



INCLUSION AS A COMPETITIVE ADVANTAGE: NEW ACCESSIBILITY REGULATIONS EFFECTIVE 28 JUNE 2025

WHAT DOES THE EUROPEAN ACCESSIBILITY ACT REGULATE?

The EU Directive 2019/882 (“*European Accessibility Act*”—*EAA*) has been in effect since 27 June 2019. The objective of the EAA is to standardise national legal and administrative requirements on accessibility requirements for certain products and services. Different regulations that have thus far created obstacles for the free circulation of accessible services are to be eliminated or prevented. In view of the high demand, an environment with more accessible products and services is meant to facilitate a more inclusive society and support an independent life for the people affected.

All **EU Member States** are required to implement the provisions of this Directive in a binding manner into national law **at the latest by 28 June 2025**.

WHAT PRODUCTS AND SERVICES FALL UNDER THE EAA?

The Directive applies to a variety of products or services placed on the market or provided to consumers **after 28 June 2025**.

Affected **products** include, for example, hardware systems (e.g., PCs, smartphones, tablets) and operating systems for general-purpose computers, certain self-service terminals, including payment terminals, ATMs, driving licence and check-in machines, as well as interactive terminals for providing information (e.g., interactive display screens), certain consumer devices with a range of interactive features (e.g., routers and modems, smart TVs, set-top boxes, game consoles) or e-book readers.

Affected **services** include, for example, certain electronic communications services (e.g. Internet access services, voice and video telephony, online messenger services), certain elements of passenger transportation services by air, bus, rail and ship transport, such as websites, mobile applications, electronic tickets, real-time travel information and interactive self-service terminals (with exceptions); including banking services. Within the included services, there are two groups to be pointed out, in particular:

Services that provide access to audio-visual media services are also subject to the EAA. This includes, for example, all types of websites, online applications or Apps that provide **access to a specific streaming offering** (including live TV) and electronic program guides (e.g. media players).

The EAA also covers so-called **e-commerce services**. These are remote services provided electronically via websites and mobile devices at the request of a consumer and have the aim of concluding a consumer contract. Essentially, this relates to the overall **online sale of any products or services in the B2C** segment, such as:

- **Internet web shops**, apps and web apps with an online store feature
- **Systems for scheduling appointments** (e.g. with physicians, physiotherapists, craftsmen, etc.)
- **Comparison or brokering platforms** that facilitate online contracting
- **Free services** via a website or app, provided that they facilitate an online acquirable, fee-based “*upgrade*”.



WHAT ARE THE MAIN OBLIGATIONS FOR ENTERPRISES?

Accessibility obligation

Enterprises that **manufacture and market** affected products, or **provide** affected **services**, must ensure that certain accessibility requirements are met. As a first step, an enterprise should check whether its products or services are affected.

These accessibility requirements **are detailed in Annex I** of the EAA. Essentially, they are intended to make information easier to understand, to ensure improved usability and to contribute to the interoperability of different assistance systems. Requirements for specific products and services are also included.

Annex II of the EAA contains a **list** of non-binding **examples** that contribute to meeting the accessibility requirements of Annex I, such as providing information in a tactile form to visually impaired people, captioning videos for people with hearing impairments, text-to-speech functionalities, the ability to increase contrast or support for Braille.

Other key obligations

Manufacturers must issue, for the products they market,

technical documentation that meets the requirements of Annex IV of the EAA. They must also display an **EU declaration of conformity** and affix the **CE mark**.

Importers must ensure that only products in compliance with the Directive are placed on the market. Dealers are likewise required to carry out certain checks, such as checking that products bear the CE mark.

Service providers must **provide information** to the general public in an accessible manner about the extent to which the services meet applicable accessibility requirements. This information may be provided in the General Terms and Conditions or a similar document; they must contain at least the content specified in **Annex V** of the EAA.

ARE THERE ANY EXCEPTIONS OR CONCESSIONS?

On a personal level

Accessibility requirements are not to be implemented if this would imply a **significant change** to a product or service or this would result in a disproportionate **burden** on the relevant economic operator. The assessment must be carried out and documented by the respective economic operator as a "*self-assessment*".

Micro-enterprises (these are enterprises that employ less than ten people and that either achieve an annual turnover of no more than EUR 2 million or whose annual balance sheet total amounts to no more than EUR 2 million) are **exempt** from fulfilling accessibility requirements and other measures associated with them, insofar as they provide **services**. If such micro-enterprises deal with **products**, the documentation of the "*self-assessment*" mentioned in the previous paragraph is not applicable.

On a factual level

Furthermore, the following **content of websites or mobile applications** is excluded from application of the EAA:

- recorded, time-based media published prior to 28 June 2025 (e.g. video clips, audio recordings);
- file formats of office applications published prior to 28 June 2025 (e.g. PDF, ODT, XLSX, DOCX);
- third-party content that has not been funded, developed or controlled by an economic operator; and
- content from websites and mobile applications that are considered archives and will not be updated or revised after 28 June 2025.



WHAT ARE THE LEGAL RISKS OF NON-COMPLIANCE?

In principle, it is the responsibility of the individual Member States to establish sanctions for violating the obligations under the EAA. These sanctions must be proportionate, effective and deterrent.

IMPLEMENTATION IN ALLIANCE COUNTRIES

In the following, we provide an **overview** of the **implementation status** from some EU Member States of the Schindhelm Alliance.

GERMANY

The Federal Republic of Germany transposed the EAA into national law in July 2021 by the law to implement Directive (EU) 2019/882 of 16 July 2021 (in short: German Accessibility Improvement Act (BFSG)).

The BFSG applies to hardware systems and their operating systems, self-service terminals, such as ATMs, ticket machines or check-in machines, consumer devices with a range of interactive services for telecommunications services and access to media services and e-book readers. Furthermore, various services are covered, such as telecommunications services, website offers, personal transport services, banking services for consumers and e-commerce services.

In order to clarify the requirements, the Regulation on the BFSG was enacted in June 2022, which defines the concrete requirements for accessibility of the affected products and services. By enacting the Regulation, the Federal Republic of Germany has complied with the implementation obligation with regard to Annex I of the EU Directive. The object of the Regulation is, in particular, the design and manufacture of products, the accessibility and design of the offer, the performance of the services as well as the manner in which information is provided on the use of the products and services.

In meeting the requirements of the regulation, the latest technological standards should be ob-

served. The competent German Federal Accessibility Agency regularly publishes on its website a list of the most important standards, conformity tables and current information on the applicable standards.

An intentional or negligent violation of the prohibition against marketing or providing non-compliant products or services or incorrectly labelled products is an administrative offence that can be punished with fines up to EUR 100,000.00. In the event of incorrect or incomplete information, details or labelling on products or services or failure to provide instructions for use, safety information or documents, a fine of up to EUR 10,000.00 may be imposed.

ITALY

The EAA was implemented in Italy by means of Legislative Decree (“decreto legislativo”) No. 82 of 27 May 2022. In accordance with the requirements of the Directive, the regulations pursuant to Art. 1 para. 1 of said Regulation apply as of 28 June 2025. The monitoring of duties introduced therein was delegated to the Ministry of Economic Development – “MISE” (with regard to products) and the Italian Digital Agency – “AGID” (with regard to digital services). The legal framework made by the EAA is flanked in Italy by the so-called “Stanca” law, which regulates a disabled person’s access to digital systems.

According to Article 24 Paragraph 2, violations of the aforementioned statutory regulation on accessibility are punished with fines of between EUR 2,500.00 and EUR 30,000.00. The application of criminal law standards remains expressly reserved.

AUSTRIA

The EAA was implemented in Austria with the Federal Act on Accessibility Requirements for Products and Services (Accessibility Act – BaFG), Federal Law Gazette I 76/2023. The law will enter into force as planned on 28 June 2025. For example, the Austrian Accessibility Act provides for staggered fines of up to EUR 80,000.00 – depending on the type of violation.



POLAND

The Polish Sejm adapted the Polish law to the requirements of the EAA with its Accessibility Act for certain products and services (BaFG) dated 26 April 2024. The BaFG will take effect on 28 June 2025.

In order to give sufficient time for service providers to meet the new requirements, a transition period has been introduced. This is five years from the date on which the BaFG enters into force. During this time, the products that an enterprise provided for the same services prior to the date on which the BaFG enters into force do not need to meet accessibility requirements, unless they are replaced during the transition period. According to the BaFG, it is the responsibility of the manufacturers, authorised representatives, importers and distributors to comply with the accessibility requirements for products. On the other hand, it will be the task of the service providers to ensure that accessibility requirements are complied with.

Micro-enterprises that provide services are excluded from applying accessibility requirements.

The BaFG provides for fines for economic operators who, among other things, place products on the market or provide services without complying with accessibility requirements. Importers and traders can be penalised as well. The fine may amount to approximately EUR 1,500.00 in 2025 (depending on the average monthly salary in the economy of the previous year, but not exceeding 10% of the turnover achieved in the preceding financial year in the year the fine is imposed).

SLOVAKIA

In Slovakia, the European Act on Accessibility (Law No. 351/2022) implements the EAA, which will take effect on 28 June 2025. The law does not directly define what group of persons falls under the protection of these legal regulations. However, on closer examination, it covers the majority of online services to be delivered under the EAA.

The authority responsible for monitoring com-

pliance with legal requirements is the Slovak Labour Inspectorate. Its primary responsibilities are to check the fulfilment of obligations by service providers, investigate complaints of legal violations and handle administrative offences, including the imposition of fines.

If a service provider does not meet the accessibility requirements, it can be fined between EUR 200.00 and EUR 6,000.00. If the service provider does not take corrective measures within one year, the fine can be increased up to EUR 20,000.00. If the service provider fails to cooperate, the fine can be increased up to EUR 30,000.00.

CZECH REPUBLIC

Law No. 424/2023 Slg on the implementation of the EAA enters into force in the Czech Republic on 28 June 2025. Its main goal is to ensure that select products and services are available to the largest possible number of people, especially people with disabilities.

Checks on compliance with the requirements set forth in the Act are carried out by the appropriate governmental administrative authorities. Key supervisory authorities include the Czech Labour Inspectorate (ČOI), which monitors the products and services on the market, verifies compliance with the requirements and orders corrective actions where appropriate. Besides that, the Czech Office for Telecommunications (ČTÚ) is responsible for checking the accessibility of electronic communication services. Other specialised authorities, such as the Office for the Protection of Personal Data, are responsible for monitoring specific areas such as the processing of Personal Data in connection with accessible services.

Supervisory authorities may conduct inspections, request documentation of the Required Documents and take corrective action for any deficiencies identified. The law also provides for financial penalties for violations. The amount of the fine depends on the severity of the violation and the size of the enterprise under the obligation. The fine can be up to CZK 10 million (approximately EUR 400,000.00).



CONCLUSION

Enterprises should check at an early stage to see if their products and services are affected. A comprehensive analysis not only ensures compliance with legal requirements, but also offers numerous advantages: Implementing accessible solutions improves access and user friendliness and it strengthens brand image. As a result, enterprises benefit from a broader customer base and can position themselves as trailblazers in inclusion. Ultimately, the Directive contributes to a future-proof and competitive business model.

CONTACT

Germany (Hamburg):

Viola Rust-Sorge

Viola.Rust-Sorge@schindhelm.com

Germany (Osnabrück):

Henning Kohlmeier

Henning.Kohlmeier@schindhelm.com

Italy:

Florian Bünger

Florian.Buenger@schindhelm.com

Austria:

Philipp L. Leitner

P.Leitner@saxinger.com

Poland:

Piotr Wyszumirski

Piotr.Wyszumirski@sdzlegal.pl

Czech Republic/Slovakia:

Monika Wetzlerova

Wetzlerova@saxinger.com