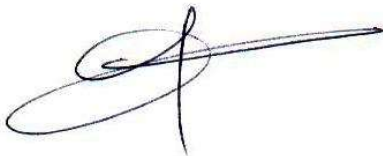
- The “enabling clause” to include accessibility of the **built environment** has been removed (AM 61), instead of being strengthened;
- **Accessibility requirements** for the Design and production part of the Annex I have been removed, leaving too much room for interpretation on how to achieve accessibility;
- Also regarding the Annex I, the accessibility requirements for the “User interface and functionality design” part have also been removed and replaced by **Functional Performance Criteria**, which does not sufficiently provide clarity on how to achieve accessibility as this has been used for all the sections. We do not believe one-fits-all approach will be suitable for such a horizontal Directive that covers a wide range of different products and services (while telephones need to support Real-time text, TVs need to support subtitles, etc.);

- **Micro-enterprises** have been excluded from the scope and the obligation for SMEs to notify has been weakened, thereby opening yet another loophole for economic operators not to apply the Directive (especially important for e-commerce for instance) (AMs 17 & 43);
- The reference to already existing **accessibility requirements in transport**, which allegedly already cover the full scope of the Act, are not factually correct and do not cover all aspects of accessibility (AMs 7, 8, 56, 57, 58, 59);
- The reference to other Union Acts that mention accessibility such as the Public Procurement Directive, the Trans-European-Networks Regulation, and the Structural Funds, has been weakened (AMs 10 & 100);
- The possibilities to adopt **Common Technical Specifications** has been weakened (AMs 19 & 82);
- The definitions of “Universal Design” (AMs 12 & **45**), “Persons with functional limitations” (AMs 2, **44**, 75, 107, 108, etc.), and “e-commerce” (AMs 4, 6, **38**, 50, 60, etc.) have been deleted and partially replaced insufficient definitions;
- The possibility of **recalling** products that are not compliant with the Act has been removed, excluding thus an important means of recourse for consumers (AM 49);
- Focusing on the “**intended use**” by consumers and thus limiting the scope of this proposed Directive. (AMs 3, 11, 27, 38).

The European Parliament has in the past always been supportive of accessibility issues and most recently achieved an excellent result with the adoption of the Web Accessibility Directive. We hope that the IMCO committee will follow in this tradition and uphold the rights of persons with disabilities under the UN Convention on the Rights of Persons with Disabilities even in this legislative project.

We are happy to reply to any further questions you may have.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Chantal Bruno', with a long horizontal stroke extending to the right.

Chantal Bruno  
President COFACE Disability  
On behalf of COFACE Disability