Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance)

CHAPTER I

General provisions

Article 1

Subject matter

The purpose of this Directive is to contribute to the proper functioning of the internal market by approximating the laws, regulations and administrative provisions of the Member States as regards accessibility requirements for certain products and services by, in particular, eliminating and preventing barriers to the free movement of products and services covered by this Directive arising from divergent accessibility requirements in the Member States.

Article 2

Scope

1 This Directive applies to the following products placed on the market after 28 June 2025:

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 this Directive:

— 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 Article 32, this Directive applies 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 point (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 This Directive applies to answering emergency communications to the single European emergency number ‘112’.

4 This Directive does 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 This Directive shall be without prejudice to Directive (EU) 2017/1564 and Regulation (EU) 2017/1563.

Article 3

Definitions

For the purposes of this Directive, the following definitions apply:

(1) ‘persons with disabilities’ means persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;

(2) ‘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;

(3) ‘service’ means a service as defined in point 1 of Article 4 of Directive 2006/123/EC of the European Parliament and of the Council[1];

(4) ‘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;

(5) ‘audiovisual media services’ means services as defined in point (a) of Article 1(1) of Directive 2010/13/EU;

(6) ‘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 7 of Directive 2010/13/EU; and includes electronic programme guides (EPGs);

(7) ‘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;

(8) ‘electronic communications service’ means electronic communications service as defined in point 4 of Article 2 of Directive (EU) 2018/1972;

(9) ‘total conversation service’ means total conversation service as defined in point 35 of Article 2 of Directive (EU) 2018/1972;

(10) ‘public safety answering point’ or ‘PSAP’ means public safety answering point or PSAP as defined in point 36 of Article 2 of Directive (EU) 2018/1972;

(11) ‘most appropriate PSAP’ means most appropriate PSAP as defined in point 37 of Article 2 of Directive (EU) 2018/1972;

(12) ‘emergency communication’ means emergency communication as defined in point 38 of Article 2 of Directive (EU) 2018/1972;

(13) ‘emergency service’ means emergency service as defined in point 39 of Article 2 of Directive (EU) 2018/1972;

(14) ‘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;

(15) ‘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;

(16) ‘placing on the market’ means the first making available of a product on the Union market;

(17) ‘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;

(18) ‘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;

(19) ‘importer’ means any natural or legal person established within the Union who places a product from a third country on the Union market;

(20) ‘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;

(21) ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor or the service provider;

(22) ‘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;

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

(24) ‘small and medium-sized enterprises’ or ‘SMEs’ means enterprises which employ fewer than 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;

(25) ‘harmonised standard’ means a harmonised standard as defined in point 1(c) of Article 2 of Regulation (EU) No 1025/2012;

(26) ‘technical specification’ means a technical specification as defined in point 4 of Article 2 of Regulation (EU) No 1025/2012 that provides a means to comply with the accessibility requirements applicable to a product or service;

(27) ‘withdrawal’ means any measure aimed at preventing a product in the supply chain from being made available on the market;

(28) ‘consumer banking services’ means the provision to consumers of the following banking and financial services:

(a) credit agreements covered by Directive 2008/48/EC of the European Parliament and of the Council[2] or Directive 2014/17/EU of the European Parliament and of the Council[3];

(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 Directive 2014/65/EU of the European Parliament and of the Council[4];

(c) payment services as defined in point 3 of Article 4 of Directive (EU) 2015/2366 of the European Parliament and of the Council[5];

(d) services linked to the payment account as defined in point 6 of Article 2 of Directive 2014/92/EU of the European Parliament and of the Council[6]; and

(e) electronic money as defined in point 2 of Article 2 of Directive 2009/110/EC of the European Parliament and of the Council[7];

(29) ‘payment terminal’ means a device the main purpose of which is to allow payments to be made by using payment instruments as defined in point 14 of Article 4 of Directive (EU) 2015/2366 at a physical point of sale but not in a virtual environment;

(30) ‘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;

(31) ‘air passenger transport services’ means commercial passenger air services, as defined in point (l) of Article 2 of Regulation (EC) No 1107/2006, 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;

(32) ‘bus passenger transport services’ means services covered by Article 2(1) and (2) of Regulation (EU) No 181/2011;

(33) ‘rail passenger transport services’ means all rail passenger services as referred to in Article 2(1) of Regulation (EC) No 1371/2007, with the exception of services referred to in Article 2(2) thereof;

(34) ‘waterborne passenger transport services’ means passenger services covered by Article 2(1) of Regulation (EU) No 1177/2010, with the exception of services referred to in Article 2(2) of that Regulation;

(35) ‘urban and suburban transport services’ means urban and suburban services as defined in point 6 of Article 3 of Directive 2012/34/EU of the European Parliament and of the Council[8]; but for the purposes of this Directive, it includes only the following modes of transport: rail, bus and coach, metro, tram and trolley bus;

(36) ‘regional transport services’ means regional services as defined in point 7 of Article 3 of Directive 2012/34/EU; but for the purposes of this Directive, it includes only the following modes of transport: rail, bus and coach, metro, tram and trolley bus;

(37) ‘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;

(38) ‘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;

(39) ‘consumer general purpose computer hardware system’ means the combination of hardware which forms a complete computer, characterised by its multipurpose 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;

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

(41) ‘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 in point (42);

(42) ‘e-reader’ means dedicated equipment, including both hardware and software, used to access, navigate, read and use e-book files;

(43) ‘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;

(44) ‘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.

CHAPTER II

Accessibility requirements and free movement

Article 4

Accessibility requirements

1 Member States shall ensure, in accordance with paragraphs 2, 3 and 5 of this Article and subject to Article 14, that economic operators only place on the market products and only provide services that comply with the accessibility requirements set out in Annex I.

2 All products shall comply with the accessibility requirements set out in Section I of Annex I.

All products, except for self-service terminals, shall comply with the accessibility requirements set out in Section II of Annex I.

3 Without prejudice to paragraph 5 of this Article, all services, 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.

Without prejudice to paragraph 5 of this Article, all services shall comply with the accessibility requirements set out in Section IV of Annex I.

4 Member States may decide, in the light of national conditions, that the built environment used by clients of services covered by this Directive shall comply with the accessibility requirements set out in Annex III, in order to maximise their use by persons with disabilities.

5 Microenterprises providing services shall be exempt from complying with the accessibility requirements referred to in paragraph 3 of this Article and any obligations relating to the compliance with those requirements.

6 Member States shall provide guidelines and tools to microenterprises to facilitate the application of the national measures transposing this Directive. Member States shall develop those tools in consultation with relevant stakeholders.

7 Member States may inform economic operators of the indicative examples, contained in Annex II, of possible solutions that contribute to meeting the accessibility requirements in Annex I.

8 Member States shall ensure that 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 in the manner best suited to the national organisation of emergency systems.

9 The Commission is empowered to adopt delegated acts in accordance with Article 26 to supplement Annex I by further specifying the accessibility requirements that, by their very nature, cannot produce their intended effect unless they are further specified in binding legal acts of the Union, such as requirements related to interoperability.

Article 5

Existing Union law in the field of passenger transport

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 this Directive. Where this Directive provides for requirements additional to those provided in those Regulations and those acts, the additional requirements shall apply in full.

Article 6

Free movement

Member States shall not impede, for reasons related to accessibility requirements, the making available on the market in their territory of products or the provision of services in their territory that comply with this Directive.

CHAPTER III

Obligations of economic operators dealing with products

Article 7

Obligations of manufacturers

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 this Directive.

2 Manufacturers shall draw up the technical documentation in accordance with Annex IV and carry out the conformity assessment procedure set out in that Annex or have it carried out.

Where compliance of a product with the applicable accessibility requirements has been demonstrated by that procedure, manufacturers shall 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 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 this Directive. 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 market surveillance authorities.

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 Member State concerned. 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 this Directive 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 this Directive, 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.

Article 8

Authorised representatives

1 A manufacturer may, by a written mandate, appoint an authorised representative.

The obligations laid down in Article 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 market surveillance authorities for five 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.

Article 9

Obligations of importers

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 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 Article 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 this Directive, 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 authorities to that effect.

4 Importers 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 contact details shall be in a language easily understood by end-users and market surveillance 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 Member State concerned.

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 years keep a copy of the EU declaration of conformity at the disposal of the market surveillance 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 this Directive 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.

Article 10

Obligations of distributors

1 When making a product available on the market distributors shall act with due care in relation to the requirements of this Directive.

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 Article 7(5) and (6) and Article 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 this Directive, 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 authorities 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 this Directive 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.

Article 11

Cases in which obligations of manufacturers apply to importers and distributors

An importer or distributor shall be considered a manufacturer for the purposes of this Directive and shall be subject to the obligations of the manufacturer under Article

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 this Directive may be affected.

Article 12

Identification of economic operators dealing with products

1 Economic operators referred to in Articles 7 to 10 shall, upon request, identify to the market surveillance 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 Articles 7 to 10 shall be able to present the information referred to in paragraph 1 of this Article for a period of five years after they have been supplied with the product and for a period of five years after they have supplied the product.

3 The Commission is empowered to adopt delegated acts in accordance with Article 26 to amend this Directive in order to change the period referred to in paragraph 2 of this Article for specific products. That amended period shall be longer than five years, and shall be in proportion to the economically useful life of the product concerned.

CHAPTER IV

Obligations of service providers

Article 13

Obligations of service providers

1 Service providers shall ensure that they design and provide services in accordance with the accessibility requirements of this Directive.

2 Service providers shall prepare the necessary information in accordance with Annex V and shall explain how the services meet the applicable accessibility requirements. The information shall be made available to the public in written and oral format, including in 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 Article 32, 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 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.

CHAPTER V

Fundamental alteration of products or services and disproportionate burden to economic operators

Article 14

Fundamental alteration and disproportionate burden

1 The accessibility requirements referred to in Article 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 Article 4 would introduce a fundamental alteration or, based on the relevant criteria set out in Annex VI, impose a disproportionate burden, as provided for in paragraph 1 of this Article.

3 Economic operators shall document the assessment referred to in paragraph 2. Economic operators shall keep all relevant results for a period of five 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 authorities or from the 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 paragraph 2.

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

5 Service providers relying on point (b) of paragraph 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 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 point (b) of paragraph 1.

7 The Commission is empowered to adopt delegated acts in accordance with Article 26 to supplement Annex VI by further specifying the relevant criteria that are to be taken

into account by the economic operator for the assessment referred to in paragraph 2 of this Article. When further specifying those criteria, the Commission shall take into account not only the potential benefits for persons with disabilities, but also those for persons with functional limitations.

When necessary, the Commission shall adopt the first such delegated act by 28 June 2020. Such act shall start to apply, at the earliest, in 28 June 2025.

8 Where economic operators rely on paragraph 1 for a specific product or service they shall send information to that effect to the relevant market surveillance authorities, or 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.

The first subparagraph shall not apply to microenterprises.

CHAPTER VI

Harmonised standards and technical specifications of products and services

Article 15

Presumption of conformity

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 this Directive in so far as those standards or parts thereof cover those requirements.

2 The Commission shall, in accordance with Article 10 of Regulation (EU) No 1025/2012, request one or more European standardisation organisations to draft harmonised standards for the product accessibility requirements set out in Annex I. The Commission shall submit the first such draft request to the relevant committee by 28 June 2021.

3 The Commission may adopt implementing acts establishing technical specifications that meet the accessibility requirements of this Directive where the following conditions have been fulfilled:

a no reference to harmonised standards is published in the *Official Journal of the European Union* in accordance with Regulation (EU) No 1025/2012; and

b either:

(i) the Commission has requested one or more European standardisation organisations to draft a harmonised standard and there are undue delays in the standardisation procedure or the request has not been accepted by any European standardisation organisations; or

(ii) the Commission can demonstrate that a technical specification respects the requirements laid down in Annex II of Regulation (EU) No 1025/2012, except for the requirement that the technical specifications should have been developed by a non-profit making organisation.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

4 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 this Directive in so far as those technical specifications or parts thereof cover those requirements.

CHAPTER VII

Conformity of products and CE marking

Article 16

EU declaration of conformity of products

1 The EU declaration of conformity shall state that the fulfilment of the applicable accessibility requirements has been demonstrated. Where as an exception, Article 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. It shall contain the elements specified in Annex IV to this Directive and shall be continuously updated. The requirements concerning the technical documentation shall avoid imposing any undue burden for 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 Union act requiring an EU declaration of conformity, a single EU declaration of conformity shall be drawn up in respect of all such Union acts. 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 this Directive.

Article 17

General principles of the CE marking of products

The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.

Article 18

Rules and conditions for affixing the CE marking

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 Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use of that marking.

CHAPTER VIII

Market surveillance of products and Union safeguard procedure

Article 19

Market surveillance of products

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 relevant market surveillance authorities shall, when the economic operator has relied on Article 14 of this Directive:

a check that the assessment referred to in Article 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; and

c check compliance with the applicable accessibility requirements.

3 Member States shall ensure that information held by market surveillance authorities concerning the compliance of economic operators with the applicable accessibility requirements of this Directive and the assessment provided for in Article 14, is made available to consumers upon request 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.

Article 20

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

1 Where the market surveillance authorities of one Member State have sufficient reason to believe that a product covered by this Directive does not comply with the applicable accessibility requirements, they shall carry out an evaluation in relation to the product concerned covering all requirements laid down in this Directive. The relevant economic operators shall fully cooperate with the market surveillance authorities for that purpose.

Where, in the course of the evaluation referred to in the first subparagraph, the market surveillance authorities find that the product does not comply with the requirements laid down in this Directive, they 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 they may prescribe.

Market surveillance authorities 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 the second subparagraph.

Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in the second and third subparagraphs of this paragraph.

2 Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member

States of the results of the evaluation and of the actions which they 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 Union.

4 Where the relevant economic operator does not take adequate corrective action within the period referred to in the third subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the product's being made available on their national markets or to withdraw the product from that market.

The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.

5 The information referred to in the second subparagraph of paragraph 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 authorities 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 Article 15 conferring a presumption of conformity.

6 Member States other than the Member State initiating the procedure under this Article shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the product concerned, and, in the event of disagreement with the notified national measure, of their objections.

7 Where, within three months of receipt of the information referred to in the second subparagraph of paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.

8 Member States shall ensure that appropriate restrictive measures, such as withdrawal of the product from their market, are taken in respect of the product concerned without delay.

Article 21

Union safeguard procedure

1 Where, on completion of the procedure set out in Article 20(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission has reasonable evidence to suggest that a national measure is contrary to Union law, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.

The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.

2 Where the national measure referred to in paragraph 1 is considered justified, all Member States shall take the measures necessary to ensure that the non-compliant product is

withdrawn from their market, and shall inform the Commission accordingly. Where the national measure is considered unjustified, the Member State concerned shall withdraw the measure.

3 Where the national measure referred to in paragraph 1 of this Article is considered justified and the non-compliance of the product is attributed to shortcomings in the harmonised standards referred to in point (b) of Article 20(5), the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.

4 Where the national measure referred to in paragraph 1 of this Article is considered justified and the non-compliance of the product is attributed to shortcomings in the technical specifications referred to in point (b) of Article 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).

Article 22

Formal non-compliance

1 Without prejudice to Article 20, where a Member State 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 Article 18 of this Directive;

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 technical documentation is either not available or not complete;

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

g any other administrative requirement provided for in Article 7 or Article 9 is not fulfilled.

2 Where the non-compliance referred to in paragraph 1 persists, the Member State concerned 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.

CHAPTER IX

Compliance of services

Article 23

Compliance of services

1 Member States shall establish, implement and periodically update adequate procedures in order to:

a check the compliance of services with the requirements of this Directive, including the assessment referred to in Article 14 for which Article 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 this Directive;

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

2 Member States shall designate the authorities responsible for the implementation of the procedures referred to in paragraph 1 with respect to the compliance of services.

Member States shall ensure that the public is informed of the existence, responsibilities, identity, work and decisions of the authorities referred to in the first subparagraph. Those authorities shall make that information available in accessible formats upon request.

CHAPTER X

Accessibility requirements in other Union acts

Article 24

Accessibility under other Union acts

1 As regards the products and services referred to in Article 2 of this Directive, the accessibility requirements set out in Annex I thereto shall constitute mandatory accessibility requirements within the meaning of Article 42(1) of Directive 2014/24/EU and of Article 60(1) of Directive 2014/25/EU.

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

Article 25

Harmonised standards and technical specifications for other Union acts

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

CHAPTER XI

Delegated acts, implementing powers and final provisions

Article 26

Exercise of the delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 4(9) shall be conferred on the Commission for an indeterminate period of time from 27 June 2019.

The power to adopt delegated acts referred to in Article 12(3) and Article 14(7) shall be conferred on the Commission for a period of five years from 27 June 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 4(9), Article 12(3) and Article 14(7) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to Article 4(9), Article 12(3) and Article 14(7) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 27

Committee procedure

1 The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 28

Working Group

The Commission shall establish a working group consisting of representatives of market surveillance authorities, authorities responsible for compliance of services and relevant stakeholders, including representatives of persons with disabilities organisations.

The working group shall:

(a) facilitate the exchange of information and best practices among the authorities and relevant stakeholders;

(b) foster cooperation between authorities and relevant stakeholders on matters relating to the implementation of this Directive to improve coherence in the application of the accessibility requirements of this Directive and to monitor closely the implementation of Article 14; and

(c) provide advice, in particular to the Commission, notably on the implementation of Article 4 and Article 14.

Article 29

Enforcement

1 Member States shall ensure that adequate and effective means exist to ensure compliance with this Directive.

2 The means referred to in paragraph 1 shall include:

a provisions whereby a consumer may take action under national law before the courts or before the competent administrative bodies to ensure that the national provisions transposing this Directive are complied with;

b provisions whereby public bodies or private associations, organisations or other legal entities which have a legitimate interest, in ensuring that this Directive is complied with, may engage under national law before the courts or before the competent administrative bodies either on behalf or in support of the complainant, with his or her approval, in any judicial or administrative procedure provided for the enforcement of obligations under this Directive.

3 This Article shall not apply to procurement procedures which are subject to Directive 2014/24/EU or Directive 2014/25/EU.

Article 30

Penalties

1 Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented.

2 The penalties provided for shall be effective, proportionate and dissuasive. Those penalties shall also be accompanied by effective remedial action in case of non-compliance of the economic operator.

3 Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

4 Penalties shall take 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.

5 This Article shall not apply to procurement procedures which are subject to Directive 2014/24/EU or Directive 2014/25/EU.

Article 31

Transposition

1 Member States shall adopt and publish, by 28 June 2022, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately communicate the text of those measures to the Commission.

2 They shall apply those measures from 28 June 2025.

3 By way of derogation from paragraph 2 of this Article, Member States may decide to apply the measures regarding the obligations set out in Article 4(8) at the latest from 28 June 2027.

4 When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

5 Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

6 Member States using the possibility provided for in Article 4(4) shall communicate to the Commission the text of the main measures of national law which they adopt to that end and shall report to the Commission on the progress made in their implementation.

Article 32

Transitional measures

1 Without prejudice to paragraph 2 of this Article, Member States shall provide for a transitional period ending on 28 June 2030 during which service providers may 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.

2 Member States may provide 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 20 years after their entry into use.

Article 33

Report and review

1 By 28 June 2030, and every five years thereafter, the Commission shall submit to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions a report on the application of this Directive.

2 The reports shall, inter alia, address in the light of social, economic and technological developments the evolution of the accessibility of products and services, possible technology lock in or barriers to innovation and the impact of this Directive on economic operators and on

persons with disabilities. The reports shall also assess whether the application of Article 4(4) has contributed to approximate diverging accessibility requirements of the built environment of passenger transport services, consumer banking services and customer service centres of shops of electronic communications service providers, where possible, with a view to allowing their progressive alignment to the accessibility requirements set out in Annex III.

The reports shall also assess if the application of this Directive, in particular its voluntary provisions, has contributed to approximate accessibility requirements of the built environment constituting works falling within the scope of Directive 2014/23/EU of the European Parliament and of the Council[9], Directive 2014/24/EU and Directive 2014/25/EU.

The reports shall also address the effects to the functioning of the internal market of the application of Article 14 of this Directive, including, where available, on the basis of information received in accordance with Article 14(8), as well as the exemptions for microenterprises. The reports shall conclude whether this Directive has achieved its objectives and whether it would be appropriate to include new products and services, or to exclude certain products or services from the scope of this Directive and they shall identify, where possible, areas for burden reduction with a view to a possible revision of this Directive.

The Commission shall, if necessary, propose appropriate measures which could include legislative measures.

3 Member States shall communicate to the Commission in due time all the information necessary for the Commission to draw up such reports.

4 The Commission's reports shall take into account the views of the economic stakeholders and relevant non-governmental organisations, including organisations of persons with disabilities.

Article 34

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 35

This Directive is addressed to the Member States.

Done at Strasbourg, 17 April 2019.

For the European Parliament

The President

A. TAJANI

For the Council

The President

G. CIAMBA

(**1**) Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

(**2**) Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC (OJ L 133, 22.5.2008, p. 66).

(**3**) Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 (OJ L 60, 28.2.2014, p. 34).

(**4**) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).

(**5**) Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).

(**6**) Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (OJ L 257, 28.8.2014, p. 214).

(**7**) Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7).

(**8**) Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32).

(**9**) Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).