

Public consultation with a view to a European Accessibility Act

Closing date: 29/02/2012

I. 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?

Members of the ATIS4ALL consortium come from different countries in EU¹, with different legislations and especially different levels of regulation and implementation of accessibility policies. However, from answers from various partners to this specific question, it is possible to conclude that in those countries significant achievements took place in the last decade especially in the area of ICT accessibility legislation, but unfortunately, these legislations did not reach adequate levels of practical implementation.

Legislation in built environment and transport also exists, traditionally with more years of existence than ICT accessibility rules. Examples from different countries are given by the partners:

- In Ireland the Building regulations introduced in January 2010 requires that all new buildings must have a DAC (Disability Accessibility Certificate) in line with a fire certificate. The National Disability Authority has produced a Code of Practice on Accessibility of Public Services and Information governs all Public Bodies.
- In the Czech Republic “the Czech Telecommunication Office” may impose the obligation to provide access for disabled persons to the publicly available telephone service, to the information service on telephone numbers and to telephone directories at the same level of quality as the access enjoyed by all other end-users, based on, in particular, specially provided terminal equipment. Also in this country “The Electronic Communications Act” further authorises the Czech Telecommunication Office to impose publicly available telephone service the obligation to make it possible for disabled persons to select prices or prices schemes different from the price schemes used under normal business conditions so as to enable access for such persons and allow them to use the partial services and the publicly available telephone service.
- In Spain, mainly in the last decade, there has been a special effort in the accessibility to buildings of new construction. However, architectural barriers still exist, although there is more awareness of these issues and cities tend to be adapted. There are buses with ramps, adapted taxis, reserved parking, ramps at various buildings, etc.. but also there are many places where people with disabilities can not go, many streets with impossible curbs, ramps with high slopes, non-adapted buses, stairs, etc. Regarding ICT, accessibility is more familiar for developers and professionals dedicated to this

¹ The list of participant countries in ATIS4all: Spain, Belgium, United Kingdom, Portugal, Greece, France, Italy, Czech Republic Denmark, Ireland and Austria.

field but also there is a lack of information and training to awareness about the needs of people with disabilities.

- In Portugal, and in what concerns existing legislation on accessibility to building environment and transportation, despite the existence of specific rules for public buildings and transports, the situation is far to be adequate to persons with limited mobility because practical measures are often not implemented. The situation is better in what concerns ICT Accessibility. The legislation approved specially in what concerns web accessibility to public sites and ICT Services lead to many more services adequately accessible

One of the partners calls the attention to the fact that, in what relates for example to transport systems, accessibility is focusing mainly in the physical mobility (e.g., accessibility for wheelchairs) but not cover efficiently the aspects related to vision, hearing and mental impairments. The sectors of built environment and ICT are even in worse situation in what refers to these areas of disability.

A general conclusion from the answers of the different partners to this specific question can be taken: although there seem to be an effort from national authorities to legislate adequately in building, transport and ICT accessibility there is still a lot to be done from a practical point of view, for that legislation to be effectively implemented in practice.

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

This question (and the answers provided) is closely related to the previous one, that is, the effectiveness of the accessibility legislation. Partners of the ATIS4ALL agree that legislation has been far reaching in the last 10 years, disability groups have lobbied hard in most countries (as well as at a European level) and in some countries a number of acts have been legislated covering all areas of accessibility. However a lot more work still needs to be done as the degree of enforcement, especially for ICT, is still low. As stated by one of the partners of ATIS4ALL (the Centre for Remedial Clinic in Ireland) *“Legislation has been put in place regarding accessibility but now enforcement is necessary particularly in the private sector where it is harder to regulate. More work needs to be done on “where reasonable” as this can be used as an opt out clause. A regulator needs to ensure that non-compliance is valid”*.

Standards and regulations need to be put in place with government agencies and disability bodies. There should be more support of open source solution and projects. Suppliers and manufacturers also need support to engage and encourage open development projects to enable open innovation and better solutions for users.

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

There is the unanimous opinion from the consortium members that all goods and services (e.g., public transportation, access to buildings, health services, goods for home activities,

access to ICT, interpersonal communication, education, leisure, etc.) should be as fully accessible as possible. As mentioned by one of the partners ICT accessibility strongly impacts on all areas of life makes increasingly difficult for anyone to act efficiently apart from them, so nobody should be excluded of use them by reason of restrictions on their capabilities.

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

- There should be a clear legislation, covering all kinds of accessibility issues, explaining to what extent this legislation must be applied (depending on different situations), and define and execute the penalties. Mandating accessibility for public works and supporting integration of existing and new services. Support design for all rather than AT (designing accessibly via add-ons after the introduction into the market place) with legal mandates, educational initiatives and supporting exemplary commercial offerings.
- Legislation covering the environment and equal access is essential in all countries. If barriers exist in the environment, there is no inclusive society.
- Also legislation covering a right to recourse if services or goods do not include accessible options
- Education, accessibility curricula in universities and engineering schools, competence certification.

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

- Consider accessibility early enough in projects. Accessibility should be an eligibility criterion in call for tenders; require certified professionals;
- Ensure that all their goods and services are accessible and any companies supplying services should pass an accessibility test, if they are unable to comply there must be valid reasons given to a regulator.
- Public administrations and government should promote the use and accomplish with the accessibility laws, forcing the compliance with the ICT offers to a wide range of services. Also it is important to promote the information, training and awareness among the professionals to address the accessibility issues. Public authorities should control the fulfilment of the legislation in a stronger way, and provide means for disabled people to complain when there is a problem related to accessibility rights. They should also promote accessibility to public services (accessible public services).

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?

- SMEs are extremely important in the provision of goods and services as many assistive technology products are produced by SMEs. The market is small so this leads to smaller manufacturing companies. However being a small operator does bring up other issues particularly in relation to a fragmented market, high costs, a dominant US market, and interoperability.
- “Expanding markets beyond regional or national boundaries may generate the volume necessary to achieve economies of scale and to produce assistive devices at competitive prices.” (World Health Report on Disability). We have an aging population and SMEs and all manufacturers, designers should be encouraged to take onboard this approach, and this will greatly increase their market size. Mass production can lower costs if the device uses universal design principles, and is marketed widely.
- SME can develop rapidly specialised expertise and methods thus can help bigger companies to solve efficiently their accessibility issues; they should be recognised for accessibility competencies within a certification framework.
- SME’s could fit into niche markets with generic consequences. An example might be providing a toolkit or designer tools to create ITC offerings that are accessible from the design stage through product release.

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?

- Laws with mandatory access standards are the most effective way to achieve accessibility. In today’s climate, where budgets are being cut, legislation needs to be prescriptive and detailed, it is essential that standards, inspection, monitoring and evaluation follow.
- Accessibility standards should be part of all regulations. The delays caused through inspection and refusal of permits should provide an incentive for manufactures, builders etc to comply. Accessibility audits should be conducted by disability organizations or government agencies, to ensure and encourage compliance.
- The fact that for example web accessibility issues are mandatory to be a beneficiary of the public procurements and grants can result in increasing the number of organizations that have a web that meets the web accessibility requirements. Similar initiatives should be introduced in the mainstream products and services.
- Create resources centres providing documentation, methodologies, training.

- Create accessibility authorities whose mission will be to monitor, control, advise, and provide support to best practices (including financial support)
- Support R&D and innovation related to accessibility
- A combination of prescriptive and proscriptive legal guidelines is best, that is it is not enough to say that you cannot make inaccessible products or services.

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

- As with previous mandates and legislation, the EU should continue to provide legislation that enforces member states to comply with accessibility, placing deadlines on member states for compliance. The private sector needs to be regulated for and a media campaign established to provide vital information on the benefits of accessible products and the marketability and importance UD products.
- The authorities have a key role in the prescription and model of reference to introduce the accessible ICT as part of the new services and products design and implementation.
- A European legislation should bind local regulations, in an harmonised framework, referring to unique standards and reference documents.
- Encouraging localization of assistive technology and cross cultural applicability of Design for All efforts so that the same problem need not be solved multiple times across the EU.
- Guidance, information and exemplary practice. Funding of best practice in open accessibility