How the European Accessibility Act Impacts Global Businesses

[00:00:00.62] KELLY MAHONEY: Thank you, everyone, for joining us for today's session on how the European Accessibility Act impacts global businesses. My name is Kelly, and I'll be moderating today's session. I use she/her pronouns, and I'm on the marketing team here at 3Play Media. I'm happy to welcome today's speaker, Susanna Laurin. Thank you so much for being here today, Susanna, and I'll pass it off to you for what I'm sure will be a great presentation.

[00:00:24.86] SUSANNA LAURIN: Thank you very much, Kelly, and thanks for having me. I'm sorry if I sound a little bit distracted in my voice today. This is the third session I do, and I do have a little bit of a cold, but I'll try to survive this hour. And also, please do ask questions. I know that this topic can be a little bit confusing to people sometimes, but I will try to describe the European Accessibility Act in 45 minutes. Some of my trainings take three days, so I'll do kind of an overview.

[00:00:58.74] So a little bit about me. I'm based in Sweden. It's very dark outside here. Now, it's in the afternoon. Sweden is not the alps and the chocolate and the cows. It's the other country up north. I'm the managing director and chair of the Funka Foundation. We are an independent research institution based here in Sweden.

[00:01:17.94] And I'm also representing IAAP, the International Association of Accessibility Professionals, a member organization for accessibility professionals towards the EU. And I'm also chair of the ETSI/CEN/CENELEC Joint Technical Body on eAccessibility. That's a super long name, but that means that I'm trying to herd in the cats of all the standardization bodies that are, together, creating the standards, acting as presumed conformance for European legislation, which means the standards that provide the technical specifications.

[00:01:51.45] So whatever happens, it's usually my fault. I've been in accessibility for 25 years, and I have bad eyesight myself, so I'm kind of into this from the European perspective. I've been asked to provide a little bit of information on the Accessibility Act, which is an ambitious legislation here.

[00:02:13.79] So I will give a little bit of an overview and then talk something about the requirements and exceptions of the legislation, and also timelines and the grace periods, not too many, but still interesting to know about the timeline, of course, and then a little bit about the business implications and also how to prepare if you haven't started preparing yet. And then we will save time for the Q&A in the end, as Kelly mentioned.

[00:02:41.11] So that's what you are going to live through in the upcoming hour. So first, a little bit of basics. There are different ways to do legislation in the EU, and the most important ones are regulations and directives. Regulations are common legislation that covers all member states directly. So they apply across all member states, and there is no flexibility, and everything is just exactly the same across the continent. You have probably heard of GDPR. That's a typical regulation.

[00:03:17.41] All the accessibility legislation we have at EU level, they are directives. And directives mean that it's an EU legislation. We decide together on what the minimum requirements should be, and then we transpose it into the national law, which means that there are some differences and a little bit of flexibility between the member states, or it can be. They have some flexibility, usually to go beyond the legislation. They can't do less.

[00:03:48.14] So even if the common European accessibility legislation, the aim is, of course, harmonization, we still sometimes end up with small differences. Sometimes, we hear from industry that that is a huge problem. I think it's a minor problem, to be honest, because they are not that many differences. But still, it's important to understand.

[00:04:09.38] And the reason this is done is because the member states are very-- they differ a lot in maturity, and the way assistive technology is provided, and also the way accessibility has been worked on before. Some of them have had previous legislation at national level and so on. So there are good reasons for allowing for a little bit of cultural differences and traditions and so on.

[00:04:36.98] So an overview of this legislation. Who is in scope? Who is covered? Well, this is where the Accessibility Act gets very interesting already from the start, because it covers the whole ecosystem, manufacturers, authorized representatives, importers, distributors, and providers of certain products and services.

[00:05:01.86] So this means that even if your company or organization is headquartered outside of the EU, if you want to sell to the inner market of the EU and you are within the scope of those certain products and services, you are in scope. It's not only EU-based companies. And that is why so many people are interested in this legislation, and why it's also a little bit tricky sometimes to understand how it's going to be enforced.

[00:05:29.18] The products in scope are computers, operating systems, smartphones, tablets, payment terminals, and self-service terminals, so all around that, electronic terminals for communication, digital TV and everything that goes together with that, e-readers. And the services in scope are electronic communication services, streaming services. And when it comes to transportation, it's not the actual bus or train or airplane. It's the digital services that goes together with this. So all the timetables or ticket machines and everything else that is digital around the transportation, that is in scope.

[00:06:12.72] Also, ebooks and software for ebooks, e-commerce. And this is at a very wide definition of e-commerce, even if you're not mainly doing e-commerce, but you may have a shop selling one of those products in the EU and you have-- a part of your business is online, you can still be defined as e-commerce. So that is a huge part of this legislation. And then the consumer banking services. And it's important to understand that the Accessibility Act is a business-to-consumer legislation and not a business-to-business legislation.

[00:06:54.46] When it comes to the enforcement of this law, there will be national-- or there are already, but not all of them are set up 100% yet, unfortunately. But the idea is to have national surveillance authorities. So this is one of the ways where European legislation and accessibility

differs from the US way, that we are controlling, monitoring, and doing surveillance of how organizations comply with the legislation.

[00:07:25.07] So here, we will have national surveillance authorities in each member state, and most of them will be sector-based. In some of the smaller member states, we see that they have only appointed one or maybe two authorities to cover all the different sectors, but in most member states, there will be one for financial things and another for e-commerce and a third for the ICT, and so on. So there will be several surveillance authorities in each member state, and they are the ones controlling compliance and how the law is implemented.

[00:08:04.56] The organizations who are in scope of this legislation and who want to sell their products or services into the EU, they need to provide technical documentation around their product or service. And there are some very specific rules on how to do this and the whole procedure on how to set up your technical documentation. It also needs to be saved for a number of years. And if somebody from the surveillance authority is asking for it, then you need to provide it timely and so on. So the technical documentation is very important.

[00:08:42.40] And then there is also a Declaration of Conformity. There is a model template for this, or a model way of doing a Declaration of Conformity in the EU. So that is also referred to in the legislation. And if you have a specific product that is already in scope of other legislation, like security and things like that, then you may also need to look at the CE marking, like boats, for example, or technical devices may sometimes have a CE mark. And that will also cover accessibility when this legislation enters into force.

[00:09:29.60] Users can, of course, complain if they find products and services or a website or app from one of these organizations that doesn't comply with the legislation. Then they have the right to complain. And they can complain to the surveillance authority, who could then control the organization in scope, or the whole process can, of course, also be taken to court.

[00:09:58.26] But the normal way that these things are settled in Europe, so far at least, has been not that we sue each other, but rather, try to make sure that we solve things outside of the court, so to speak. But there is, of course, a right to go all the way to courts if that is needed.

[00:10:18.57] But hopefully, there will be kind of a feedback mechanism from the-- just as we have with the current legislation, where end users can provide feedback, and it could be-- it could stay kind of the conversation between me and the economic operator. And if that doesn't help, then escalate it to the surveillance authority, who hopefully can solve it without making it into a legal issue.

[00:10:47.00] There are also possibilities for penalties. And here, again, the member states have chosen different paths. But in the law, it's absolutely possible to also fine organizations who, for some reason, don't do what they're told to do. Again, there will be a process first.

[00:11:07.05] It's not like, the first day after the 28th of June, where you are not compliant, then bang, you will get fined. That's not how it works. And you will, of course, first have a serious

probably of letters or communications and time to remediate before the penalty can enter into force.

[00:11:26.00] But there are different-- this is one of the questions I get all the time. How big are these penalties? No one can answer that now. There are differences between the different member states in how this is set up, and there is a little bit around the traditions and the history around this kind of legislative measures that may differ between member states, but in the end, it's always it's going to be case by case.

[00:11:53.99] But when the penalty is decided, the surveillance authority will look at how severe the inaccessibility is and how many people or user groups it may affect, and also for how long it has been going on or how many people it may affect during the time period where it's not fixed, so to speak.

[00:12:20.21] So it's possible to, even in a country where the penalties may-- where the risks are high, to avoid those by making sure that you have very clear technical documentation and that the Declaration of Conformity is-- you are not writing something that isn't true. And then also, in the communication, make sure that you show your willingness to remediate and fix things. Then that is usually the best way to avoid penalties for this kind of legislation.

[00:12:56.65] When it comes to the requirements as such, these are written in the Act, and they may be a little bit difficult, sometimes, to find or to understand. But there's a big difference between the Accessibility Act and the current Web Accessibility Directive that covers public sector, where there are no requirements in the law, and all of the requirements are in the standards. So here, it's a bit different.

[00:13:23.77] In the actual Act-- I know it's a long document, but it's not that complex to read, I think. And you can just skip all the other things and start with the Annex I if you think it's-- if it's too complex to read. So in Annex I, these are where the requirements are.

[00:13:41.90] First, you have general requirements for accessibility. That goes for all products and services in scope of the act. So that is the first part that you need to read through. And then there are sections that are covering what the products should be doing, or the compliance for products, and then the requirements for services, and then the specific sectors or topics.

[00:14:09.47] So banking has a specific, and e-commerce has a specific, and self-service terminal have a specific, and so on. So you actually need to read in three places, which people sometimes miss. But that's the tricky part of reading this. Otherwise, I believe they are rather straightforward, at least most of them. The intention of the legislature is that it should be easy to understand what the requirements are.

[00:14:33.59] And just as in the current European legislation, the basic is to provide alternatives. So because we all have different preferences and needs and abilities, you cannot only rely on one format or one channel for communication, but really think of this as a multi-modal way of communication and providing an alternative. That is the basis of most of what this legislation and the standards are about.

[00:15:07.57] So to support organizations that are in scope or would like to comply with this legislation, there are, of course, standards. So in the EU, all the accessibility legislation points to European standards. We do not use global standards for this. We always create European Norms, EN standards. But it's important to remember that they are voluntary.

[00:15:34.66] The actual requirements are in the law, but to support you or anyone who would like to comply with the legislation, the technical specifications are stated in European standards that are one way of providing presumed conformance. If you know that you can meet the requirements in another way, you are welcome to do so.

[00:15:59.99] Of course, most organizations will meet the standards and use the standards because it's an easier way, and you're sure that you are meeting the requirements. So that is how it's meant to be used, but in order to foster innovation and make sure that there is some flexibility and we open up for things that we do not know about today but may come tomorrow, it's not like you have to use the standards. You are welcome to solve the-- or to meet the requirements in other ways that you see fit. [COUGHS] Sorry.

[00:16:36.48] But with the standards, with the legislation, the European Commission also mandates the European standardization organizations to create standards and update existing ones. So in the current mandate, which is called 587, the standardization bodies are obliged or required to review three of our main existing standards.

[00:17:05.37] So the majority of the work, or the majority of the focus, is on the EN 301 549, which is one of the most comprehensive standards on ICT accessibility for products and services. And we have-- it already exists, of course. It is now in a version that is connected to the Web Accessibility Directive. It has also been implemented in Canada, in Kenya, in Mexico, in Australia, and so on and so forth. So it's really a very broad standard that is also used outside of the EU.

[00:17:45.18] It does cover much more than just web and apps. It's also hardware and many other things, so kind of trying to cover ICT in a broad sense. So this standard is currently being updated to meet the presumed conformance of the Accessibility Act.

[00:18:04.47] Another standard that is under review right now is the EN17161. And this standard has to do with design for all. It's more of a procedural standard supporting you how to achieve accessibility through a design for all approach or concept. So it's supporting organizations on how to do user testing, and how to involve end users with disabilities, and how to make sure you have your processes in order to make sure that the end result becomes accessible.

[00:18:36.32] So there are no technical specifications or measurements in this. You have to go to the 301 549 for those. But the 17161 is a standard that I highly recommend reading if you are new to the topic, because it really helps in getting this way of thinking into an organization.

[00:18:58.55] We are also updating EN17210, which is a standard on accessibility of the built environment. And that may surprise many people because when we talk about the Accessibility Act, we normally do not talk about the built environment, but only the digital parts.

[00:19:18.89] But during the process, before the legislation was entered into force, there is a lot of discussions, of course, political level, between the parliament and the council and the commission. And the built environment and also transportation, in some parts here, was included, and then taken out, and so on.

[00:19:40.83] So the end result, the law that came out was for digital only, but there is an opt-in, opt-out possibility in the legislation to also add the requirements of the built environment into your national legislation when you transpose the EEA into your member state.

[00:20:03.12] So there are a few member states that also are implementing the EN17210 and the requirements of the Accessibility Act into their national legislation. And that is why we also need to update this standard.

[00:20:19.40] And the current EN17210 is a very broad standard on built environment. It has all the principles in order and so on, but it doesn't have any measurements. So you can't really use it to see if something is compliant or not. So this is a big chunk of work happening right now when it comes to the review of this standard.

[00:20:44.72] Apart from these three existing standards, we are also developing new standards. And those cover parts of the Act that doesn't really have any specifications written down right now, at least not in Europe. So there is one new standard being created on nondigital information.

[00:21:07.41] And the nondigital information in the Accessibility Act has to do with, for example, the packaging of products and the understandability of how the packaging works and so on. So there are parts-- even if it's a digital legislation in many parts, there are also nondigital parts. So that is currently being created, or developed to standard, on that part.

[00:21:37.21] There are also requirements for accessibility of support services in the Accessibility Act. So if you are in scope, if your product or service is in scope and you have some kind of call center or help or technical support, any support services, then that service needs to be provided to the users in an accessible format.

[00:21:58.61] And that is also being, now, standardized. And the technical specifications of these requirements are put into a new standard, which I think is very-- will be very helpful. Well, I like all the standards, but this one, I think, will take a big step forward because some sectors, like the banking sector, has had similar standardized ways of making sure that support is being accessible, handled in an accessible way. But many other sectors have not worked with this at all. So that's one of the exciting things that are happening right now.

[00:22:32.68] The last new standard developed is a standard on emergency communications, which is kind of a further development of a chapter already in place in the EN 301 549. That goes for all three of those. And of course, emergency communication is extremely important for people with disabilities, that we get that in order.

[00:22:52.40] It's a bit of a scandal that we still have. So the way we run accessibility communications, like 911 in the US and similar things in the EU, are-- well, in some countries, it works well, but in many countries, there is a lot still to be done before this communication can be said to be accessible.

[00:23:17.20] So there's also a technical report being developed on procurement, but I guess that's not so interesting because it's only informative and not normative. But that will also be a support not only for the procurers, but also with suppliers who would like to make sure how they meet the requirements in procurement and so on.

[00:23:43.15] About the timeline, the application in the member states is in June 2025. So the legislation entered into force at EU level in April 2019. And then there was a period until 2022 where all the members had had their time to transpose.

[00:24:06.56] So during three years, they could then either create a new law or several new laws at member state level or update existing laws. So both of those ways are possible. So that happened into 2022. There were some member states a little delayed, but now still everyone is there. And then interestingly enough, the European Commission started infringement processes with all member states.

[00:24:32.68] They weren't 100% happy with any of the implementations. That does not mean that all member states did something wrong or didn't do their homework. But this is a complicated-- or a complex legislation, and the commission is very picky, of course, that everything becomes interpreted in a way that it can be kind of aligned. When it's supposed to be harmonized, it should also be clear in the national legislation that it is harmonized.

[00:25:03.09] So the application is, then, from 2025. So the 29th of June next year, we will all wake up to a perfect, accessible world in the EU, or maybe not. But the idea is that everything starts happening on the 28th of June. So most of the things that happened before that, you don't really need to bother about.

[00:25:24.24] But anything that happens after the 28th of June, that is what we need to look into. That needs to be accessible. So that is, I think, very common, also, in other parts of the world, that you try to avoid legislation that kind of looks backwards. And that is the same here.

[00:25:42.22] So apart from everything needs to be accessible on the 28th of June next year, there are some exceptions. So the grace periods that are in the legislation, so what is actually written in the Act, are two things. So if you have a service contract that was signed and agreed before the 28th of June 2025, you can let it run for a maximum of five years.

[00:26:08.53] So anything that was signed before the application of the legislation can stay on as long as the contract runs, but a maximum of five years. And also, if services is using products that were lawful before the law was applied on the 28th of June, they may continue using these products as part of their service, but no longer than the 28th of June 2030.

[00:26:42.59] So that's also five years. But this is for the products in use within your service. So if the service you are providing or buying is using products that met the legal requirements before EAA, then you can continue using that until 2030. So you have five years to change those components or redesign your service.

[00:27:12.13] And then, again, to the flexibility. There are options where the member states can do things on top of these grace periods, and those are also two. So self-service terminals that are on market before the application of the Act, they may stay on the market for their full economic life, but there is a maximum of 20 years. That's a long period, but that is, of course, because self-service terminals, in general, have a longer economic life.

[00:27:45.09] So everything that was already on the market and in use before June next year can stay on the market. You don't need to put them down or put them away. But of course, when you continue to roll them out after the 28th of June, then they need to be accessible.

[00:28:08.37] And then for the emergency communication-- this is, to me, a little bit more disturbing, but member states can also allow for the implementation of the emergency services to be accessible until the 28th of June 2027. So here, there is only two years of grace period. So those two can differ between member states, but the ones with service contracts and the products used in services, those are the same across all member states.

[00:28:40.37] Apart from this, all products and services placed on the market after the 28th of June next year need to comply with the legislation, or you can, of course claim disproportionate burden or fundamental alteration. So if you can prove that your product or service cannot work, the whole idea with the product fails if you make this or that requirement, then you need to state that and document that. And if you are right, that will be accepted.

[00:29:13.65] And also, if you have-- many ebook companies, for example, they have a backlog that will take time to fix, of course, then that is not a fundamental alteration, but it is a disproportionate burden. They can claim, may claim, that that is not possible until the 28th of June 2025 and then work out a plan, together with the surveillance authorities, to say that we will gradually fix this. So just as examples of what to do. But I hope you don't. I hope you meet the requirements as soon as possible instead.

[00:29:51.77] When it comes to the business implications, I already mentioned that the act is kind of-- the whole ecosystem or value chain is affected, which I think is really interesting, but I think there are a couple of things to think about if and when you want to sell your product or service in the EU.

[00:30:12.36] And that is, one thing is the surveillance, of course. So you have to have-- you have to know and understand how the surveillance authorities work, and hopefully, have a good relationship with them, but also to know, how will you be controlled and what do they require? Exactly what technical documentation are you supposed to provide? How does your declaration of conformity look and all of that? That's an important part.

[00:30:36.20] When it comes to the penalties-- again, I'm not giving anyone legal advice here, but I don't think that will be the biggest driver, but it may be your internal biggest driver. It may be a way to make sure that your management understands that accessibility is important. Then there are some very good quotes from some of the member states where they try to scare people off with high penalties and so on. But again, I personally don't think that is going to be the biggest driver, but of course, it's also something to look into.

[00:31:13.12] When it comes to procurement, it's interesting because the procurement directive that entered into force in 2017 actually increased the requirements for accessibility quite a lot. So over a certain threshold, ICT products and services that are to be used by humans, so not machine-to-machine, but if they are being used by natural persons, then they need to be accessible. And in the procurement directive, it hasn't really been specified exactly what that means, but it's pointing to another legal act. And here comes the Accessibility Act providing those requirements.

[00:31:55.61] So the Accessibility Act is also having an impact on the procurement legislation and actually even enforcing the procurement directive even more. So for public sector, this will also be kind of sharpening the requirements and making sure that accessibility becomes even higher up on their agenda. So it's important to understand, again, documentation, declaration, and so on, how the procurement works.

[00:32:26.45] And it could be, I think, very useful. If you are used to making business in the US and are used to using VPATs and things like that, they can be, maybe, used, but that's not what most public sector bodies are used to using in the EU. So it may be a very good idea to look into the specific templates and modes to do this in the EU as well.

[00:32:54.22] Also, there is, at least in central and northern parts of Europe, a very typical way of naming and shaming. So publicity, negative publicity, can also happen, of course. And I think quite a few of the companies or organizations that will struggle with this will also struggle with bad publicity.

[00:33:14.39] And because of the system and the legal system and the way we do things in Europe, that is not really always litigation and so on, but more naming and shaming. I think this is also something to take into account, that just the optics of how the company is communicating around accessibility is really just as important as-- or almost as important as the actual accessibility provided by the product or service.

[00:33:45.43] Every time so far where we have been involved as experts looking into legal cases, and also penalties and fines and so in the national legislation so far, and also the Web Accessibility Directive, it has been with organizations who kind of refuse to listen to reason, or they refuse to perceive themselves as part of this or in scope of the legislation. So trying to be reasonable and trying to communicate around accessibility, that is usually a much better way to approaching this than just saying no and not listening to surveillance authorities. That doesn't really work well.

[00:34:30.37] When it comes to preparation, well, I usually say that it's nice with this legislation because we see that organizations are so much more prepared than the public sector was a couple of years before the Web Accessibility Directive entered into force, but the more that time goes by, I see not only me, of course, but many other experts are doing trainings and sessions and workshops and so on on the Accessibility Act.

[00:34:59.15] So maybe organizations weren't that well-prepared, anyway, because this is kind of increasing now. And me and my team, we are almost not doing anything else than talking about the Accessibility Act. So how to prepare if you haven't really already started, well, I think it's important to take one step at a time, because if you try to solve everything at once, then you will be overwhelmed and probably not succeed with any of your intentions.

[00:35:27.96] So what we normally recommend is to first look inside. I mean, mostly, people start reading the law, and that's good-- and standards and so on. But I think most of your answers are actually in your organization. So what is the current state? Do you know if you are accessible or not? Is your product or service accessible? Did you test that? Did you make an audit?

[00:35:53.98] Do you know how to do that at all? I mean, did you require accessibility when you did buy in components and things like that? What kind of internal competencies do you have? What resources do you have for this? Do you have people with disabilities in your team, or anyone with a certification or knowledge about accessibility? That's extremely important before you start working on this.

[00:36:18.47] And also, most probably, you cannot solve everything internally. I think it's extremely important to build competence internally so you are not completely dependent on external experts, but sometimes, you may need to rely on external suppliers as well, because you cannot, probably, be an expert in every-- I mean, some of the really big companies can, but most organizations cannot have expertise on exactly every part of everything in accessibility, because it covers development, UX, graphical design, content, project management, and a long series of assistive technologies, and so on.

[00:37:00.67] So making sure that you know where you are, what internal resources you have, and what you may need, and also have a process and a list of what happens if somebody needs this in Braille. Do we know who to call? What happens if somebody needs sign language? Do we know the sign language interpretation company that we can call? All of those things are really important to look into.

[00:37:27.72] The next step is about competence, of course. So training, training, training. It's always good to train people. And that is, as you know, an ongoing thing that kind of never ends because you hire new people all the time. So recording the training, building manuals, checklists, and so on to support people to keep their knowledge and to help them use their knowledge in their everyday life is very important.

[00:37:57.32] Then of course, I'm part of the IAAP setup for this, but I think, really, accessibility certification is a very good way to show that you care about accessibility, and also a way to recruit people or work with suppliers that you know has a high quality in knowledge in

accessibility. So that's a good thing that you can at least consider. And then of course, if you are here today as the person who really has the problem in your lap and you need to solve it, or you are just very eager because you love accessibility, then buy-in from management is really crucial.

[00:38:41.28] You need to have a friend, and it's very good if that friend has a strong voice and a budget and some decision-making power. That helps a lot. It's extremely hard. Even in large organizations, we see one person who is hired to be the accessibility evangelist or accessibility champion or something, and that is extremely hard to be alone.

[00:39:03.42] You cannot know everything yourself. So make sure that you knock on the right doors and get buy-in from management. Otherwise, you will have a hard time making this happen. And it will cost money and resources. So you need somebody to say OK to that.

[00:39:19.97] And then what many organizations forget or do not succeed with, in my experience, is the procedures. So there are a lot of organizations who do the audit, do the testing, find out where they are, invest time and money in their training and certification, and so on, and then they think that they're finished. But they're not, because the most important thing, maybe, is really how you work with accessibility.

[00:39:46.67] To actually succeed, it can't be just a project. Because somebody said 2025, we are doing accessibility now for three months or six months, and then we go to gender issues, and then we go to migration, and then we-- that doesn't work. You need to build in accessibility into your natural workflow and all your internal processes. You need good documentation to follow up.

[00:40:11.45] If we release one product today, it's not accessible. Instead of working backwards and remediate afterwards-- that is always costly and very, very time-consuming-- make sure you learn from that, document, and make sure that the product team does a better job next time.

[00:40:28.75] And to do that, they need to know, what standards do you follow, what standards do you use, and what's the goal of your-- do you want to be the best provider in your business, in your sector, and brag about that? Or do you only want to meet the legal requirements, and that's enough? Or do you want to be somewhere in between? It's really important to know what the aim is.

[00:40:53.11] And once you set that up, you need to have a process where you know, this and this and this we do internally, and then we call this supplier to do external testing. And then we do this and this and this, and then we call in the end users that we, of course, pay to do their expert testing and so on. And that way, build that into the product or service development so that you know exactly when all these accessibility experts come in. Even in an agile process, it's very possible to add accessibility into those processes.

[00:41:28.31] And if you do that, then you have a much better chance of succeeding with your accessibility work-- and not only to comply with the legislation, but also to make sure that you maximize the foreseeable use of your product or service, because this is really what the Accessibility Act is about.

[00:41:48.16] It says in the Act several times, and I think it's such a beautiful way of describing why this is happening, why the legislature wanted this to happen, and why we and many others are committed to make sure that we move towards a more inclusive society.

[00:42:06.95] And it also makes complete business sense, because if your product or service makes sure that it can be used by as many people as possible-- using accessibility features, making sure you don't exclude anyone-- well, that is maximizing the foreseeable use. And who could be against that if you are a commercial company, or even public sector?

[00:42:28.75] So if you only remember one thing from this little presentation today, please remember that the Accessibility Act is not something that you-- as a punishment that somebody put on you. It is a way for you-- is a tool that you can use for maximizing the foreseeable use of your product or service. Thank you. And I hope we have, probably, questions.

[00:42:56.03] KELLY MAHONEY: We certainly do. This was a very engaged audience, so I'll try to take it easy on you. First, we've gotten a lot of questions about what types of companies specifically are included in this Accessibility Act. So wondering if you might be able to go a little more in depth with us on that.

[00:43:15.68] Lori asks, does the EAA only apply to companies trying to sell products or services? What about websites and things that just inform people and don't necessarily involve financial transactions?

[00:43:28.43] Along those lines, we got similar questions about the theatrical experience, like going to the cinema, or insurance companies, for example. Someone mentioned that-- I believe it might be Slovenia-- that Slovenia has decided that insurance companies specifically don't fall under this Act because of the nature of their business. Could you explore the bounds of that a little bit more for us?

[00:43:53.02] SUSANNA LAURIN: Mhm. So thank you for all these questions, and I will try to remember all of them in one go. So it is about selling products and services. So if you have a-- for example, in transportation, there is a lot of-- I would say brokers, maybe-- that say if you type in here, you can see all the flights from all airlines all over the world. They are just providing information about transportation, but they are not actually selling the ticket. Then they point you to the actual-- or if you want to buy something, you have to click on a specific airline, and then you do your business there.

[00:44:34.13] So then this brokerage, they are not covered by the legislation. However, we would recommend them to look into their accessibility anyway because, of course, if they have partners who are covered by the legislation, it will put a shadow on the whole market if this brokerage wasn't accessible.

[00:44:56.80] But information and information about something, even information about computers if you don't sell them, then I mean, it could be the Microsoft's or whatever computer companies that sell-- if they have an information website, that is, of course, covered. But not if I,

as a-- I don't know-- a company set up information about that is just informing about computers and smartphones. That wouldn't be covered by this legislation.

[00:45:32.19] When it comes to the insurance, that is usually-- I mean, the definition of consumer banking is very well-described in the Accessibility Act. I do not remember it by heart. It's a long terminology there. But we do see some insurance companies that also do provide banking services, and then those banking services are covered. But an insurance company as such is not covered.

[00:46:01.99] However, if they do provide their services online, that may be e-commerce. So you need to read both the definition of the consumer banking part, and then also of e-commerce, because if you try to sell something via your website and that is targeting an EU audience, then you would be covered in the e-commerce part, but not your insurance products as such. And did we have a third one that had to do with that?

[00:46:34.54] KELLY MAHONEY: There was another example about the in the theater experience.

[00:46:37.95] SUSANNA LAURIN: In the theater. Yeah, yeah, yeah. Theater-- no, I'm sorry. Culture, no. That is-- most member states have accessibility requirements for the cinemas, and so on. But that is at national level, so the Accessibility Act does not cover any cultural-- cinemas or anything like that. No.

[00:47:02.04] KELLY MAHONEY: Switching gears, but still a similar line of thought here. Thinking about this legislation within the context of education-- particularly online education, for example-- would this cover a company that, for example, produces all of their content in the US, but it's consumed by users in the EU? Would that particular segment of their library have to be accessible according to EU standards because that's the end user?

[00:47:31.23] SUSANNA LAURIN: Tricky, but probably not, I would say. I mean, if it's e-books, definitely. But if it's e-learning, that is usually considered more like education and training, and that sector is not covered. However, if it's consumed by universities, higher education, or other educational systems in the public sector, or bodies governed by public law, then they are covered by the Web Accessibility Directive.

[00:47:57.74] KELLY MAHONEY: OK. That's very helpful. Thank you. And thinking about-- I'm glad you said e-books, because there's another question here about, when translating content, would this need to be translated into all of the official EU languages as a part of these requirements?

[00:48:15.56] SUSANNA LAURIN: That's such a-- I love that question. It comes every time. [LAUGHING] I would love it. But it's not-- no. Accessibility in the EU, for some reason, the language, translation, understanding language-- that is never part of the accessibility. It's always part of something else. We have a whole unit in the European Commission working with multilingualism and how to cover that. And the languages are also heavily legislated in many ways, but it's not part of the accessibility legislation.

[00:48:50.55] So here, it's only about providing alternatives for people who are blind or deaf, and so on, hard of hearing, but not that all the different languages in the member states. It's interesting that it always comes up. I don't know.

[00:49:04.47] KELLY MAHONEY: It sounds like language is its own entity.

[00:49:07.05] SUSANNA LAURIN: Yeah, it is. Yeah. But I mean, for me personally, I think it's a part of accessibility, but the legislature doesn't think so.

[00:49:14.24] KELLY MAHONEY: Yeah. I mean, 3Play would argue the same, so you won't find opposition here. We got a lot of interest in the concept of the Declaration of Conformity. Are you able to provide some more examples of maybe what that might look like or a model that a company might be able to use?

[00:49:32.03] I also just saw another question come in here saying that this Declaration of Conformity seems to be related to products and not services under Annex V, which covers-- services have to provide something like an accessibility statement. What would you recommend service providers do-- in regards to Annex V when it comes to this Declaration of Conformity?

[00:49:54.77] SUSANNA LAURIN: So the Declaration of Conformity is a little bit hidden because it refers to another directive. So here is where the law becomes tricky to read. I'm happy to-- I can't remember exactly which page or article it is, but if you do send out some thank you email to people, I'd be happy to send the link for you. I don't have it at the top. I don't think I can Google and speak at the same time, but I'm happy to provide it afterwards.

[00:50:20.96] KELLY MAHONEY: Yeah, that would be absolutely fine. We'll also provide these session slides for anyone listening as well. You will get the recording and access to this information. So of course, we'd be happy to include any more useful links that you would recommend.

[00:50:34.40] What else have we got here? Is there one unified website that lists individual national applications of the EAA and how they differ? Or is this information-- is it going to take some time to centralize that?

[00:50:51.10] SUSANNA LAURIN: Well, yes and no. In all of this legislative work in the EU, there is always a website or a page with the European Commission where all the transposition measures are. So all the national transposition measures are listed.

[00:51:12.01] I can also provide that. You won't be very happy about it because that is just a list of all the member states and all the laws. So that has all that information, but it's not like a spreadsheet where you can see the differences. You need to go into each of the laws to read them and understand them. And that is in all the different languages, so that's a tricky part.

[00:51:38.74] We do have some of this information and other-- specifically, some legal authorities have also-- or companies have provided some information. I don't think it's really comprehensive anywhere. And it's a little bit tricky because in several of the member states, the

implementing acts are not in place yet. So even if we can see what's in the law, we don't know exactly how the surveillance of authorities will work, for example.

[00:52:07.40] So I wouldn't be really comfortable in sharing what we have. Also, some of it is a little bit informal. But there will be information about this coming out, either in my organization or from IAAP, just after New Year's. We will try to compile a list that is more comprehensive than what is currently out there. Sorry for responding like a politician.

[00:52:31.54] KELLY MAHONEY: No, that's perfectly fine. I understand. With stuff like this, it could always change at any minute, so you're hesitant to give a definitive answer now. I was really intrigued by the concept of the fundamental alteration. So would you be able to elaborate or maybe give us some examples of what would be considered an accepted or an appropriate fundamental alteration exemption? Are there any limits to the size of the company that could claim this exemption, or is it more just about, they wouldn't be able to make it compliant within the deadline? I'm curious how that works.

[00:53:09.20] SUSANNA LAURIN: So they're two different things. Fundamental alteration is claiming that the product we have made-- for example, in our e-commerce-- I'm just inventing something else-- then you need to drag and drop because we have made this new feature that makes it much easier to buy our things if you do the drag and drop thing. And if we take that out, the whole idea with this fantastic new functionality that we have created, our whole business model falls together. It doesn't work.

[00:53:41.15] So we can't make it keyboard-accessible because then something-- I don't know. Bad example. But something in your product or service, just, you can't make it accessible because then the whole-- the key, the essence of your product or service, is not working anymore. I mean, there are-- I don't know how many real examples there are. But that would be the case for fundamental alteration. And then it doesn't have to do with the size of the company or anything.

[00:54:10.00] When it comes to disproportionate burden-- that is, I think, what you're referring to, is when we say, we can't do this right now. We need more time. It costs too much. And then the surveillance authority will look at the turnover, not only of the whole company, but of that specific product or service. So a bigger organization making more money, more revenue, will have to have a really good case for disproportionate burden if they don't want to follow-- if they don't want to meet the requirements directly. And you will always need to have a plan.

[00:54:43.03] And then of course, it has to do with, how big is this divergence from the requirements? If it's just one requirement and it doesn't really exclude anyone, but it just makes it more cumbersome, that is more probable to go through. But if you say, I'm sorry, we can't do this, and then the result of what you're not being able to do is really excluding some user groups, I would be surprised if that would be accepted as disproportionate burden.

[00:55:13.86] KELLY MAHONEY: That's helpful context. Thank you for elaborating on that. When it comes to identifying products or services that have been made accessible or do comply with the EAA, do they need to be recognized by any particular accessibility mark, an icon? Is

there a certification by the end user? Is there any sort of way of visually distinguishing that products or services comply or don't?

[00:55:42.39] SUSANNA LAURIN: It's a good question. So for certain products that are already part of the CE marking-- that is usually products that have some kind of security measure, like boats and cars, and other things that can kill you-- those are usually part of the CE marking to be-- so you you're already in that system if you are selling your product to the EU. That will then be-- the accessibility will be added on to the CE marking. So that will then mean that if you have that logo, that means that you're also compliant.

[00:56:17.13] For everyone else, there is the EU Declaration of Conformity. That is your way of showing that you are compliant. We don't have a stamp or something like that yet, at least. And I doubt it will come, because it would be difficult for the whole complaints system and feedback, and so on. But the Declaration of Conformity is the way you show that you are compliant.

[00:56:50.07] KELLY MAHONEY: And I think this might be our last question here, but I think we've been able to fit a lot in here. If a company is in compliance with the Web Content Accessibility Guidelines 2.2, the most recent version, is that sufficient to comply with the EU standards and to get the CE marking, or is it considered a completely separate entity from the requirements outlined in the EAA?

[00:57:14.46] SUSANNA LAURIN: It is not enough, because the EN 301 549 already now, in its current version, goes beyond WCAG. WCAG is a very good start, and WCAG 2.2 will be part of the requirements in the EN 301 549. So keep going. It's a good place to start, but it's not enough.

[00:57:35.09] Already in the current version of the EN 301 549, we have more than 60-- six zero-- requirements that go beyond WCAG. And that will not be less in the next version. So it's not enough, but it's a very good start. And when it comes to web, of course, it's not like we have done something completely different. We have just added and complemented with more stuff. But it's-- WCAG is referenced in the 301 549.

[00:58:05.27] KELLY MAHONEY: Well, that's good to know. It's good to keep in mind. I think that is officially all that we have time for. So thank you, Susanna, for such a great presentation today and for fielding all of those questions. Thank you very much to our audience for joining and for being so engaged. Thank you very much again, Susanna, and I hope everyone has a great rest of their day.