SUBSIDIARY LEGISLATION 627.03

ACCESSIBILITY MEASURES (EUROPEAN ACCESSIBILITY ACT) REGULATIONS

28th June, 2025

LEGAL NOTICE 214 of 2022, as amended by Legal Notice 258 of 2026.

PART I – GENERAL PROVISIONS

Citation, scope and commencement.

1. (1) The title of these regulations is the Accessibility Measures (European Accessibility Act) Regulations.

(2) The scope of these regulations is to transpose Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services.

(3) These regulations shall come into force on 28 June 2025:

Provided, however, that the obligations set out in regulation 4(8) shall come into force on 28 June 2027:

Provided further that, without prejudice to regulation 2 of these regulations:

(i) up until 28 June 2030, service providers may continue to provide their services using products which were lawfully used by them to provide similar services before that date;

(ii) service contracts agreed before 28 June 2025 may continue without alteration until they expire, but no longer than five (5) years from that date:

Provided also that self-service terminals lawfully used by service providers for the provision of services before 28 June 2025 may continue to be used in the provision of similar services until the end of their economically useful life, but no longer than twenty (20) years after their entry into use.

Interpretation. *Amended by: L.N. 258 of 2026.* Cap. 627.

2. For the purposes of these regulations:–

"Act" means the United Nations Convention on the Rights of Persons with Disabilities Act;

"air passenger transport services" means commercial passenger air services, as defined in point (l) of article 2 of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, on departure from, on transit

through, or on arrival at an airport, when the airport is situated in the territory of a Member State, including flights departing from an airport situated in a third country to an airport situated in the territory of a Member State where the services are operated by Union air carriers;

"assistive technology" means any item, piece of equipment, service or product system including software, that is used to increase, maintain, substitute or improve functional capabilities of persons with disabilities or for alleviation and compensation of impairments, activity limitations or participation restrictions;

Cap. 350.

"audiovisual media services" means any audiovisual media service as defined in article 16G of the Broadcasting Act;

"authorised representative" means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on its behalf in relation to specified tasks;

"bus passenger transport services" means services covered by articles 2(1) and (2) of Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004;

"CE marking" shall have the same meaning assigned to it in point 20 of article 2 of Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93;

"Commission" means the European Commission;

"competent national authority" means a market surveillance authority that is not the market surveillance authority as defined in this regulation, unless the context indicates otherwise;

"consumer" means any natural person who purchases the relevant product or is a recipient of the relevant service for purposes which are outside his trade, business, craft or profession;

"consumer banking services" means the provision to consumers of the following banking and financial services:

S.L. 378.10.
S.L. 378.12.

(a) credit agreements covered by the Credit Agreements for Consumers Relating to Residential Immovable Property Regulations or the Consumer Credit Regulations;

Cap. 345.

(b) services as defined in points 1, 2, 4 and 5 in Section A and points 1, 2, 4 and 5 in Section B of Annex I to MiFID, as defined in article 2 of the Financial Markets Act;

(c) payment services as defined in article 2 of the Banking Act; Cap. 371.

(d) services linked to the payment account as defined in regulation 2 of the Credit Institutions and Financial Institutions (Payment Accounts) Regulations; and S.L. 371.25. S.L. 376.12.

(e) electronic money as defined in article 2 of the Financial Institutions Act; Cap. 376.

"consumer general purpose computer hardware system" means the combination of hardware which forms a complete computer, characterised by its multi-purpose nature, its ability to perform, with the appropriate software, most common computing tasks requested by consumers and intended to be operated by consumers, including personal computers, in particular desktops, notebooks, smartphones and tablets;

"consumer terminal equipment with interactive computing capability, used for accessing audiovisual media services" means any equipment the main purpose of which is to provide access to audiovisual media services;

"Directive" means Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services ("European Accessibility Act");

"distributor" means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;

"e-book and dedicated software" means a service, consisting of the provision of digital files that convey an electronic version of a book, that can be accessed, navigated, read and used and the software including mobile device-based services including mobile applications dedicated to the accessing, navigation, reading and use of those digital files, and it excludes software covered under the definition of "e-reader";

"e-commerce services" means services provided at a distance, through websites and mobile device-based services by electronic means and at the individual request of a consumer with a view to concluding a consumer contract;

"e-reader" means dedicated equipment, including both hardware and software, used to access, navigate, read and use e-book files;

"economic operator" means the manufacturer, the authorised representative, the importer, the distributor or the service provider;

"electronic communications service" shall have the same meaning assigned to it in article 2 of the Electronic Communications (Regulation) Act; Cap. 399.

"electronic ticketing services" means any system in which passenger transport tickets are purchased, including online, using a device with interactive computing capability, and delivered to the purchaser in electronic form, to enable them to be printed in paper form or displayed using a mobile device with interactive computing capability when travelling.

"electronic tickets" means any system in which an entitlement to travel, in the form of single or multiple travel tickets, travel subscriptions or travel credit, is stored electronically on a physical transport pass or other device, instead of being printed on a paper ticket;

"emergency communication" shall have the same meaning assigned to it in article 2 of the Electronic Communications (Regulation) Act; Cap. 399.

"emergency service" shall have the same meaning assigned to it in article 2 of the Electronic Communications (Regulation) Act; Cap. 399.

"EU declaration of conformity" means a declaration of conformity as defined in article 5 of Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC;

"harmonised standard" shall have the same meaning assigned to it in point 1(c) of article 2 of Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council;

"importer" means any natural or legal person established within the Union who places a product from a third country on the Union market;

"interactive computing capability" means functionality supporting human-device interaction allowing for processing and transmission of data, voice or video or any combination thereof;

"making available on the market" means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of

charge;

"manufacturer" means any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its name or trademark;

"market surveillance authority" means the Commission for the Rights of Persons with Disability, in its role as market surveillance authority in respect of the Directive, as designated by article 22(1)(v) of the Equal Opportunities (Persons with Disability) Act; Cap. 413.

"Member State" or "Member States" mean a member state or member states of the European Union as defined in article 2 of the European Union Act; Cap. 460.

"microenterprise" means an enterprise which employs fewer than ten (10) persons and which has an annual turnover not exceeding EUR 2 million or an annual balance sheet total not exceeding EUR 2 million;

"Minister" means the Minister as defined in the Act;

"most appropriate PSAP" shall have the same meaning assigned to it in regulation 2 of the Electronic Communications Networks and Services (General) Regulations; S.L. 399.48.

"operating system" means software, which, *inter alia*, handles the interface to peripheral hardware, schedules tasks, allocates storage, and presents a default interface to the user when no application program is running including a graphical user interface, regardless of whether such software is an integral part of consumer general purpose computer hardware, or constitutes free-standing software intended to be run on consumer general purpose computer hardware, but excluding an operating system loader, basic input/output system, or other firmware required at boot time or when installing the operating system;

"payment terminal" means a device the main purpose of which is to allow payments to be made by using payment instruments as defined in article 2 of the Financial Institutions Act at a physical point of sale but not in a virtual environment; Cap. 376.

"persons with disabilities" means persons having a disability as defined in article 2 of the Act;

"placing on the market" means the first making available of a product on the Union market;

"product" means a substance, preparation, or good produced through a manufacturing process, other than food, feed, living plants and animals, products of human origin and products of plants and

animals relating directly to their future reproduction;

"public safety answering point" or "PSAP" shall have the same meaning assigned to it in article 2 of the Electronic Communications (Regulation) Act;

Cap. 399.

"rail passenger transport services" means all rail passenger services as referred to in article 2(1) of Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations, with the exception of services referred to in article 2(2) thereof;

"real time text" means a form of text conversation in point to point situations or in multipoint conferencing where the text being entered is sent in such a way that the communication is perceived by the user as being continuous on a character-by-character basis;

"regional transport services" shall have the same meaning assigned to it in point 7 of article 3 of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast), but for the purposes of these regulations, it includes only the following modes of transport: rail, bus and coach, metro, tram and trolley bus;

"service" shall have the same meaning assigned to it in article 2 of the Services (Internal Market) Act;

Cap. 500.

"service provider" means any natural or legal person who provides a service on the Union market or makes offers to provide such a service to consumers in the Union;

"services providing access to audiovisual media services" means services transmitted by electronic communications networks which are used to identify, select, receive information on, and view audiovisual media services and any provided features, such as subtitles for the deaf and hard of hearing, audio description, spoken subtitles and sign language interpretation, which result from the implementation of measures to make services accessible as referred to in article 16JB of the Broadcasting Act and includes electronic programme guides (EPGs);

Cap. 350.

"small and medium-sized enterprises" or "SMEs" means enterprises which employ fewer than two hundred and fifty (250) persons and which have an annual turnover not exceeding EUR 50 million, or an annual balance sheet total not exceeding EUR 43 million, but excludes microenterprises;

"technical specification" shall have the same meaning assigned to it in point 4 of article 2 of Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC

and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council that provides a means to comply with the accessibility requirements applicable to a product or service;

"total conversation service" shall have the same meaning assigned to it in regulation 2 of the Electronic Communications Networks and Services (General) Regulations; S.L. 399.48.

"Union" means the European Union as defined in article 2 of the European Union Act; Cap. 460.

"urban and suburban transport services" shall have the same meaning assigned to it in point 6 of article 3 of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast), but for the purposes of these regulations, it includes only the following modes of transport: rail, bus and coach, metro, tram and trolley bus;

"waterborne passenger transport services" shall have the same meaning assigned to it by Article 2(1) of Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004, with the exception of services referred to in Article 2(2) of that Regulation;

"withdrawal" means any measure aimed at preventing a product in the supply chain from being made available on the market.

3. (1) These regulations apply to the following products placed on the market after 28 June 2025: Applicability.

(a) consumer general purpose computer hardware systems and operating systems for those hardware systems;

(b) the following self-service terminals:

(i) payment terminals;

(ii) the following self-service terminals dedicated to the provision of services covered by these regulations:

- automated teller machines;

- ticketing machines;

- check-in machines;

- interactive self-service terminals providing information, excluding terminals installed as integrated parts of vehicles, aircrafts, ships or rolling stock;

(c) consumer terminal equipment with interactive computing capability, used for electronic communications services;

(d) consumer terminal equipment with interactive computing capability, used for accessing audiovisual media services; and

(e) e-readers.

(2) Without prejudice to regulation 1(3), these regulations apply to the following services provided to consumers after 28 June 2025:

(a) electronic communications services with the exception of transmission services used for the provision of machine-to-machine services;

(b) services providing access to audiovisual media services;

(c) the following elements of air, bus, rail and waterborne passenger transport services, except for urban, suburban and regional transport services for which only the elements under sub-paragraph (v) apply:

(i) websites;

(ii) mobile device-based services including mobile applications;

(iii) electronic tickets and electronic ticketing services;

(iv) delivery of transport service information, including real-time travel information; this shall, with regard to information screens, be limited to interactive screens located within the territory of the Union; and

(v) interactive self-service terminals located within the territory of the Union, except those installed as integrated parts of vehicles, aircrafts, ships and rolling stock used in the provision of any part of such passenger transport services;

(d) consumer banking services;

(e) e-books and dedicated software; and

(f) e-commerce services.

(3) These regulations apply to answering emergency communications to the single European emergency number "112".

(4) These regulations do not apply to the following content of websites and mobile applications:

(a) pre-recorded time-based media published before 28 June 2025;

(b) office file formats published before 28 June 2025;

(c) online maps and mapping services, if essential information is provided in an accessible digital manner for maps intended for navigational use;

(d) third-party content that is neither funded, developed by, or under the control of, the economic operator concerned;

(e) content of websites and mobile applications qualifying as archives, meaning that they only contain content that is not updated or edited after 28 June 2025.

(5) These regulations shall be without prejudice to the Permitted Use of Certain Works and Other Subject Matter Protected by Copyright and Related Rights for the Benefit of Persons who are Blind, Visually Impaired or Otherwise Print-Disabled Order and Regulation (EU) 2017/1563. S.L. 460.36.

PART II – ACCESSIBILITY REQUIREMENTS AND FREE MOVEMENT

Accessibility Requirements.

4. (1) In accordance with sub-regulations (2), (3) and (5) of this regulation and subject to regulation 14, economic operators shall only place on the market products and only provide services that comply with the accessibility requirements set out in Annex I to these regulations.

(2) All products:

(a) shall comply with the accessibility requirements set out in Section I of Annex I to these regulations;

(b) except for self-service terminals, shall comply with the accessibility requirements set out in Section II of Annex I to these regulations.

(3) Without prejudice to sub-regulation (5), all services:

(a) except for urban and suburban transport services and regional transport services, shall comply with the accessibility requirements set out in Section III of Annex I to these regulations;

(b) shall comply with the accessibility requirements set out in Section IV of Annex I to these regulations.

(4) The built environment used by clients of services covered by these regulations shall comply with the accessibility requirements set out in Annex III to these regulations, in order to maximise their use by persons with disabilities:

Provided that such obligation shall be without prejudice to similar obligations contained in any other legislation.

(5) Microenterprises providing services shall be exempt from complying with the accessibility requirements referred to in sub-regulation (3) and any obligations relating to the compliance with those requirements.

(6) Guidelines and tools to microenterprises to facilitate the application of these Regulations shall be developed by the market surveillance authority, in consultation with relevant stakeholders.

(7) The market surveillance authority may inform economic operators of the indicative examples, contained in Annex II to these regulations, of possible solutions that contribute to meeting the accessibility requirements in Annex I to these regulations.

(8)* The answering of emergency communications to the single European emergency number "112" by the most appropriate PSAP, shall comply with the specific accessibility requirements set out in Section V of Annex I to these regulations in the manner best suited to the national organisation of emergency systems.

Existing Union law in the field of passenger transport.

5. Services complying with the requirements on the provision of accessible information and of information on accessibility laid down in Regulations (EC) No 261/2004, (EC) No 1107/2006, (EC) No 1371/2007, (EU) No 1177/2010, and (EU) No 181/2011 and relevant acts adopted on the basis of Directive 2008/57/EC shall be deemed to comply with the corresponding requirements of these regulations. Where these regulations provide for requirements additional to those provided in those Regulations and those acts, the additional requirements shall apply in full:

Provided that such obligation shall be without prejudice to similar obligations contained in any other legislation.

*Not yet in force.

Free movement.

6. The making available on the market of products or the provision of services that comply with these regulations shall not be impeded for reasons related to accessibility requirements.

PART III – OBLIGATIONS OF ECONOMIC OPERATORS DEALING WITH PRODUCTS

Obligations of manufacturers.

7. (1) When placing their products on the market, manufacturers shall ensure that the products have been designed and manufactured in accordance with the applicable accessibility requirements of these regulations.

(2) Manufacturers shall:

(a) draw up the technical documentation in accordance with Annex IV to these regulations and carry out the conformity assessment procedure set out in that Annex or have it carried out;

(b) where compliance of a product with the applicable accessibility requirements has been demonstrated by that procedure, draw up an EU declaration of conformity and affix the CE marking.

(3) Manufacturers shall keep the technical documentation and the EU declaration of conformity for five (5) years after the product has been placed on the market.

(4) Manufacturers shall ensure that procedures are in place for series production to remain in conformity with these regulations. Changes in product design or characteristics and changes in the harmonised standards, or in technical specifications, by reference to which conformity of a product is declared shall be adequately taken into account.

(5) Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing their identification, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product.

(6) Manufacturers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. The address must indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and competent national authorities in different Member States.

(7) Manufacturers shall ensure that the product is

accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users, as determined by the market surveillance authority from time to time. Such instructions and information, as well as any labelling, shall be clear, understandable and intelligible.

(8) Manufacturers who consider or have reason to believe that a product which they have placed on the market is not in conformity with these regulations shall immediately take the corrective measures necessary to bring that product into conformity, or, if appropriate, to withdraw it. Furthermore, where the product does not comply with the accessibility requirements of these regulations, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken. In such cases, manufacturers shall keep a register of products which do not comply with applicable accessibility requirements and of the related complaints.

(9) Manufacturers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the product, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the non-compliance with the applicable accessibility requirements of products which they have placed on the market, in particular bringing the products into compliance with the applicable accessibility requirements.

Authorised representatives.

8. (1) A manufacturer may, by a written mandate, appoint an authorised representative:

Provided that the obligations laid down in regulation 7(1) and the drawing up of technical documentation shall not form part of the authorised representative's mandate.

(2) An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:

(a) keep the EU declaration of conformity and the technical documentation at the disposal of the market surveillance authority and other competent national authorities for five (5) years;

(b) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a product;

(c) cooperate with the competent national authorities, at their request, on any action taken to eliminate the non-compliance with the applicable accessibility requirements of products covered by their mandate.

Obligations of importers.

9. (1) Importers shall place only compliant products on the market.

(2) Before placing a product on the market, importers shall ensure that the conformity assessment procedure set out in Annex IV to these regulations has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation required by that Annex, that the product bears the CE marking and is accompanied by the required documents and that the manufacturer has complied with the requirements set out in regulations 7(5) and (6).

(3) Where an importer considers or has reason to believe that a product is not in conformity with the applicable accessibility requirements of these regulations, the importer shall not place the product on the market until it has been brought into conformity. Furthermore, where the product does not comply with the applicable accessibility requirements, the importer shall inform the manufacturer and the market surveillance authority to that effect.

(4) Importers shall indicate their name, registered trade name or registered trademark and the address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. The contact details shall be in a language easily understood by end-users and competent national authorities.

(5) Importers shall ensure that the product is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users, as determined by the market surveillance authority from time to time.

(6) Importers shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the applicable accessibility requirements.

(7) Importers shall, for a period of five (5) years keep a copy of the EU declaration of conformity at the disposal of the market surveillance authority and other competent national authorities and shall ensure that the technical documentation can be made available to those authorities upon request.

(8) Importers who consider or have reason to believe that a product which they have placed on the market is not in conformity with these regulations shall immediately take the corrective measures necessary to bring that product into conformity, or, if appropriate, to

withdraw it. Furthermore, where the product does not comply with the applicable accessibility requirements, importers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken. In such cases, importers shall keep a register of products which do not comply with applicable accessibility requirements, and of the related complaints.

(9) Importers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the non-compliance with the applicable accessibility requirements of products which they have placed on the market.

Obligations of distributors.

10. (1) When making a product available on the market, distributors shall act with due care in relation to the requirements of these regulations.

(2) Before making a product available on the market distributors shall verify that the product bears the CE marking, that it is accompanied by the required documents and by instructions and safety information in a language which can be easily understood by consumers and other end-users in the Member State in which the product is to be made available on the market and that the manufacturer and the importer have complied with the requirements set out in regulations 7(5) and (6) and regulation 9(4) respectively.

(3) Where a distributor considers or has reason to believe that a product is not in conformity with the applicable accessibility requirements of these regulations, the distributor shall not make the product available on the market until it has been brought into conformity. Furthermore, where the product does not comply with the applicable accessibility requirements, the distributor shall inform the manufacturer or the importer and the market surveillance authority to that effect.

(4) Distributors shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the applicable accessibility requirements.

(5) Distributors who consider or have reason to believe that a product which they have made available on the market is not in conformity with these regulations shall make sure that the corrective measures necessary to bring that product into conformity, or, if appropriate, to withdraw it, are taken. Furthermore, where the product does not comply with the applicable accessibility requirements, distributors shall immediately inform the competent national

authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

(6) Distributors shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product. They shall cooperate with that authority, at its request, on any action taken to eliminate the non-compliance with the applicable accessibility requirements of products which they have made available on the market.

Cases in which obligations of manufacturers apply to importers and distributors.

11. An importer or distributor shall be considered a manufacturer for the purposes of these regulations and shall be subject to the obligations of the manufacturer under regulation 7, where it places a product on the market under its name or trademark or modifies a product already placed on the market in such a way that compliance with the requirements of these regulations may be affected.

Identification of economic operators dealing with products.

12. (1) Economic operators referred to in regulations 7 to 10 shall, upon request, identify to the market surveillance authority or to competent national authorities, the following:

(a) any other economic operator who has supplied them with a product;

(b) any other economic operator to whom they have supplied a product.

(2) Economic operators referred to in regulations 7 to 10 shall be able to present the information referred to in sub-regulation (1) for a period of five (5) years after they have been supplied with the product and for a period of five (5) years after they have supplied the product.

PART IV – OBLIGATIONS OF SERVICE PROVIDERS

Obligations of service providers.

13. (1) Service providers shall ensure that they design and provide services in accordance with the accessibility requirements of these regulations.

(2) Service providers shall prepare the necessary information in accordance with Annex V to these regulations and shall explain how the services meet the applicable accessibility requirements. The information shall be made available to the public in a written and oral format, including a manner which is accessible to persons with disabilities. Service providers shall keep that information for as long as the service is in operation.

(3) Without prejudice to regulation 1(3), service providers shall ensure that procedures are in place so that the provision of

services remains in conformity with the applicable accessibility requirements. Changes in the characteristics of the provision of the service, changes in applicable accessibility requirements and changes in the harmonised standards or in technical specifications by reference to which a service is declared to meet the accessibility requirements shall be adequately taken into account by the service providers.

(4) In the case of non-conformity, service providers shall take the corrective measures necessary to bring the service into conformity with the applicable accessibility requirements. Furthermore, where the service is not compliant with applicable accessibility requirements, service providers shall immediately inform the competent national authorities of the Member States in which the service is provided, to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

(5) Service providers shall, further to a reasoned request from a competent national authority, provide it with all information necessary to demonstrate the conformity of the service with the applicable accessibility requirements. They shall cooperate with that authority, at the request of that authority, on any action taken to bring the service into compliance with those requirements.

PART V – FUNDAMENTAL ALTERATION OF PRODUCTS OR SERVICES AND DISPROPORTIONATE BURDEN TO ECONOMIC OPERATORS

Fundamental alteration and disproportionate burden.

14. (1) The accessibility requirements referred to in regulation 4 shall apply only to the extent that compliance:

(a) does not require a significant change in a product or service that results in the fundamental alteration of its basic nature; and

(b) does not result in the imposition of a disproportionate burden on the economic operators concerned.

(2) Economic operators shall carry out an assessment of whether compliance with the accessibility requirements referred to in regulation 4 would introduce a fundamental alteration or, based on the relevant criteria set out in Annex VI to these regulations, impose a disproportionate burden, as provided for in sub-regulation (1).

(3) Economic operators shall document the assessment referred to in sub-regulation (2). Economic operators shall keep all relevant results for a period of five (5) years to be calculated from the last making available of a product on the market or after a service was last provided, as applicable. Upon a request from the market surveillance authority or from competent national authorities responsible for checking compliance of services, as applicable, the

economic operators shall provide the authorities with a copy of the assessment referred to in sub-regulation (2).

(4) By way of derogation from sub-regulation (3), microenterprises dealing with products shall be exempted from the requirement to document their assessment. However, if the market surveillance authority or a competent national authority so requests, microenterprises dealing with products and which have chosen to rely on sub-regulation (1) shall provide the authority with the facts relevant to the assessment referred to in sub-regulation (2).

(5) Service providers relying on paragraph (b) of sub-regulation (1) shall, with regard to each category or type of service, renew their assessment of whether the burden is disproportionate:

(a) when the service offered is altered; or

(b) when requested to do so by the authorities responsible for checking compliance of services; and

(c) in any event, at least every five (5) years.

(6) Where economic operators receive funding from other sources than the economic operator's own resources, whether public or private, that is provided for the purpose of improving accessibility, they shall not be entitled to rely on paragraph (b) of sub-regulation (1).

(7) Where economic operators rely on sub-regulation (1) for a specific product or service they shall send information to that effect to the market surveillance authority, or relevant competent authorities responsible for checking the compliance of services of the Member State where the specific product is placed on the market or the specific service is provided:

Provided that sub-regulation (1) shall not apply to microenterprises.

PART VI – HARMONISED STANDARDS AND TECHNICAL SPECIFICATIONS OF PRODUCTS AND SERVICES

Presumption of conformity.

15. (1) Products and services which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the accessibility requirements of these regulations in so far as those standards or parts thereof cover those requirements.

(2) Products and services which are in conformity with the technical specifications or parts thereof shall be presumed to be in conformity with the accessibility requirements of these regulations in so far as those technical specifications or parts thereof cover those

requirements.

PART VII - CONFORMITY OF PRODUCTS AND CE MARKING

EU declaration of conformity of products.

16. (1) The EU declaration of conformity shall state that the fulfilment of the applicable accessibility requirements has been demonstrated. Where as an exception, regulation 14 has been used, the EU declaration of conformity shall state which accessibility requirements are subject to that exception.

(2) The EU declaration of conformity shall have the model structure set out in Annex III to Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC. It shall contain the elements specified in Annex IV to these regulations and shall be continuously updated. The requirements concerning the technical documentation shall avoid imposing any undue burden on microenterprises and SMEs. It shall be translated into the language or languages required by the Member State in which the product is placed or made available on the market.

(3) Where a product is subject to more than one legislative instrument requiring an EU declaration of conformity, a single EU declaration of conformity shall be drawn up in respect of all such legislative instruments. That declaration shall contain the identification of the acts concerned including the publication references.

(4) By drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the product with the requirements of these regulations.

General principles of the CE marking of products.

17. The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93.

Rules and conditions for affixing the CE marking.

18. (1) The CE marking shall be affixed visibly, legibly and indelibly to the product or to its data plate. Where that is not possible, or not warranted, on account of the nature of the product, it shall be affixed to the packaging and to the accompanying documents.

(2) The CE marking shall be affixed before the product is placed on the market.

(3) In respect of this regulation, the relevant provisions of Regulation (EC) No 765/2008 and of the Market Surveillance and CE Marking Regulations shall be observed and adhered to, to ensure the correct application of the regime governing the CE marking, and that appropriate action is taken in the event of improper use of that marking.

S.L. 427.73.

PART VIII – MARKET SURVEILLANCE OF PRODUCTS AND UNION SAFEGUARD PROCEDURE

Market surveillance of products.

19. (1) Article 15(3), articles 16 to 19, article 21, articles 23 to 28 and article 29(2) and (3) of Regulation (EC) No 765/2008 shall apply to products.

(2) When carrying out market surveillance of products, the market surveillance authority shall, when the economic operator has relied on regulation 14 of these regulations:

(a) check that the assessment referred to in regulation 14 has been conducted by the economic operator;

(b) review that assessment and its results, including the correct use of the criteria set out in Annex VI to these regulations; and

(c) check compliance with the applicable accessibility requirements.

(3) Information held by the market surveillance authority concerning the compliance of economic operators with the applicable accessibility requirements of these regulations and the assessment provided for in regulation 14, shall be made available to consumers upon request by said market surveillance authority, and in an accessible format, except where that information cannot be provided for reasons of confidentiality as provided for in article 19(5) of Regulation (EC) No 765/2008.

Procedure at national level for dealing with products not complying with the applicable accessibility requirements.

20. (1) Where the market surveillance authority has sufficient reason to believe that a product covered by these regulations does not comply with the applicable accessibility requirements:

(a) it shall carry out an evaluation in relation to the product concerned covering all requirements laid down in these regulations. The relevant economic operators shall fully cooperate with the market surveillance authority for that purpose;

(b) where, in the course of the evaluation referred to in paragraph (a), the market surveillance authority finds that the product does not comply with the requirements laid down in these regulations, it shall without delay require the relevant economic operator to take all appropriate corrective action to bring the product into compliance with those requirements within a reasonable period, commensurate with the nature of the non-compliance, as it may prescribe;

(c) the market surveillance authority shall require the relevant economic operator to withdraw the product from the market, within an additional reasonable period, only if the relevant economic operator has failed to take adequate corrective action within the period referred to in paragraph (b):

Provided that article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in paragraphs (b) and (c).

(2) Where the market surveillance authority considers that non-compliance is not restricted to its national territory, it shall inform the Commission and the other Member States of the results of the evaluation and of the actions which it would have required the economic operator to take.

(3) The economic operator shall ensure that all appropriate corrective action is taken in respect of all the products concerned that it has made available on the market throughout the whole Union.

(4) Where the relevant economic operator does not take adequate corrective action within the period referred to in paragraph (c) of sub-regulation (1), the market surveillance authority shall take all appropriate provisional measures to prohibit or restrict the products being made available on its national market or to withdraw the product from the market. The market surveillance authority shall inform the Commission and the other Member States, without delay, of those measures.

(5) The information communicated to the Commission and to the other Member States referred to in sub-regulation (4) shall include all available details, in particular the data necessary for the identification of the non-compliant product, the origin of the product, the nature of the non-compliance alleged and the accessibility requirements with which the product does not comply, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authority shall indicate whether the non-compliance is due to either:

(a) the failure of the product to meet the applicable accessibility requirements; or

(b) the shortcomings in the harmonised standards or in the technical specifications referred to in regulation 15 conferring a presumption of conformity.

(6) Should the procedure initiated under this regulation have been initiated by the competent national authorities of another Member State, the market surveillance authority shall without delay inform the

Commission and the other Member States of any measures adopted and of any additional information at its disposal relating to the non-compliance of the product concerned, and, in the event of disagreement with the notified national measure, of its objections.

(7) Where, within three (3) months of receipt of the information referred to in sub-regulation (4), no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by the market surveillance authority, that measure shall be deemed justified.

(8) The market surveillance authority shall ensure that appropriate restrictive measures, such as withdrawal of the product from the market, are taken in respect of the product concerned without delay.

Union safeguard procedure.

21. Where, on completion of the procedure set out in regulation 20(3) and (4), objections are raised against a measure taken by a Member State and, having reasonable evidence to suggest that a national measure is contrary to Union law, the Commission enters into consultation with the Member States and the relevant economic operator, to evaluate the national measure, and decides whether said national measure is justified or not, after the Commission would have communicated its decision to all Member States and to the relevant economic operator:

(i) where the national measure is considered justified, the market surveillance authority shall take the measures necessary to ensure that the non-compliant product is withdrawn from the market, and shall inform the Commission accordingly;

(ii) where the national measure is considered unjustified, the market surveillance authority shall withdraw the measure;

(iii) where the national measure is considered justified and the non-compliance of the product is attributed to shortcomings in the harmonised standards referred to in paragraph (b) of regulation 20(5), the Commission shall apply the procedure provided for in article 11 of Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council;

(iv) where the national measure is considered justified

and the non-compliance of the product is attributed to shortcomings in the technical specifications referred to in paragraph (b) of regulation 20(5), the Commission shall, without delay, adopt implementing acts amending or repealing the technical specification concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2) of the Directive.

Formal non-compliance.

22. (1) Without prejudice to regulation 20, where the market surveillance authority makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:

(a) the CE marking has been affixed in violation of article 30 of Regulation (EC) No 765/2008 or of regulation 18 of these regulations;

(b) the CE marking has not been affixed;

(c) the EU declaration of conformity has not been drawn up;

(d) the EU declaration of conformity has not been drawn up correctly;

(e) the technical documentation is either not available or not complete;

(f) the information referred to in regulation 7(6) or regulation 9(4) is absent, false or incomplete;

(g) any other administrative requirement provided for in regulation 7 or regulation 9 is not fulfilled.

(2) Where the non-compliance referred to in sub-regulation (1) persists, the market surveillance authority shall take all appropriate measures to restrict or prohibit the product being made available on the market or to ensure that it is withdrawn from the market.

PART IX - COMPLIANCE OF SERVICES

Compliance of services.

23. (1) The market surveillance authority shall establish, implement and periodically update adequate procedures in order to:

(a) check the compliance of services with the requirements of these regulations, including the assessment referred to in regulation 14 to which regulation 19(2) shall apply *mutatis mutandis*;

(b) follow up complaints or reports on issues relating to non-compliance of services with the accessibility

requirements of these regulations;

(c) verify that the economic operator has taken the necessary corrective action.

(2) The market surveillance authority shall also ensure that the public is informed of the existence, responsibilities, identity, work and decisions of the market surveillance authority as the authority responsible for the implementation of the procedures referred to in sub-regulation (1) with respect to the compliance of services. Such information shall be made available in accessible formats upon request.

PART X - ACCESSIBILITY REQUIREMENTS IN OTHER LEGISLATION

Accessibility under other legislation.

S.L. 601.03.
S.L. 601.05.

S.L. 601.08.
S.L. 601.09.

24. (1) As regards the products and services referred to in regulation 3 of these regulations, the accessibility requirements set out in Annex I to these regulations shall constitute mandatory accessibility requirements within the meaning of the Public Procurement Regulations, the Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations, the Emergency Procurement Regulations and the Concession Contract Regulations.

(2) Any product or service, the features, elements or functions of which comply with the accessibility requirements set out in Annex I to these regulations in accordance with Section VI thereof shall be presumed to fulfil the relevant obligations set out in legislation other than these regulations, as regards accessibility, for those features, elements or functions, unless otherwise provided in those other acts.

Harmonised standards and technical specifications for other legislation.

25. Conformity with harmonised standards and technical specifications or parts thereof which are adopted in accordance with regulation 15, shall create a presumption of compliance with regulation 24 in so far as those standards and technical specifications or parts thereof meet the accessibility requirements of these regulations.

PART XI – ENFORCEMENT AND PENALTIES

Enforcement.

Cap. 413.

26. (1) The market surveillance authority shall undertake efforts in terms of article 32A of the Equal Opportunities (Persons with Disability) Act to ensure adequate and effective compliance with these regulations.

(2) Consumers, as well as public bodies or private associations, organisations or other legal entities which have a legitimate interest, and are acting on behalf of said consumers, may take or support appropriate action to ensure that the rights of the consumers in terms of these regulations are complied with, in terms of

article 3 of the Act, and through any other means of redress available in terms of applicable legislation from time to time.

S.L. 601.03. S.L. 601.05. S.L. 601.08. S.L. 601.09.

(3) This regulation shall not apply in respect of procurement procedures which are subject to the Public Procurement Regulations, the Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations, the Emergency Procurement Regulations or the Concession Contract Regulations, in which respect other applicable legislation as in force from time to time shall apply.

Penalties.

27. (1) Penalties applicable to infringements of provisions of these regulations, to be enforced by the market surveillance authority, and taking into account the extent of the non-compliance, including its seriousness, and the number of units of non-complying products or services concerned, as well as the number of persons affected, shall be prescribed, and necessary measures to ensure their implementation shall be undertaken by said market surveillance authority, in terms of article 32 of the Equal Opportunities (Persons with Disability) Act.

Cap. 413.

(2) The penalties referred to in sub-regulation (1) shall also be accompanied by effective remedial action in case of non-compliance of the economic operator, prescribed in terms of the Equal Opportunities (Persons with Disability) Act.

Cap. 413.

S.L. 601.03. S.L. 601.05. S.L. 601.08. S.L. 601.09.

(3) This regulation shall not apply in respect of procurement procedures which are subject to the Public Procurement Regulations, the Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations, the Emergency Procurement Regulations or the Concession Contract Regulations, in which respect other applicable legislation as in force from time to time shall apply.

ANNEX I

ACCESSIBILITY REQUIREMENTS FOR PRODUCTS AND SERVICES

Section I

General accessibility requirements related to all products covered by these regulations in accordance with regulation 3(1)

Products must be designed and produced in such a way as to maximise their foreseeable use by persons with disabilities and shall be accompanied where possible in or on the product by accessible information on their functioning and on their accessibility features.

1. Requirements on the provision of information

(a) the information on the use of the product provided on the product itself (labelling, instructions and warning) shall

be:

(i) made available via more than one sensory channel;

(ii) presented in an understandable way;

(iii) presented to users in ways they can perceive;

(iv) presented in fonts of adequate size and suitable shape, taking into account foreseeable conditions of use, and using sufficient contrast, as well as adjustable spacing between letters, lines and paragraphs;

(b) the instructions for use of a product, where not provided on the product itself but made available through the use of the product or through other means such as a website, including the accessibility functions of the product, how to activate them and their interoperability with assistive solutions shall be publicly available when the product is placed on the market and shall:

(i) be made available via more than one sensory channel;

(ii) be presented in an understandable way;

(iii) be presented to users in ways they can perceive;

(iv) be presented in fonts of adequate size and suitable shape, taking into account foreseeable conditions of use and using sufficient contrast, as well as adjustable spacing between letters, lines and paragraphs;

(v) with regard to content, be made available in text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel;

(vi) be accompanied by an alternative presentation of any non-textual content;

(vii) include a description of the user interface of the product (handling, control and feedback, input and output) which is provided in accordance with point 2; the description shall indicate for each of the points in point 2 whether the product provides those features;

(viii) include a description of the functionality of

the product which is provided by functions aiming to address the needs of persons with disabilities in accordance with point 2; the description shall indicate for each of the points in point 2 whether the product provides those features;

(ix) include a description of the software and hardware interfacing of the product with assistive devices; the description shall include a list of those assistive devices which have been tested together with the product.

2. User interface and functionality design:

The product, including its user interface, shall contain features, elements and functions, that allow persons with disabilities to access, perceive, operate, understand and control the product by ensuring that:

(a) when the product provides for communication, including interpersonal communication, operation, information, control and orientation, it shall do so via more than one sensory channel; this shall include providing alternatives to vision, auditory, speech and tactile elements;

(b) when the product uses speech it shall provide alternatives to speech and vocal input for communication, operation control and orientation;

(c) when the product uses visual elements it shall provide for flexible magnification, brightness and contrast for communication, information and operation, as well as ensure interoperability with programmes and assistive devices to navigate the interface;

(d) when the product uses colour to convey information, indicate an action, require a response or identify elements, it shall provide an alternative to colour;

(e) when the product uses audible signals to convey information, indicate an action, require a response or identify elements, it shall provide an alternative to audible signals;

(f) when the product uses visual elements it shall provide for flexible ways of improving vision clarity;

(g) when the product uses audio it shall provide for user control of volume and speed, and enhanced audio features including the reduction of interfering audio signals from surrounding products and audio clarity;

(h) when the product requires manual operation and control, it shall provide for sequential control and alternatives to

fine motor control, avoiding the need for simultaneous controls for manipulation, and shall use tactile discernible parts;

(i) the product shall avoid modes of operation requiring extensive reach and great strength;

(j) the product shall avoid triggering photosensitive seizures;

(k) the product shall protect the user's privacy when he uses the accessibility features;

(l) the product shall provide an alternative to biometrics identification and control;

(m) the product shall ensure the consistency of the functionality and shall provide enough, and flexible amounts of, time for interaction;

(n) the product shall provide software and hardware for interfacing with the assistive technologies;

(o) the product shall comply with the following sector-specific requirements:

(i) self-service terminals:

— shall provide for text-to-speech technology;

— shall allow for the use of personal headsets;

— where a timed response is required, shall alert the user via more than one sensory channel;

— shall give the possibility to extend the time given;

— shall have an adequate contrast and tactilely discernible keys and controls when keys and controls are available;

— shall not require an accessibility feature to be activated in order to enable a user who needs the feature to turn it on;

— when the product uses audio or audible signals, it shall be compatible with assistive devices and technologies available at Union level, including hearing technologies such as hearing aids, telecoils, cochlear implants and assistive

listening devices;

(ii) e-readers shall provide for text-to-speech technology;

(iii) consumer terminal equipment with interactive computing capability, used for the provision of electronic communications services:

— shall, when such products have text capability in addition to voice, provide for the handling of real time text and support high fidelity audio;

— shall, when they have video capabilities in addition to or in combination with text and voice, provide for the handling of total conversation including synchronised voice, real time text, and video with a resolution enabling sign language communication;

— shall ensure effective wireless coupling to hearing technologies;

— shall avoid interferences with assistive devices;

(iv) consumer terminal equipment with interactive computing capability, used for accessing audio visual media services shall make available to persons with disabilities the accessibility components provided by the audiovisual media service provider, for user access, selection, control, and personalisation and for transmission to assistive devices.

3. Support services:

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication.

Section II

Accessibility requirements related to products in regulation 3(1), except for the self-service terminals referred to in regulation 3(1)(b)

In addition to the requirements of Section I, the packaging and instructions of products covered by this Section shall be made accessible, in order to maximise their foreseeable use by persons with disabilities. This means that:

(a) the packaging of the product, including the information provided in it (e.g. about opening, closing, use, disposal), including, when provided, information about the accessibility characteristics of the product, shall be made accessible; and, when feasible, that accessible information shall be provided on the package;

(b) the instructions for the installation and maintenance, storage and disposal of the product not provided on the product itself but made available through other means, such as a website, shall be publicly available when the product is placed on the market and shall comply with the following requirements:

(i) be available via more than one sensory channel;

(ii) be presented in an understandable way;

(iii) be presented to users in ways they can perceive;

(iv) be presented in fonts of adequate size and suitable shape, taking into account foreseeable conditions of use, and using sufficient contrast, as well as adjustable spacing between letters, lines and paragraphs;

(v) content of instructions shall be made available in text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel; and

(vi) instructions containing any non-textual content shall be accompanied by an alternative presentation of that content.

Section III

General accessibility requirements related to all services covered by these regulations in accordance with regulation 3(2)

The provision of services in order to maximise their foreseeable use by persons with disabilities, shall be achieved by:

(a) ensuring the accessibility of the products used in the provision of the service, in accordance with Section I of this Annex and, where applicable, Section II thereof;

(b) providing information about the functioning of the service, and where products are used in the provision of the service, its link to these products as well as information about

their accessibility characteristics and interoperability with assistive devices and facilities:

(i) making the information available via more than one sensory channel;

(ii) presenting the information in an understandable way;

(iii) presenting the information to users in ways they can perceive;

(iv) making the information content available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel;

(v) presenting in fonts of adequate size and suitable shape, taking into account foreseeable conditions of use and using sufficient contrast, as well as adjustable spacing between letters, lines and paragraphs;

(vi) supplementing any non-textual content with an alternative presentation of that content; and

(vii) providing electronic information needed in the provision of the service in a consistent and adequate way by making it perceivable, operable, understandable and robust;

(c) making websites, including the related online applications, and mobile device-based services, including mobile applications, accessible in a consistent and adequate way by making them perceivable, operable, understandable and robust;

(d) where available, support services (help desks, call centres, technical support, relay services and training services) providing information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication.

Section IV

Additional accessibility requirements related to specific services

The provision of services in order to maximise their foreseeable use by persons with disabilities, shall be achieved by including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with disabilities and ensure interoperability with assistive technologies:

(a) Electronic communications services, including emergency communications referred to in the Emergency Communications, the Single European Emergency Call Service ("112" Number) and the European Harmonised Services of Social Value ("116" Numbering Range) Regulations: S.L. 399.47.

(i) providing real time text in addition to voice communication;

(ii) providing total conversation where video is provided in addition to voice communication;

(iii) ensuring that emergency communications using voice, text (including real time text) is synchronised and where video is provided is also synchronised as a total conversation and is transmitted by the electronic communications service providers to the most appropriate PSAP.

(b) Services providing access to audiovisual media services:

(i) providing electronic programme guides (EPGs) which are perceivable, operable, understandable and robust and provide information about the availability of accessibility;

(ii) ensuring that the accessibility components (access services) of the audiovisual media services such as subtitles for the deaf and hard of hearing, audio descriptions, spoken subtitles and sign language interpretation are fully transmitted with adequate quality for accurate display, and synchronised with sound and video, while allowing for user control of their display and use.

(c) Air, bus, rail and waterborne passenger transport services except for urban and suburban transport services and regional transport services:

(i) ensuring the provision of information on the accessibility of vehicles, the surrounding infrastructure and the built environment and on assistance for persons with disabilities;

(ii) ensuring the provision of information about smart ticketing (electronic reservation, booking of tickets, etc.), real-time travel information (timetables, information about traffic disruptions, connecting services, onwards travel with other transport modes, etc.), and additional service information (e.g. staffing of stations, lifts that are

out of order or services that are temporarily unavailable).

(d) Urban and suburban transport services and regional transport services: ensuring the accessibility of self-service terminals used in the provision of the service in accordance with Section I of this Annex.

(e) Consumer banking services:

(i) providing identification methods, electronic signatures, security, and payment services which are perceivable, operable, understandable and robust;

(ii) ensuring that the information is understandable, without exceeding a level of complexity superior to level B2 (upper intermediate) of the Council of Europe's Common European Framework of Reference for Languages.

(f) E-books:

(i) ensuring that, when an e-book contains audio in addition to text, it then provides synchronised text and audio;

(ii) ensuring that e-book digital files do not prevent assistive technology from operating properly;

(iii) ensuring access to the content, the navigation of the file content and layout including dynamic layout, the provision of the structure, flexibility and choice in the presentation of the content;

(iv) allowing alternative renditions of the content and its interoperability with a variety of assistive technologies, in such a way that it is perceivable, understandable, operable and robust;

(v) making them discoverable by providing information through metadata about their accessibility features;

(vi) ensuring that digital rights management measures do not block accessibility features.

(g) E-Commerce services:

(i) providing the information concerning accessibility of the products and services being sold when this information is provided by the responsible economic operator;

(ii) ensuring the accessibility of the functionality for identification, security and payment when delivered as part of a service instead of a product by making it perceivable, operable, understandable and robust;

(iii) providing identification methods, electronic signatures, and payment services which are perceivable, operable, understandable and robust.

Section V

Specific accessibility requirements related to the answering of emergency communications to the single European emergency number "112" by the most appropriate PSAP

In order to maximise their foreseeable use by persons with disabilities, the answering of emergency communications to the single European emergency number "112" by the most appropriate PSAP, shall be achieved by including functions, practices, policies and procedures and alterations targeted to address the needs of persons with disabilities.

Emergency communications to the single European emergency number "112" shall be appropriately answered, in the manner best suited to the national organisation of emergency systems, by the most appropriate PSAP using the same communication means as received, namely by using synchronised voice and text (including real time text), or, where video is provided, voice, text (including real time text) and video synchronised as total conversation.

Section VI

Accessibility requirements for features, elements or functions of products and services in accordance with regulation 24(2)

The presumption to fulfil the relevant obligations set out in other legislation concerning features, elements or functions of products and services requires the following:

1. Products:

(a) the accessibility of the information concerning the functioning and accessibility features related to products complies with the corresponding elements set out in point 1 of Section I of this Annex, namely information on the use of the product provided on the product itself and the instructions for use of a product, not provided in the product itself but made available through the use of the product or other means such as a website;

(b) the accessibility of features, elements and functions of the user interface and the functionality design of products complies with the corresponding accessibility requirements of such user interface or functionality design set out in point 2 of Section I of this Annex;

(c) the accessibility of the packaging, including the information provided in it and instructions for the installation and maintenance, storage and disposal of the product not provided in the product itself but made available through other means such as a website, except for self-service terminals, complies with the corresponding accessibility requirements set out in Section II of this Annex.

2. Services:

the accessibility of the features, elements and functions of services complies with the corresponding accessibility requirements for those features, elements and functions set out in the services-related Sections of this Annex.

Section VII

Functional performance criteria

In order to maximise the foreseeable use by persons with disabilities, when the accessibility requirements, set out in Sections I to VI of this Annex, do not address one or more functions of the design and production of products or the provision of services, those functions or means shall be accessible by complying with the related functional performance criteria.

Those functional performance criteria may only be used as an alternative to one or more specific technical requirements, when these are referred to in the accessibility requirements, if and only if the application of the relevant functional performance criteria complies with the accessibility requirements and it determines that the design and production of products and the provision of services results in equivalent or increased accessibility for the foreseeable use by persons with disabilities.

(a) Usage without vision

Where the product or service provides visual modes of operation, it shall provide at least one mode of operation that does not require vision.

(b) Usage with limited vision

Where the product or service provides visual modes of

operation, it shall provide at least one mode of operation that enables users to operate the product with limited vision.

(c) Usage without perception of colour

Where the product or service provides visual modes of operation, it shall provide at least one mode of operation that does not require user perception of colour.

(d) Usage without hearing

Where the product or service provides auditory modes of operation, it shall provide at least one mode of operation that does not require hearing.

(e) Usage with limited hearing

Where the product or service provides auditory modes of operation, it shall provide at least one mode of operation with enhanced audio features that enables users with limited hearing to operate the product.

(f) Usage without vocal capability

Where the product or service requires vocal input from users, it shall provide at least one mode of operation that does not require vocal input. Vocal input includes any orally-generated sounds like speech, whistles or clicks.

(g) Usage with limited manipulation or strength

Where the product or service requires manual actions, it shall provide at least one mode of operation that enables users to make use of the product through alternative actions not requiring fine motor control and manipulation, hand strength or operation of more than one control at the same time.

(h) Usage with limited reach

The operational elements of products shall be within reach of all users. Where the product or service provides a manual mode of operation, it shall provide at least one mode of operation that is operable with limited reach and limited strength.

(i) Minimising the risk of triggering photosensitive seizures

Where the product provides visual modes of operation, it shall avoid modes of operation that trigger photosensitive seizures.

(j) Usage with limited cognition

The product or service shall provide at least one mode of

operation incorporating features that make it simpler and easier to use.

(k) Privacy

Where the product or service incorporates features that are provided for accessibility, it shall provide at least one mode of operation that maintains privacy when using those features that are provided for accessibility.

ANNEX II

INDICATIVE NON-BINDING EXAMPLES OF POSSIBLE SOLUTIONS THAT CONTRIBUTE TO MEETING THE ACCESSIBILITY REQUIREMENTS IN ANNEX I

SECTION I:

EXAMPLES RELATED TO GENERAL ACCESSIBILITY REQUIREMENTS FOR ALL PRODUCTS COVERED BY THESE REGULATIONS IN ACCORDANCE WITH REGULATION 3(1)

REQUIREMENTS IN SECTION I OF ANNEX I	EXAMPLES
1. The provision of information	
(a)	
(i)	Providing visual and tactile information or visual and auditory information indicating the place where to introduce a card in a self-service terminal so that blind persons and deaf persons can use the terminal.
(ii)	Using the same words in a consistent manner, or in a clear and logical structure, so that persons with intellectual disabilities can better understand it.
(iii)	Providing a tactile relief format or sound in addition to a text warning so that blind persons can perceive it.
(iv)	Allowing that text can be read by persons who are visually impaired.
(b)	

(i)	Providing electronic files which can be read by a computer using screen readers so that blind persons can use the information.
(ii)	Using the same words in a consistent manner, or in a clear and logical structure, so that persons with intellectual disabilities can better understand them.
(iii)	Providing subtitles when video instructions are provided.
(iv)	Allowing that the text can be read by persons who are visually impaired.
(v)	Printing in Braille, so that a blind person can use them.
(vi)	Accompanying a diagram with a text description identifying the main elements or describing key actions.
(vii)	No example provided.
(viii)	No example provided.
(ix)	Including a socket and software in automated teller machines which will allow the plugging of a headphone which will receive the text on the screen in the form of sound.

2. User interface and functionality design

(a)	Providing instructions in the form of voice and text, or by incorporating tactile signs in a keypad, so that persons who are blind or hard of hearing can interact with the product.
(b)	Offering in a self-service terminal in addition to the spoken instructions, for example, instructions in the form of text or images so that deaf persons can also perform the action required.
(c)	Allowing users to enlarge a text, to zoom in on a particular pictogram or to increase the contrast, so that persons who are visually impaired can perceive the information.

(d) In addition of giving a choice to press the green or the red button for selecting an option, providing in writing on the buttons what the options are, in order to allow person who are colour blind to make the choice.

(e) When a computer gives an error signal, providing a written text or an image indicating the error, so as to allow deaf persons to apprehend that an error is occurring.

(f) Allowing for additional contrast in foreground images so that persons who have low vision can see them.

(g) Allowing the user of a telephone to select the volume of the sound and reduce the interference with hearing aids so that persons who are hard of hearing can use the telephone.

(h) Making touch screen buttons bigger and well separated so that persons with tremor can press them.

(i) Ensuring that buttons to be pressed do not require much force so that persons who have motor impairments can use them.

(j) Avoiding flickering images so that persons who get seizures are not at risk.

(k) Allowing the use of headphones when spoken information is provided by automated teller machines.

(l) As an alternative to fingerprint recognition, allowing users who cannot use their hands to select a password for locking and unlocking a phone.

(m)	Ensuring that the software reacts in a predictable way when a particular action is performed and providing enough time to enter a password so that is easy to use for persons with intellectual disabilities.
(n)	Offering a connection with a refreshable Braille display so that blind persons can use the computer.
(o)	Examples of sector-specific requirements
(i)	No example provided.
(ii)	No example provided.
(iii) First indent	Providing that a mobile phone should be able to handle real time text conversations so that persons who are hard of hearing can exchange information in an interactive way.
(iii) Fourth indent	Allowing the simultaneous use of video to display sign language and text to write a message, so that two deaf persons can communicate with each other or with a hearing person.
(iv)	Ensuring that subtitles are transmitted through the set top box for their use by deaf persons.

3. Support services: No example provided

SECTION II:

EXAMPLES RELATED TO ACCESSIBILITY REQUIREMENTS FOR PRODUCTS IN REGULATION 3(1), EXCEPT FOR THE SELF-SERVICE TERMINALS REFERRED TO IN REGULATION 3(1)(b)

REQUIREMENTS IN SECTION II OF ANNEX I	EXAMPLES
Packaging and instructions of products	
(a)	Indicating in the packaging that the phone contains accessibility features for persons with disabilities.
(b)	

(i)	Providing electronic files which can be read by a computer using screen readers so that blind persons can use the information.
(ii)	Using the same words in a consistent manner, or in a clear and logical structure, so that persons with intellectual disabilities can better understand it.
(iii)	Providing tactile relief format or sound when a text warning is present so that blind persons receive the warning.
(iv)	Providing that the text can be read by persons who are visually impaired.
(v)	Printing in Braille, so that a blind person can read it.
(vi)	Supplementing a diagram with a text description identifying the main elements or describing key actions.

SECTION III:

EXAMPLES RELATED TO GENERAL ACCESSIBILITY REQUIREMENTS FOR ALL SERVICES COVERED BY THESE REGULATIONS IN ACCORDANCE WITH REGULATION 3(2)

REQUIREMENTS IN SECTION III OF ANNEX I	EXAMPLES
The provision of services	
(a)	No examples provided.
(b)	
(i)	Providing electronic files which can be read by a computer using screen readers so that blind persons can use the information.
(ii)	Using the same words in a consistent manner or in a clear and logical structure so that persons with intellectual disabilities can better understand it.
(iii)	Including subtitles when a video with instructions is provided.

(iv)	Providing that a blind person can use a file by printing it in Braille.
(v)	Providing that the text can be read by persons who are visually impaired.
(vi)	Supplementing a diagram with a text description identifying the main elements or describing key actions.
(vii)	When a service provider offers a USB-key containing information about the service, providing that information is accessible.
(c)	Providing text description of pictures, making all functionality available from a keyboard, giving users enough time to read, making content appear and operate in a predictable way, and providing compatibility with assistive technologies, so that persons with diverse disabilities can read and interact with a website.
(d)	No example provided.

SECTION IV:

EXAMPLES RELATED TO ADDITIONAL ACCESSIBILITY REQUIREMENTS FOR SPECIFIC SERVICES

REQUIREMENTS IN SECTION IV OF ANNEX I	EXAMPLES
Specific services	
(a)	
(i)	Providing that persons who are hard of hearing could write and receive text in an interactive manner and in real time.
(ii)	Providing that deaf persons can use sign language to communicate among themselves.

(iii)	Providing that a person who has speech and hearing impairments and chooses to use a combination of text, voice and video, knows that the communication is transmitted through the network to an emergency service.
(b)	
(i)	Providing that a blind person can select programmes on the television.
(ii)	Supporting the possibility to select, personalise and display "access services" such as subtitles for deaf persons or persons who are hard of hearing, audio descriptions, spoken subtitles and sign language interpretation, by providing means for effective wireless coupling to hearing technologies or by providing user controls to activate "access services" for audiovisual media services at the same level of prominence as the primary media controls.
(c)	
(i)	No example provided.
(ii)	No example provided.
(d)	No example provided.
(e)	
(i)	Making the identification dialogues on a screen readable by screen readers so that blind persons can use them.
(ii)	No example provided.
(f)	
(i)	Providing that a person with dyslexia can read and hear the text at the same time.
(ii)	Enabling synchronized text and audio output or by enabling a refreshable Braille transcript.

(iii)	Providing that a blind person can access the index or change chapters.
(iv)	No example provided.
(v)	Ensuring that information on their accessibility features is available in the electronic file so that persons with disabilities can be informed.
(vi)	Ensuring that there is no blocking, for example that technical protection measures, rights management information or interoperability issues do not prevent the text from being read aloud by the assistive devices, so that blind users can read the book.
(g)	
(i)	Ensuring that available information on the accessibility features of a product is not deleted.
(ii)	Making the payment service user interface available by voice so that blind persons can make online purchases independently.
(iii)	Making the identification dialogues on a screen readable by screen readers so that blind persons can use them.

ANNEX III

ACCESSIBILITY REQUIREMENTS FOR THE PURPOSE OF REGULATION 4(4) CONCERNING THE BUILT ENVIRONMENT WHERE THE SERVICES UNDER THE SCOPE OF THESE REGULATIONS ARE PROVIDED

In order to maximise the foreseeable use in an independent manner by persons with disabilities of the built environment in which a service is provided and which is under the responsibility of the service provider, as referred to in regulation 4(4), the accessibility of areas intended for public access shall include the following aspects:

(a) use of related outdoor areas and facilities;

(b) approaches to buildings;

(c) use of entrances;

(d) use of paths in horizontal circulations;

(e) use of paths in vertical circulation;

(f) use of rooms by the public;

(g) use of equipment and facilities used in the provision of the service;

(h) use of toilets and sanitary facilities;

(i) use of exits, evacuation routes and concepts for emergency planning;

(j) communication and orientation via more than one sensory channel;

(k) use of facilities and buildings for their foreseeable purpose;

(l) protection from hazards in the environment indoors and outdoors.

ANNEX IV

CONFORMITY ASSESSMENT PROCEDURE – PRODUCTS

1. Internal production control

Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4 of this Annex, and ensures and declares on its sole responsibility that the products concerned satisfy the appropriate requirements of these regulations.

2. Technical documentation

The manufacturer shall establish the technical documentation. The technical documentation shall make it possible to assess the conformity of the product to the relevant accessibility requirements referred to in regulation 4 and, in case the manufacturer relied on the exemption found in regulation 14, to demonstrate that relevant accessibility requirements would introduce a fundamental alteration or impose a disproportionate burden. The technical documentation shall specify only the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the product.

The technical documentation shall, wherever applicable, contain at least the following elements:

(a) a general description of the product;

(b) a list of the harmonised standards and technical specifications the references of which have been published in the *Official Journal of the European Union*, applied in full or in part, and descriptions of the solutions adopted to meet the relevant accessibility requirements referred to in regulation 4 where those harmonised standards or technical specifications have not been applied;

In the event of partly applied harmonised standards or technical specifications, the technical documentation shall specify the parts which have been applied.

3. Manufacturing

The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the products with the technical documentation referred to in point 2 of this Annex and with the accessibility requirements of these regulations

4. CE marking and EU declaration of conformity

4.1 The manufacturer shall affix the CE marking referred to in these regulations to each individual product that satisfies the applicable requirements of these regulations.

4.2 The manufacturer shall draw up a written EU declaration of conformity for a product model. The EU declaration of conformity shall identify the product for which it has been drawn up.

A copy of the EU declaration of conformity shall be made available to the relevant authorities upon request.

5. Authorised representative

The manufacturer's obligations set out in point 4 may be fulfilled by its authorised representative, on its behalf and under its responsibility, provided that they are specified in the mandate.

ANNEX V

INFORMATION ON SERVICES MEETING ACCESSIBILITY REQUIREMENTS

1. The service provider shall include the information assessing how the service meets the accessibility requirements referred to in regulation 4 in the general terms and conditions, or equivalent document. The information shall describe the applicable requirements and cover, as far as relevant for the assessment the design and the operation of the service. In addition to the consumer information requirements of the Consumer Rights Regulations, the information shall at least, where applicable, contain the following elements:

S.L. 378.17.

(a) a general description of the service in accessible formats;

(b) descriptions and explanations necessary for the understanding of the operation of the service;

(c) a description of how the relevant accessibility requirements set out in Annex I are met by the service.

2. To comply with point 1 of this Annex the service provider may apply in full or in part the harmonised standards and technical specifications, for which references have been published in the *Official Journal of the European Union*.

3. The service provider shall provide information demonstrating that the service delivery process and its monitoring ensure compliance of the service with point 1 of this Annex and with the applicable requirements of these regulations.

ANNEX VI

CRITERIA FOR ASSESSMENT OF DISPROPORTIONATE BURDEN

Criteria to carry out and document the assessment:

1. Ratio of the net costs of compliance with accessibility requirements to the overall costs (operating and capital expenditures) of manufacturing, distributing or importing the product or providing the service for the economic operators.

Elements to use to assess the net costs of compliance with accessibility requirements:

(a) criteria related to one-off organisational costs to take into account in the assessment:

(i) costs related to additional human resources with accessibility expertise;

(ii) costs related to training human resources and acquiring competences on accessibility;

(iii) costs of development of a new process for including accessibility in the product development or service provision;

(iv) costs related to development of guidance material on accessibility;

(v) one-off costs of understanding the legislation on accessibility;

(b) criteria related to on-going production and development costs to take into account in the assessment:

(i) costs related to the design of the accessibility features of the product or service;

(ii) costs incurred in the manufacturing processes;

(iii) costs related to testing the product or service for accessibility;

(iv) costs related to establishing documentation.

2. The estimated costs and benefits for the economic operators, including production processes and investments, in relation to the estimated benefit for persons with disabilities, taking into account the amount and frequency of use of the specific product or service.

3. Ratio of the net costs of compliance with accessibility requirements to the net turnover of the economic operator.

Elements to use to assess the net costs of compliance with accessibility requirements:

(a) criteria related to one-off organisational costs to take into account in the assessment:

(i) costs related to additional human resources with accessibility expertise;

(ii) costs related to training human resources and acquiring competences on accessibility;

(iii) costs of development of a new process for

including accessibility in the product development or service provision;

(iv) costs related to development of guidance material on accessibility;

(v) one off costs of understanding the legislation on accessibility;

(b) criteria related to on-going production and development costs to take into account in the assessment:

(i) costs related to the design of the accessibility features of the product or service;

(ii) costs incurred in the manufacturing processes;

(iii) costs related to testing the product or service for accessibility;

(iv) costs related to establishing documentation.