**Draft minutes of the sixteenth ad-hoc meeting of the Informal Group on the transposition of the European Accessibility Act (Directive EU 2019/882) #**

**20 March 2024 from 9.30 to 13.00**

**Venue: WebEx Meeting online**

**Summary and Participants:**

On 20 March 2024, the 16th informal meeting of national contact points for the transposition of the European Accessibility Act (EEA) took place.

Participants from the Commission: Inmaculada Placencia Porrero (Senior Expert Disability, EMPL D3), Stefania Trevisan (Legal Assistant, EMPL D3).

The meeting was attended by representatives from most of the Member States (MSs). However, BG, CY, DE, EL, HU, PT, SI and SK did not attend. From EFTA countries, NO participated. The MSs were represented by their national contact points, sometimes accompanied by representatives from their ministries or agencies.

**I. Welcome and introduction by DG EMPL, adoption of the agenda and approval of the minutes of the 15th meeting**

**Inmaculada Placencia Porrero (DG EMPL**) opened the meeting and welcomed the participants. She asked whether there were any comments or requests on the agenda. As there were no comments, the agenda was adopted. She then moved to the approval of the minutes of the 15th meeting. Participants did not have any comment, and the minutes were also approved.

**II. Information on state-of-play on infringements and future steps by DG EMPL**

**Inmaculada Placencia Porrero recalled that infringement procedures are opened against all MSs, although at different stages. She highlighted that some countries have not yet submitted any transposition measure, which causes a lot of concern not only for the Commission, but also for the economic operators involved and organisations of persons with disabilities.**

**She stressed that the application date of 28 June 2025 is approaching and that the Commission will be taking action in the near future to make sure that national measures are adopted, so that the Directive can be properly applied. The Commission will follow up on bilateral basis through the formal channels.**

**She noted that the Commission can refer Member States to the Court of Justice of the European Union, asking for financial sanctions.**

**Stefania Trevisan (DG EMPL)**gave a presentation on the state of play of infringements, based on publicly available information. She recalled that 24 MSs (AT, BE, BG, CY, CZ, DE, EL, ES, FI, FR, HR, HU, IE, LV, LT, LU, MT, NL, PL, PT, RO, SE, SI, SK) received a letter of formal notice in July 2022, due to the lack of notification to the Commission of (complete) transposition measures by then. EE, DK and IT had submitted transposition measures by this time, which they had self-assessed as complete. However, after a *prima facie* check, the Commission reached the conclusion that they were incomplete and sent these MSs a letter of formal notice in the April 2023 infringement cycle. Due to the persistent lack of notification of any transposition measure, BG, CY, IE, NL and PL received a reasoned opinion in the July 2023 infringement cycle.

**Krista Erg-Scacchetti (EE)** and **François Engels (LU)** highlighted that EE and LU had replied to the letters of formal notice received, and inquired on when they can expect a reaction from the Commission.

**Inmaculada Placencia Porrero took good note of the requests, but stressed that the Commission is prioritising the most serious cases.**

**III. Presentation on the W3C ePub standard and discussion**

**Inmaculada Placencia Porrero recalled that, according to Article 15 of the European Accessibility Act, products and services which are in conformity with harmonised standards published on the Official Journal are presumed to be in conformity with the accessibility requirements set forth in the Directive. The Commission issued a standardisation mandate M/587 to the European Standardisation Organisations, which however, upon request of the publishing sector, supported by disability organisations, does not cover e-books. Indeed, publishers had highlighted that the industry is already following international accessibility standards for e-books, namely ePUB 3 and others for the metadata, which comply with the requirements set forth in the EAA and that the introduction of new standards at EU level would fragment the efforts of publishers.**

**She then invited experts from the World Wide Web Consortium (W3C) and the Federation of European Publishers to present the ePUB accessibility standards.**

**Gregorio Pellegrino (accessibility expert at W3C) explained that ePUB standards are widely recognised and accepted across the supply chain, and that all international players operating in the EU require the ePUB format to distribute and sell e-books. He noted that those standards were developed through consensus, in collaboration with all the stakeholders involved, including publishers, retailers, aggregators and distributors at EU and international level, organisations representing persons with disabilities and International Standardisation Organisations. He specified that ePUB standards are open, interoperable and royalty free and that they cover both the content of the e-book and the metadata (i.e. the information describing a publication without having to open it, such as, for instance, the title or the name of the publishers).**

**He shared that two main standards were developed on accessible e-books: EPUB 3.3. and EPUB Accessibility 1.1, published by W3C. They are the backbone of accessible e-books and are stable, widely adopted and developed on consensus.**

**EPUB 3.3. is the latest version of the standard, released last year. It is based on web standards, but is tailored for digital publications, which allows to create e-books with features such as interactive footnote, the inclusion of mathematical formulas and complex tables.**

**EPUB Accessibility 1.1. is the standard used for producing accessible e-books, updated last year. It extends the web content accessibility guidelines (WCAG) and defines in detail how to apply them specifically to ePUB publications. It also defines the requirements needed for accessibility metadata, i.e. the description of accessibility features. Accessibility metadata are necessary for consumers to make informed decisions as to whether an e-book is accessible in accordance with their needs.**

**There were two relevant standards presented on accessibility metadata. They express the same information, but serve different purposes. ONIX for Books facilitates communication along the supply chain. It is managed by EDItEUR (a non-for-profit organisation) and covers bibliographic metadata and commercial metadata. It also has a subsection for communicating metadata. EPUB Accessibility metadata are used for search and discoverability. They are embedded in the e-book itself and include the set of metadata are defined in ePUB Accessibility 1.1.**

**W3C is working on establishing guidelines for displaying metadata to users in consistent manner across different players of the value chain.**

**W3C also developed a** [mapping](https://www.w3.org/TR/epub-a11y-eaa-mapping/) **between ePUB Accessibility 1.1 and the accessibility requirements set forth in the EAA both for all services covered by the Directive and for e-books specifically (respectively, under Section III and Section IV of Annex I of the EAA).**

**The study shows that if an e-book is made in line with the requirements of ePUB Accessibility 1.1, it complies the EAA.**

**Moreover, the publishing standards also comply with the EU rules for the identification of ICT technical specifications in terms of market acceptance and consensus, interoperability, openness and transparency.**

**Inmaculada Placencia Porrero thanked the experts for the presentation, and asked whether they could illustrate how the check was carried out, for instance taking a requirement set forth in the EAA and explaining how it is met by the ePUB. Cristina Mussinelli (Federation of European Publishers) referred to the requirement of the alternative description of images, detailing how it is reflected in ePUB Accessibility 1.1.**

**Karolina Sobocińska (PL) inquired about the actions to be undertaken as regards the backlog of e-books in pdf format, which are part of a backlist of publications which are not accessible yet.**

**Inmaculada Placencia Porrero noted that the answer depends on many factors, including who produces and distributes such e-books and referred to some exceptions which are allowed under the EAA. She asked the experts whether the pdf accessibility that Adobe is implementing follows the ePUB accessibility standards. Cristina Mussinelli indicated that pdfs can also be created fully accessible following the ePUB standard. She noted that there is a discrepancy on the requirement of reflowability (all ePUB are reflowable, allowing for font changes or magnification, as required by the EAA, whereas not all pdfs can be resized), but Adobe is working on it.**

**Bram Verckens (BE) asked whether there are requirements in the ePUB standards going beyond the obligations set forth in the EAA. Gregorio Pellegrino explained that there are three levels of accessibility in the mentioned ePUB standards. In order to comply with the EAA, it is sufficient to attain the basic level and to implement some requirements of the medium level. It is not necessary for content creators to comply with the whole second level and third level requirements.**

**Sigbjørn Råsberg (NO) asked for further information on the production of ePUB documents. Cristina Mussinelli explained that, in a project funded by the European Commission, Fondazione Lia is analysing the existing tools to produce and convert all ePUB in line with accessibility requirements. She shared that the most used way to produce ePUB is to start from In-design.**

**Inmaculada Placencia Porrero recalled that standards are one way to comply with legislation, but remain voluntary in nature. Economic operators can comply with the EAA without using any standard, but then compliance would not be presumed and would have to be demonstrated.**

**Ivan Herman (technical leader, W3C) highlighted that today all publishers in EU, US, Japan and China use ePUB to publish e-books (Kindle, iPad, Google Play), whereas pdf dominates in colourly publishing (such as, for instance, scientific articles).**

**Cristina Mussinelli added that ePUB Accessibility 1.1. is compatible with older versions of ePUB.**

**Karolina Sobocińska (PL) asked whether books in PDFs would be considered e-books or documents.**

**Inmaculada Placencia Porrero clarified that, for the purposes of the EAA, an e-book is what falls under the definition laid out in Article 3(41), regardless of the format.**

**She thanked the experts and asked them to provide a document describing the ePUB standard and explaining how the accessibility requirements set forth in the EAA are met, to share with participants.**

**Once the experts left the meeting, Inmaculada Placencia Porrero opened a discussion with participants as to whether they would be open to explore the possibility of having ePUB standards reflected in implementing act in accordance with Article 15 of the EAA. She clarified that the option would have to be checked with the legal service of the Commission, also to address any possible issue of copyright.**

**No Member State expressed preliminary concerns.**

**Dienaba Dia (FR) and François Engels (LU) expressed their support on the possibility. François Engels highlighted that the standards would have to be carefully checked with the national experts.**

**IV. Obligation of service providers of e-books: further discussion led by Denmark and exchange of updated information on the transposition of the related articles by Italy, France, The Netherlands**

**Anders Holt (DK)** led a discussion **on the understanding of obligations of service providers of e-books across MSs, as transposed into national law**. He reported that, according to the Danish transposition measures, all service providers of e-books across the supply chain bear responsibility for the entire set of obligations stemming from the EAA, as required by the Directive. However, they were informed by the Federation of Publishers about possible limitations of responsibility introduced in IT, PL, NL and FR. They had already exchanged bilaterally with the MSs concerned, but deemed it useful to have a broader discussion at the transposition meeting.

**Karolina Sobocińska (PL) clarified that PL follows the Danish approach and stressed the importance** to achieve clarity on the provision, also in light of the upcoming meeting of the Polish Parliamentary committee.

**Pier Luigi Zamporlini** and **Caterina Flick (IT)** also highlighted that, according to the Italian transposition measures, all providers across the supply chain are required to fully comply with the obligations set forth in the EAA. They explained that they are working on some guidelines destined to all economic operators to whom the new provisions will apply and they were discussing how to best address service providers of e-books specifically.

**Dienaba Dia (FR) explained that France too is working on some guidelines, which are meant to describe, in general terms, how the competence of the various actors in the supply chain of e-books is divided. However, she stressed that all service providers bears responsibility for the entire set of obligations set forth in the Directive.**

**Helga Zeinstra (NL)** also affirmed that NL is following the Danish approach. Despite not allowing for any limitation of responsibility of service providers of e-books across the supply chain, they are working on some explanations to describe the supply chain and detail every actor’s competence within that framework.

**Inmaculada Placencia Porrero** reiterated that, as explained in previous meetings, the Commission cannot interpret EU Law and is only working with Member States on a common understanding of the Directive, in order to achieve sound transposition. She stressed that it is essential that transposition does not limit the obligations set forth in the Directive, which must be bore by all actors involved in the provision of e-books and encouraged MSs to clarify this concept in their respective guidelines. She warned that the Commission will take action in case any limitation of responsibility deviating from the Directive is detected in national legislation.

**V. Progress in Member States on developing guidelines for micro enterprises**

**Inmaculada Placencia Porrero** invited MSs to take the floor to provide an update on the progress on the respective guidelines and tools for microenterprises, required by Article 4(6).

**Francesco Dolce (IT)** informed participants that IT is working on the development of guidelines which are meant to summarise and facilitate the understanding on some aspects of the EAA, including definitions, scope of application, market surveillance and sanctions. They will share the document once it is ready.

**Dienaba Dia (FR)** informed participants that the EDR Lab (European Digital Reading Lab) developed a [website](https://www.lina25.fr/) containing information on the EAA and tools to encourage all publishers to comply with its provisions. After receiving this information, FR is now assessing what kind of tools will be efficient for publishers. Afterwards, FR will work on the tools to be proposed to microenterprises. Once ready, FR will share the guidelines with the group.

**VI. State of play of the transposition process in the MSs**

**Inmaculada Placencia Porrero** asked participants to provide an update on the state of play of the transposition process in their respective MSs.

**Konrad Swietek (AT)** informed the group that the Austrian federal act transposing the EAA was adopted in July 2023 and notified to the Commission. Market surveillance will be carried out by the office of the Ministry of Social Affairs. Organisation and staff related measures can already be carried out from the beginning of 2024. AT inquired about the creation of the working group under Article 28 of the Directive and highlighted the need for MSs to start exchanging information on market surveillance at the earliest.

**Bram Verckens (BE)** highlighted some pending issues regarding transport services and e-books, but shared that work is otherwise complete. BE is aiming to complete transposition before the national elections, i.e. June 2024.

**BG** did not attend the meeting.

**CY** did not attend the meeting.

**Strahinja Kepec (HR)** informed participants that HR is working on the draft law. He shared that, content wise, broad consensus was reached with stakeholders. However, he highlighted some pending issues regarding the appointment of market surveillance authorities, consumer banking services and e-books.

**Jakub Korec (CZ)** announced that CZ adopted and published transposition measures in December 2023 and notified them to the Commission.

**Anders Holt (DK)** shared that DK is working on a legislative amendment, following the letter of formal notice received by the Commission. They foresee to adopt the amendment by May/June 2024.

**Krista Erg-Sacchetti (EE)** recalled that EE adopted transposition measures already in 2022 and shared that the Office for consumers’ protection is working on guidelines and preparing surveillance protocols.

**Roosa Patrakka (FI)** informed participants that the transposition measures were adopted and notified to the Commission.

**Dienaba Dia (FR)** shared that, pending Commission’s comments on the national measures transposing the EAA, FR is working on the guidelines for micro-enterprises.

**DE** did not attend the meeting.

**EL** did not attend the meeting.

**HU** did not attend the meeting.

**Clare Gray (IE)** shared that IE notified its transposition measures to the Commission in December and is now preparing for implementation. A total of six administrations will deal with the products and services covered by the Directive. IE would welcome the sharing of guidance and best practices and supported AT’s request on the creation of the working group under Article 28 of the EAA.

**Pier Luigi Zamporlini** **(IT)** explained that, pending the Commission’s response to the observations raised by Italy in the reply to the letter of formal notice, meetings are held at the level of the technical working group and work is ongoing on the guidelines.

**Dace Kampenusa (LV)** shared that LV notified complete transposition measures to the Commission and that work is ongoing at the level of the Ministry of Economics on the guidelines for microenterprises.

**Svajune Sirvydyte (LT)** informed participants that LT notified complete transposition measures to the Commission and is now preparing for implementation. She echoed AT and IE’s requests on the creation of the working group under Article 28.

**François Engels (LU)** highlighted that LU notified complete transposition measures in March 2023. The products and services covered by the EAA will all be dealt with by one single new administration. Work is ongoing also with civil society organisation to enhance enterprises’ sensibilisation on accessibility topics. LU is working on guidelines, which will be not addressed to small and medium enterprises (SMEs) in particular, but rather to all economic operators in general. Despite their general scope, these guidelines will be easily understood and used by SMEs.

**Bernard Busuttil (MT)** shared that MT completed transposition and is now finalising an agreement with communication authorities. Work is ongoing on the guidelines, which will be addressed to all operators and not only to SMEs.

**Nico Liborang (NL)** shared that the draft transposition act is foreseen to be adopted by the NL Parliament at the beginning of April 2024. An adaptation of secondary legislation will also be necessary: work is ongoing in Council and the process is expected to be completed in the next few months.

**Karolina Sobocińska (PL)** informed participants that, after being debated by the legal commission, the draft law was adopted by the Council of Ministers and referred to Parliament. The works of Parliamentary committees began on 19 March 2024. She highlighted that the file has been given priority in the Parliament and deliberations of the upper chamber are foreseen for early April 2024. In parallel, work is ongoing on the development of the guidelines for economic operators in general and on the securing of funding for the implementation of the law.

**Monica Solomie (RO)** shared that the law transposing the EAA and secondary legislation were adopted, respectively, in 2022 and in 2023. RO is preparing for implementation and will organise meeting with service providers to draw the necessary guidelines.

**PT** did not attend the meeting.

**SK** did not attend the meeting.

**SI** did not attend the meeting.

**ES** was not connected for this part of the meeting.

**Carmen Butler (SE)** informed participants that SE would share their update in writing.

**Sigbjørn Råsberg (NO)** informed participants of delays of the process of adoption of the EAA in NO.

**VII. AOB and closing remarks**

**Inmaculada Placencia Porrero** acknowledged the questions received on the set-up of the working group under Article 28 of the EAA and she proposed discussing it at the next meeting. In the meantime, she asked participants to send to the Commission the name of the authorities nominated to be part of the working group and to indicate only one contact person. Following a question from **Anders Holt (DK)**,she clarified thatthe working group should be operational by the application deadline, but that it will depend on when the MSs will share the names of the authorities to be involved.

She also suggested further discussing the guidelines for of microenterprises, with a presentation of the German approach, since DE could not attend this meeting.

**Anders Holt (DK)** asked whether the activities of the informal group on transposition will carry on after the application deadline. **Inmaculada Placencia Porrero** explained that the Directive foresees the working group under Article 28 and a Committee under Article 27. When those groups will be operational, discussions on a common understanding of the Directive could happen there.

**Clare Grey (IE)** inquired about the remit of those groups and whether terms of reference are available. **Inmaculada Placencia Porrero** explained that the remit is clearly defined in the Directive.

**Karolina Sobocińska (PL) asked about the expected publication date of European Standards. Inmaculada Placencia Porrero** recalled that three new standards are being developed and three are being revised. The expected adoption dates indicated in the standardisation mandate are March 2026 for standards on non-digital information related to products and support services, January 2027 for standards on emergency communications and for the answering of emergency communications and September 2025 for the revision of the existing standards on ICT, built environment and the Design for All. She shared that the Commission is aware of delays and encouraged the participation of national authorities to the works held at the European standardisation organisation level. She proposed to discuss updates on standardisation mandate M/587 at the next meeting.

**Inmaculada Placencia Porrero** thanked all participants for their attendance and quick availability. She shared that a new date, preferably before the summer break, will be communicated in due time. She then closed the meeting.