



The European Accessibility Act – What You Need to Know

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BRIEFING

The European Accessibility Act (Directive (EU) 2019/882) aims to harmonise accessibility requirements across the EU to ensure that certain products and services are accessible to all, particularly those with disabilities.

The Act sets out comprehensive requirements for a wide range of products and services including ATMs, smartphones, banking services, e-books, e-commerce services and telecommunications. It emphasises the need for accessible design, ensuring that people with disabilities can fully participate in the digital economy and everyday life without barriers.

The Act is independent and separate to the Equal Status Acts 2000 – 2018 (Equal Status Acts), which prohibit discrimination in the provision of, among other things, goods and services. The Equal Status Acts cover the nine protected characteristics that are well-established under Irish employment equality law, namely: gender, age, disability, sexual orientation, marital status, family status, race, religion, and membership of the Traveller community.

Key Features of the Act

Scope

The Act covers products and services across various sectors, including information and communication

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sectors, including information and communication technology, transport and the built environment (i.e., everything people live in and around, such as housing, infrastructure, public spaces etc.).



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Requirements

The Act has been implemented into Irish law by SI No. 636/2023 the European Union (Accessibility Requirements of Products and Services) Regulations 2023 (Irish Regulations). Schedule 1 of the Irish Regulations outlines general and specific accessibility requirements that apply to the relevant products and services. Products must be designed and produced in such a way as to maximise their foreseeable use by persons with disabilities and must be accompanied, where possible, in or on the product by accessible information on their functioning and on their accessibility features.



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Timelines

The Act applies from 28 June 2025.

Transitional measures

The Irish Regulations provide that a service provider may, up until 28 June 2030, continue to provide their services using products which were lawfully used by them to provide similar services before that date. Service contracts agreed before 28 June 2025 may continue without alteration until they expire, but no longer than five years from that date. The Irish Regulations set out that Ireland will be implementing an exemption for self-service terminals such as ATMs and payment terminals which are used lawfully by service providers for the provision of services before 28 June 2025. Such terminals may continue to be used in the provision of similar services until the end of their economically useful life but no longer than 20 years after their entry into use.

Harmonisation

Article 15(1) of the Act provides that products and services which conform with the harmonised standards published in the EU's Official Journal are presumed to conform with the accessibility requirements of the Act, where the standards cover those requirements. The European Commission has requested that standards are drafted in support of the Directive. This includes the request to revise the harmonised standards relating to accessibility requirements for ICT products and services (harmonised standard EN 301 459) and accessibility following a design for all approach in products goods and services (harmonised standard EN 17161:2019).

The Irish Regulations provide that products and services which comply with the EU harmonised standards are presumed to be in conformity with the Irish Regulations also.

Competent Authorities

The Irish Regulations set out the competent authorities for ensuring compliance with the Act. The Competition and Consumer Protection Commission (CCPC) is the market surveillance authority for products subject to the Act. The competent authorities in respect of services covered by the Act differ according to the services. For example, Coimisiún na Meán is responsible in respect of services providing access to audiovisual media services and the CCPC is the competent authority in respect of e-books and dedicated software and e-commerce services.

Enforcement Powers

The competent authorities have powers under the Irish Regulations including the power to direct economic operators to comply with the Irish Regulations. Consumers may apply to the Circuit Court for an order directing compliance where they consider that the operator has failed or is failing to comply with the requirements laid down by the Irish Regulations. A person who does not comply with the Irish Regulations commits an offence and may be liable:

- on summary conviction to a class A fine (up to €5,000) or imprisonment of a term not exceeding six months or both; or
- on conviction on indictment, to a fine of up to €60,000 or imprisonment for a term not exceeding 18 months or both.

Where a company commits an offence under the Irish Regulations, a director, manager, secretary or other officer of the company can also be personally liable for the offence, if the offence was committed with that individual's consent, connivance or approval of, or to be attributable to their wilful neglect.

Organisations should consider whether the products and services they provide fall within the scope of the Act and what measures, if any, need to be taken to ensure their compliance with the Act. In doing so, organisations should be conscious of the application date and transitional measures set out above.

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