

**Draft minutes of the fifteenth ad-hoc meeting of the Informal Group on the
transposition of the European Accessibility Act (Directive EU 2019/882) #
4 May 2023 from 9.30 to 13.00
Venue: WebEx Meeting online**

Summary and Participants:

On 4 May 2023, the 15th 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), Nada Kobeissi (Project Assistant, EMPL D3), Judit Majtényi (Policy and Legal Assistant, EMPL D3), Linda Gahleitner (Stagiaire, D3)

The meeting was attended by representatives from most of the Member States (MSs). BG, CY, EE, EL, PT, RO, SE, SI, 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 their market surveillance authorities.

I. Welcome and introduction by DG EMPL

Inmaculada Placencia Porrero (DG EMPL) opened the meeting by explaining the objective of the meeting, which is that the Member States actively get engaged, and exchange information on selected topics. She explained the agenda. She asked if there are any amendments and comments to the agenda. As there were no comments, she moved to the approval of the minutes of the 14th Meeting. She recalled that the participants can send comments in writing, which will then be added in the Minutes. The minutes were approved.

II. Short information on state-of-play on infringements by DG EMPL

Judit Majtenyi (DG EMPL) gave a presentation on the Commission's work on checking the transposition process in the MSs. She recalled the previously explained two-step transposition check. First, a completeness check is carried out and secondly, the Commission moves to the conformity check, where the correctness of the transposing measures is analysed. She explained the ongoing process of the completeness check. She drew attention to the CJEU decision¹, which explains that a transposition notification must be accompanied by a sufficient explanatory document, a table of equivalencies that provides clear and precise information, and the corresponding provision in the national document for each of the directive's provisions. She explained there is an open infringement currently with regard to all MSs. The Secretariat-General sent a letter of formal notice by automated infringement cycle in July 2022.² Estonia, Denmark, and Italy submitted transposition measures by this time, which they self-assessed as complete. However, the Commission reached the analysis that they are incomplete. EE, DK, and IT therefore received a letter of formal notice in the Secretary General's April 2023 infringement cycle.³

III. Q&A

¹ *Case law*: In its judgment on Article 260(3) TFEU of 8 July 2019 in Case C-543/17, Commission v. Belgium, the Court of Justice of the EU held that, when notifying national transposition measures to the Commission, Member States must **provide sufficiently clear and precise information and state, for each provision of the directive, the national provision(s) ensuring its transposition**. This information is usually submitted via an explanatory document.

The preferred way for **Member States** to submit explanatory document(s) is **a table of equivalences**

² https://ec.europa.eu/commission/presscorner/detail/en/INF_22_4559

³ https://ec.europa.eu/commission/presscorner/detail/en/inf_23_1808

Bram Verckens (BE) asked for clarification, on whether the conformity process can only proceed when all the MSs passed the completeness check.

Judit Majtenyi (DG EMPL) explained the individual approach towards each MS (i.e. the Commission does not wait with the conformity check until the completeness check for all MSs has been confirmed. After the results of the completeness check regarding one MS are fine, it will then proceed to the conformity phase) She also highlighted that the Commission informs each MS about the grievances in separate formal letters. This is a highly formalised procedure of the Commission.

Inmaculada Placencia Porrero (DG EMPL) further explained the formal requirements, i.e. the need to go through the Secretariat-General and the Legal Service, and that EMPL D3 cannot inform the participants about the Commission's detailed transposition analyses in other MSs as these are confidential processes.

IV. Roundtable session with active participation from Member States' national contact points

A) Market surveillance authorities and authorities responsible for checking compliance of services with the EAA: status of nomination, exchange of experience, cooperation areas

Inmaculada Placencia Porrero (DG EMPL) explained that given the interest of the participants in previous meetings and the important role that Market surveillance authorities and authorities responsible for checking compliance of services with the EAA play in the implementation of the EAA this point was placed in the agenda of today. She asked the participants to share the state of play on the nomination of the above mentioned authorities and their views on cooperations and suggestions or interactions between the authorities as well as the challenges they face in their country. She suggested an alphabetical order of the Member States.

Austria Konrad SWIETEK explained the market surveillance as the most discussed point. He explained market surveillance of products would be carried out by a special unit at the existing office at the ministry of social affairs, which would also be responsible for checking compliances of services. This unit would be given all the competences foreseen in the EAA, including additional staff. He stressed that there would be administrative fines on economical operators, if necessary. He mentioned the challenge in finding a constitutional basis for establishing such agencies. The office will start the preparatory work as soon as the act is concluded.

Belgium Bram VERCKENS explained that they are preparing the authorities so that once transposition is done, they can take up their functions. He highlighted that checks can be reused from the authorities' existing work. He stressed the need for collaboration in the area of products and services

Bulgaria did not attend the meeting.

Cyprus did not attend the meeting.

Czechia Jakub KOREC explained that there will be one authority of products and more authorities checking compliance for services (around a 100, many in the area of transport are already familiar with their fields.) There would be cooperation between the authorities, but the details have not been decided yet, as transposition is not yet complete in CZ. Inmaculada Placencia Porrero (DG EMPL) highlighted the need to have one single interlocutor authority to the Commission in view of art 28 EAA working group.

Germany Mirka SENKE explained the federal states will check compliance for services. She mentioned that there was no more information at this point if there would be a single interlocutor authority to the Commission.

Denmark Anders HOLT explained that Denmark already has appointed authorities responsible for both products and services. He explained that the Danish Safety Technology Authority was responsible for products, while compliance of services was split across five different authorities: one authority for electronic communication services, two authorities for transport, one for the emergency number 112, one for the rest of the services. He highlighted that all authorities existed already. He mentioned that preparatory work has already started.

Estonia did not attend the meeting

Greece did not attend the meeting

Spain Montserrat COLETO RAPOSO mentioned that there would be at least 19 authorities for products and services. Furthermore, she explained the nominations are delayed for some regions. She further mentioned that there would be a contact point for the working group of Art 28, which would coordinate the communication between the regions, state and the Commission.

Finland Mikael AKERMARCK explained that there was a national competent authority nominated, Trafficom. They are responsible for audio-visual, electronic communications and certain services. He further mentioned that Finland already had the regional state authority for southern Finland supervising directive on accessibility of websites and mobile applications in line with the Web Accessibility Directive. Close cooperation between the authorities was needed.

France Thomas LE BLEVENEC explained that two authorities were in charge of control at national level. They will ensure coordination among national ministries and on EU level.

Croatia Branka ZECEVIS explained that Croatia was currently working on the draft of the legislation for the transposition. Regarding the authorities, the final decision was still in discussion.

Hungary Ildikó PÁKOZDI explained that Hungary completed transposition, but the work on the authorities is still in progress. By the next meeting, she will share more information.

Ireland Clare GRAY explained the challenges in terms on reaching agreements with sectoral authorities on taking responsibility. She highlighted the delay of the transposition due to appointment of authorities and challenges on their capacity. Inmaculada Placencia Porrero (DG EMPL) encouraged her to reach out to the Commission's AccessibleEU initiative which would be able to organise trainings responding to authorities' specific needs.

Italy Lorenzo GALANTI mentioned two different appointed authorities for products and services. He further explained a permanent working group for the implementation of the transposed act and the process for guidelines. He supported additional coordination on EU Level.

Lithuania Lina GULBINE stressed that authorities are nominated by law, which was adopted in December 2022.

Luxembourg Manon THILL highlighted the newly created authority which would be responsible for all the services and products on the EEA. She explained that Luxembourg was in the phase of recruitment for this unit. The new authority would open in June 2025. She supported the exchange of best practices on EU level.

Latvia Dace KAMPENUSA explained that there would be six different authorities, and they will have only one representative to the EU.

Malta Edwina GOUDER and Bernard BUSUTTIL shared there will be one authority for products and services. They are also working on guidelines for the business community. The authority, MCCA will work together with CRPD authority.

The Netherlands – Nico Liborang explained that there will be one authority for products and five for services. The working group has expressed the urgency of setting up the art 28 committee.

Poland – Zuzana Raszewska reported that there are nine authorities. The challenges are lack of human resources, money and know-how. They are planning different assisting tools to help these institutions carry out their tasks. The surveillance topic is always there in the debates in the implementation process. Lukasz Iwancio PFRON from the umbrella authority also joined, and expressed his readiness to cooperate with the Commission. They also work on education campaigns. The authorities are already active.

Portugal did not attend the meeting.

Romania did not attend the meeting.

Sweden did not attend the meeting.

Slovakia did not attend the meeting.

Slovenia did not attend the meeting

Norway – Sigbjorn Rasberg: transposition is not completed yet in Norway, and as such, the authorities are not decided yet.

Lichtenstein did not attend the meeting.

Inmaculada Placencia Porrero (DG EMPL) closed the agenda point by highlighting that the work of these authorities is critical for the well-functioning of the EAA in the Member States. From June 2025, these authorities not only should proactively check accessibility but they will also receive complaints and will need to act upon them.

B) Guidelines and tools to microenterprises as per article 4 (6) of the EAA: exchange of approaches in Member States

Inmaculada Placencia Porrero (DG EMPL) opened this agenda point by asking Member States who have any developments to report to take the floor. DG EMPL understands that those who did not ask for the floor have not yet work or results on these guidelines

Denmark Anders HOLT explained that the country started the work. They are having meeting with stakeholders, and working on guidance for all enterprises, not just micro ones.

Poland – Zuzana Raszewska wanted to know if there is a legal obligation to already start working on the guidelines and tools to microenterprises. **Inmaculada Placencia Porrero (DG**

EMPL) responded that the EAA does not set a deadline but as the EAA will apply from 2025 it is urgent to guide microenterprises. Zuzana Raszewska then clarified that they have many ideas, and they will start using the funds once the transposing law is in place.

Germany Mirka SENKE shared that the country already published the guidelines on their website. It builds on their national law, and contains a Q and A. **Inmaculada Placencia Porrero (DG EMPL)** raised the idea that they could present it at a next meeting and share them with the participants.

Austria Konrad SWIETEK is in the same situation as Poland.

Malta Edwina GOUDER is currently liaising with the relevant ministry. Once done, they will start drafting the guidelines.

Inmaculada Placencia Porrero (DG EMPL) closed the agenda point by recalling that microenterprises of products have to comply with the EAA. Only microenterprises of services are not required to comply with accessibility requirements, but nevertheless they are encouraged to do so.

C) Obligation of service providers of e-books with introduction of the issue by Anders Holt, Danish Safety Technology Authority

Anders Holt (DK) highlighted again the question of who is responsible for the accessibility of e-books. To his knowledge, based on the information from the European Federation of Publishers, DE, IT, NL, FR took a different approach than Denmark. (Denmark has common provisions reflecting the relevant recital of the EAA referring to the variety of relevant service providers.) DK understood and would prefer that the Commission collects feedback from MSs about how they transposed the related articles, and shared it with the other Member States. **Ima Placencia (DG EMPL)** reminded that according to recital (41), the concept of a service provider could include publishers and other economic operators involved in the distribution of e-books. She shared that small publishers that are microenterprises and exempted from the EAA fear that big distributors may force them to comply.

Germany Mirka SENKE shared that they are transposing the provisions of the EAA one-to-one. They are not ready yet, and as such, she cannot confirm the approach.

Italy Lorenzo GALANTI mentioned that service providers as such are responsible. He could go into more details at the next meeting.

Poland – Zuzana Raszewska’s approach is to give the notion of “e-book distribution services” (instead of solely “e-books” definition) so that it is clear that this service comprises of two dimensions: not only making e-books accessible, but also providing accessible files. They do not allow any exemption.

The Netherlands – Nico Liborag may give details at the next meeting.

France Thomas LE BLEVENEC shared that according to their approach, service providers of e-books could be both publishers and distributors.

Ima Placencia (DG EMPL) concluded this part by highlighting that accessibility has several advantages for businesses, too and that all speakers confirmed the alignment of their transposition to the text of the EAA. Companies following accessibility requirements get wider access to the market. There are safeguards in the EAA; companies could rely of fundamental alteration

and/or disproportionate burden. She agreed this subject could be further discussed at a next meeting, where the concerned Member States come with up-to-date information.

V. State of play of the transposition process in the Member States

Austria: Konrad SWIETEK (Ministry of Social Affairs, Health, Care and Consumer Protection) mentioned that he could not report any significant progress since the last meeting. He highlighted the final political coordination with the government and assured the Commission will be notified as soon as possible.

Belgium: Bram VERCKENS (Federal Public Service Social Security) explained that there was nothing to report regarding most sectors. He highlighted a shift of competencies to the regional level regarding e-Books. He further stressed compliance with the initially mentioned timeline.

Bulgaria: did not attend the meeting.

Cyprus: did not attend the meeting.

Czechia: Jakub KOREC (Ministry of Industry and Trade) reported that the transposition was not yet completed and there were no updates on the process.

Germany: Mirka SENKE (Federal Ministry of Labour and Social Affairs) explained that there were no updates on the process.

Denmark: Anders HOLT (Danish Safety Technology Authority) highlighted the completion of the legislative process in Denmark. He stressed that the Letter of Formal notice was received in April. He highlighted a less formal and quicker feedback on their transposing legislation would have been welcome, but nevertheless acknowledged that Denmark agreed with some issues in the letter. Denmark will comply with the deadline by June 2025.

Estonia: did not attend the meeting.

Greece: did not attend the meeting.

Spain: Montserrat COLETO RAPOSO (Dirección General de Políticas de Discapacidad) reported approval of the transposing law by the parliament End of April 2023. She assured a notification of the Commission as soon as the law was officially published.

Finland: Mikael ÅKERMARCK (Ministry of Transport and Communications) highlighted the completion of the legislative act in February 2023. He mentioned the Commission had been notified about the update of the process officially.

France: Thomas LE BLEVENEC (Ministry of Culture) stressed that the law was decided last month and will be published in the next few weeks. He assured the notification of the Commission once the law was published.

Croatia: Branka ZECEVIC (Head of the Policy Service for Persons with Disabilities and Other Vulnerable Social Groups, Ministry of Labour, Pension System, Family, and Social Policy) explained that she had no news to report. Croatia was still working on the draft of the law. She stressed that a technical regulation was adopted in February 2022 on accessibility.

Hungary: Ildikó PÁKOZDI (Head of department, Ministry of Human Capacities, Department for Multilateral Relations) mentioned that the official notification on transposing the EAA was sent to the Commission.

Ireland: Clare GRAY (Department of Children, Equality, Disability, Integration, and Youth) explained that Ireland was working on the legal instrument. She highlighted a possible government

decision and the hope for the finalisation of the legal instrument. She assured the notification of the Commission once the process is done.

Italy: Caterina FLICK (Agency for Digital) stressed that Italy had implemented the transposition since June 2022. She mentioned that they had started a working group for the guidelines.

Lithuania: Lina GULBINE (Head of the Program monitoring and control division of the Department for the Affairs of Disabled under the Ministry of Social Security and Labour) stressed that she had no news regarding the transposition process. She also explained problems regarding guidance and finding competent stakeholders in their field, especially regarding banking automats and visual media.

Luxembourg: Laurence KEISER (Ministère de la Famille, de l'Intégration et à la Grande Région) highlighted that the transposition law had been published in January. The Commission had been notified. However, she explained that mistakes had been spotted which would be fixed in amendments to the law.

Latvia: Dace KAMPENUSA (Senior Expert of Social Inclusion Policy Department, Ministry of Welfare of the Republic of Latvia) reported the adoption of the transposition law on 16 March 2023 in Latvia. She assured the notification of the Commission once the process is done.

Malta: Edwina GOUDER (Senior Manager, Ministry for Inclusion, Voluntary Organisations and Consumer Rights (MIVC)) highlighted that the law was transposed last year. She mentioned Malta was working on the implementation.

The Netherlands: Nico LIBORANG (Ministry of Health, Welfare, and Sport) mentioned that the Netherlands was working on the draft legislation. He explained the aim of sending the draft legislation on 15 May 2023.

Poland: Zuzanna RASZKOWSKA (Ministry of Development Funds and Regional Policy) drew attention to the draft legislation which is now with the Polish legal commission. She highlighted the lengthy process and the cooperation with surveillance authorities. She mentioned the plan to finish the process soon and the aim to forward the law to the Polish parliament by June/July 2023.

Portugal did not attend the meeting.

Romania did not attend the meeting.

Sweden did not attend the meeting.

Slovakia did not attend the meeting.

Slovenia did not attend the meeting.

Norway: Sigbjørn RÅSBERG (Norwegian Digitalisation Agency) mentioned that there was no news on the process of transposition in Norway. He explained they wait for a common approach in EFTA countries.

VI. AOB

Inmaculada Placencia Porrero (DG EMPL) opened the floor for questions and thanked her colleagues Judit and Nada for the help with the meeting. She stressed the importance of including the topic of e-Books in the next meeting, recalled the point on the guidance to microenterprises and proposed the meeting for 21 September 2023 (TBC.)