Legislation - EU

Relevant Acts

The European Accessibility Act (EAA) is the legislation that states some products and services need to be accessible to those with disabilities. It includes a wide range of devices and online based digital products and services including e-readers, computers, smartphones, payment terminals, websites and access to audio-visual media. It includes all economic providers/economic operators which includes both the public and private sector. It is based on the UN Convention on the Rights of Persons with Disabilities and was passed in 2019, and comes into force on 28 June 2025. The EAA does not specify a technical standard and leaves compliance details down to member states. It is often advised to presume WCAG AA compliance plus a published accessibility statement is the default.

There is also a separate EU Web Accessibility Directive, which applies to public sector websites and apps (and downloadable/embedded documents on them) and is applicable in all countries in Europe and in the European Economic Area. This is applicable to organisations selling to the public sector as well, but just includes online experiences, rather than digital hardware as in the EAA.

The directive requires:

- an accessibility statement for each website and mobile app;
- a feedback mechanism so that users can flag accessibility problems or request access to inaccessible content;
- regular monitoring of public sector websites and apps by Member States and reporting on the results.

The European standard for accessibility requirements for ICT products and services is called EN 301 549. Complying with this standard is a way for public sector bodies to meet the mandatory technical requirements of the current Web Accessibility Directive. New requirements in future versions of EN 301 549 or WCAG will not automatically become legally relevant to the Web Accessibility Directive. This will only be the case if these new requirements are included in Annex A of a new harmonised version of EN 301 549. It is expected that new versions of Annex A will align with Web Content Accessibility Guidelines (WCAG) 2.2 AA.

The EU Web Accessibility Directive was transposed into national law in all EU member states; you can check the full list of national transposition measures.

The Academic Network of European Disability Experts (ANED) maintains a searchable database on disability-related national laws, policies, strategies and initiatives in EU Member States, candidate countries and other associated countries. Accessibility is one of eight topics monitored. The data is compiled by ANED's independent country experts, under the guidance of the network's Scientific Director, and updated periodically.

The W3C Web Accessibility Initiative (WAI) maintains an international list of laws and policies in different countries.

Interpretation of whether these acts apply to small publishers and eBooks

European Accessibility Act

Since the EAA applies to both the public and private sector as long as they are economic operators (as in, an organisation providing products and services, one that needs money to run), it also applies to diamond open access publishers, but only if there are more than 10 employees AND an annual turnover of more than EUR 2 million. Anything else the legislation refers to as a 'micro-enterprise' making them automatically exempt, which many small publishers will be classed as.

If these organisational limits are exceeded, then the EAA specifically references eBooks, "In the context of e-books, the concept of a service provider could include publishers and other economic operators involved in their distribution." This is not the clearest description of applicability, and it includes the word 'could', and given this it would be advisable to consider the legislation as applicable anyway to avoid problems (but only if you're not classed as a micro-enterprise).

EU Web Accessibility Directive

The Web Accessibility Directive defines the public sector as:

- State, regional, and local authorities
- Bodies governed by public law and financed via public contract (there is a full definition of this in point (4) of Article 2(1) of Directive 2014/24/EU)
- Associations formed by those above, if those associations are established for the specific purpose of meeting needs of general interest, and do not have an industrial or commercial character

Therefore, the Web Accessibility Directive applies if the publisher is part of a public body i.e. a university, but probably also if the publisher has received public funding to start up, or if any content has received public funding at any part of its creation, for example, it has received public money to fund the research, or the publication of the monograph. Where this is unclear, again it would be advisable to consider the legislation as applicable anyway to avoid problems. The

legislation covers websites, and embedded or downloadable files from them.

This does not constitute legal advice.

More information about legislative requirements:

AbilityNet - European Accessibility Act

Digital Accessibility Centre - The European Accessibility Act: Understanding Digital Accessibility

Web Accessibility Directive: Frequently Asked Questions

European Commission - Web Accessibility

European Disability Forum - Web Accessibility Directive

Standards referenced in these acts and how they are audited

The current EAA requirements align with Web Content Accessibility Guidelines (WCAG) 2.1 AA, but the new updated version that comes into force in 2025 is widely interpreted as aligning with Web Content Accessibility Guidelines (WCAG) 2.2 AA. Individual member states may have further specified technical standards.

EN 301 549 Annex A is the standard required to be compliant with EU Web Accessibility Directive, and it is roughly similar to WCAG 2.1 AA. Annex A also includes additional requirements that are not part of WCAG 2.1. Therefore, demonstrating that a website meets all the success criteria of WCAG 2.1 is not sufficient to provide a presumption of conformity with the Web Accessibility Directive.

National authorities will be responsible for carrying out regular monitoring, including reviewing complaints and following up on any reported non-compliance. The Web Accessibility Directive requires Member States to periodically monitor the compliance with the accessibility requirements and to report on the results of their monitoring activities every three years. The European Commission set out a methodology for monitoring for the Web Accessibility Directive which specifies either:

1. an in-depth monitoring method to verify compliance, in accordance with the requirements listed in point 1.2

2. a simplified monitoring method to detect non-compliance, in accordance with the requirements listed in point 1.3

The monitoring methodology also describes how to carry out the sampling of websites and mobile applications, and describes what Member States must provide in their monitoring reports, including:

- the detailed description of how the monitoring was conducted;
- a mapping, in the form a correlation table, demonstrating how the applied monitoring methods relate to the requirements in the standards and technical specifications in the directive, including also any significant changes in the methods;
- the outcome of the monitoring of each monitoring period, including measurement data;
- a description of the mechanisms set up by Member States to consulting with relevant stakeholders on the accessibility of websites and mobile applications;
- procedures to make public any developments in accessibility policy relating to websites and mobile applications;
- information on training and awareness-raising activities.

More information about auditing:

European Commission - A monitoring methodology and the arrangements for reporting by Member States

W3C Web Accessibility Laws & Policies by Country

Web Accessibility Directive - Member States Published Monitoring reports 2022-2024

Member States' bodies in charge of monitoring the Web Accessibility Directive

Accessibility Statements

The Web Accessibility Directive requires public sector bodies to provide and regularly update a ‘detailed, comprehensive and clear’ accessibility statement on their website or mobile application.

The accessibility statement must include the following information:

- The compliance status of the website or app;
- A list of the content (or functions) that is not accessible, including the content/function for which the disproportionate burden clause is being invoked and the content that is not within the scope of the Web Accessibility Directive;
- The date of the accessibility statement and when it was last reviewed;
- The method used to prepare the accessibility statement;

- A description of, and a link to, the feedback mechanism to be used to notify the public sector body of any accessibility issues or to request access to inaccessible content;
- The contact information of the relevant entity or person (as appropriate) responsible for accessibility and for processing requests sent through the feedback mechanism;
- A description of, and a link to, the enforcement procedure to be used in the case of unsatisfactory responses to any notification or request sent through the feedback mechanism;
- The contact information of the relevant enforcement body.

The accessibility statement can also include optional content, for example:

- An explanation of the public sector body's commitment to digital accessibility;
- Formal endorsement (at administrative or political level) of the accessibility statement;
- The date of the publication of the website and/or the mobile application;
- The date of the last update of the website and/or mobile application following a substantial revision of its content;
- A link to an evaluation report, if available, and in particular if the compliance status of the website or mobile application is indicated as being ‘fully compliant’;
- Additional phone assistance for persons with disabilities, and assistive technology users support;
- Any other content deemed appropriate.

The declarations made in the accessibility statement should be accurate and based on one of the following:

- an actual evaluation of the website's or mobile application's compliance with the requirements of the Directive, such as a self-assessment done by the public sector body or an assessment carried out by a third party, for example a certification;
- any other measures, as deemed appropriate by the Member States, which provide equal assurance that the declarations made in the statement are accurate.

The statement should indicate the method used.

There is a model accessibility statement in Commission Implementing Decision (EU) 2018/1523. It provides more detail on mandatory and optional content requirements.

More information about accessibility statements:

Aspire - FACTS model for accessibility statements

Aspire - Model Statements

W3C Developing an Accessibility Statement

Examples of accessibility statements:

Leuven University Press

European Commission

ENCA Network

Competition and Consumer Protection Commission

Agence Française de Développement

Exemptions

European Accessibility Act

Microenterprises with less than 10 employees and an annual turnover less than EUR 2 million or an annual balance sheet total less than EUR 2 million are exempt from the EAA accessibility requirements for services. They are also exempted from the requirement to document their assessment.

The EAA does not apply to the following content on websites and mobile applications:

- pre-recorded time-based media published before 23 September 2018
- office file formats published before June 28, 2025
- online maps and mapping services, if essential information is provided in an accessible digital manner for maps intended for navigational use
- third-party content that is neither funded, developed by, or under the control of the organisation using the content
- archived content that is not updated or edited after June 28, 2025

EU Web Accessibility Directive

Exemptions relating to the scope:

- Websites and mobile applications of public service broadcasters and their subsidiaries, and of other bodies or their subsidiaries fulfilling a public service broadcasting remit. However, these websites and mobile applications are covered by the European Accessibility Act.
- Websites and mobile applications of non-governmental organisations (NGOs) that do not provide services that are essential to the public. There is no specific definition provided for ‘services that are essential to the public’ in the directive, only the following example ‘such as services that are not directly mandated by State, regional or local authorities’.
- Websites and mobile applications of NGOs that do not provide services that specifically address the needs of, or are meant for, persons with disabilities.
- Member States may also exclude websites and mobile applications of schools, kindergartens or nurseries, except for the content relating to essential online administrative functions.

Exemptions regarding specific types of content:

- Office file formats included in web pages: these are documents such as PDFs, Microsoft Office documents or their open source equivalents. Documents published before 23 September 2018 are excluded unless they are needed for active administrative processes relating to the tasks performed by the public sector body concerned.
- Pre-recorded time-based media published before 23 September 2020.
- Live time-based media. If such media is re-published later or kept on the website, then it will be considered pre-recorded time-based media and this should be made accessible after a period of time, usually after 14 days. The directive states that when it is ‘impossible to procure the relevant services in due time’, the 14-day period might exceptionally be extended to ‘the shortest time necessary to make the content accessible’. The directive also states that priority should be given to ‘essential information’ relating to the health, welfare and safety of the public.
- Online maps and mapping services intended for navigational use (for example a map to find a public building) as long as essential information is provided in an accessible digital manner, such as postal address and nearby public transport stops. This should be provided in a form that is simple and readable for most users;
- Third-party content that is 'neither funded nor developed by, nor under the control of the public sector body concerned'. The directive states that such content should not be used if it hinders or decreases the functionality of the public service offered on the website (or mobile application) concerned. Where the purpose of content of websites or mobile applications of public sector bodies is to hold consultations or to organise forum discussions, that content cannot be considered as third-party content and should therefore be accessible, except in the case of user-contributed content which is not under the control of the public sector body concerned;
- Reproductions of items in heritage collections that cannot be made fully accessible for one of the following reasons: the incompatibility of accessibility requirements with the preservation of the item concerned or the authenticity of the reproduction, or the unavailability of automated and cost-efficient solutions that would easily extract the text of manuscripts (or other items in heritage collections) and transform it into content compatible with the accessibility requirements;

- Content of extranets and intranets published before 23 September 2019, until such websites undergo a ‘substantial revision’;
- Content of websites and mobile applications qualifying as 'archives', meaning that they only contain content that is neither needed for active administrative processes, or wasn't updated or edited after 23 September 2019.

The Web Accessibility Directive also states that delivering accessibility requirements should not impose a ‘disproportionate burden’ on public sector bodies.

More information about exemptions:

International Publishers Association - The European Accessibility Act for non-EU members

How to evidence disproportionate burden

The disproportionate burden clause appeara within both the European Accessibility Act and the EU Web Accessibility Directive, and it is designed to balance accessibility with the practical limitations of some organisations where the cost of compliance may be too high. National authorities set requirements around the reporting and reviewing of assessments, and applying penalties for non compliance.

Disproportionate Burden Assessments

European Accessibility Act

Annex VI states specific analyses that must be completed as part of any disproportionate burden assessment.

1. Ratio of the net costs of compliance with accessibility requirements to the overall costs (operating and capital expenditures) of manufacturing, distributing or importing the product or providing the service for the economic operators.
2. The estimated costs and benefits for the economic operators, including production processes and investments, in relation to the estimated benefit for persons with disabilities, taking into account the amount and frequency of use of the specific product or service.
3. Ratio of the net costs of compliance with accessibility requirements to the net turnover of the economic operator.

EU Web Accessibility Directive

This legislation requires similar information in disproportionate burden assessments.

1. The organisation's size, resources and nature;
2. The estimated costs and benefits for the organisation in relation to the estimated benefits for persons with disabilities, taking into account the frequency and duration of use of the specific website.

What Makes a ‘Good’ Disproportionate Burden Assessment?

According to the Web Accessibility Directive, measures that would impose a disproportionate burden should be understood as measures that would impose an ‘excessive organisational or financial burden’ on a public sector body, or would ‘jeopardise the body's capacity to either fulfil its purpose or to publish information needed for or relevant to its tasks and services, while taking into account the likely resulting benefit or detriment for citizens, in particular persons with disabilities’.

The Web Accessibility Directive states that ‘lack of priority, time or knowledge’, and that not procuring or developing accessible software systems, are both not legitimate reasons for claiming disproportionate burden.

If public sector bodies make use of the ‘disproportionate burden’ clause, they have to explain in the accessibility statement which parts of the accessibility requirements could not be complied with and provide accessible alternatives.

More information about disproportionate burden:

accessible.org Disproportionate Burden Exception under The EAA

Web Accessibility Directive: Frequently Asked Questions

Examples of disproportionate burden claims:

https://www.interreg-central.eu/jems-accessibility-statement/

https://www.eesc.europa.eu/en/accessibility-statement

Copyright Legislation

Copyright in the EU is covered by separate legislation in each country; these are broadly in alignment, although not completely the same everywhere. The European Commission provides an overview and some guidance. Exceptions to copyright are required under international legislation covered by the Marrakesh Treaty for print disabled/visually impaired people. This may have been adopted by member states through additional legislation or amendments by each country.

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