

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 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.

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### 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

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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<sup>(1)</sup>, 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.

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*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.

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- (1) 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](#)).