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## IF REACTION TO THE EUROPEAN COMMISSION'S PROPOSAL FOR THE ACCESSIBILITY ACT

### [About the International Federation for Spina Bifida and Hydrocephalus](#)

International Federation for Spina Bifida and Hydrocephalus (IF) was founded by people with SBH and their families in 1979. Over the years, it has grown from a voluntary association into a professional Disabled People's Organisation with global coverage, democratic structure and transparent processes. Its fast-growing membership now includes 51 member organisations from all parts of the world. IF is a full member of the **European Disability Forum** and the **International Disability Alliance**. Three main working priorities of IF are primary prevention of neural tube defects through folic acid food fortification, equitable right to health by all persons with SBH, and building a strong and sustainable community of people with SBH and their friends and families.

### **What is the European Accessibility Act**

The proposal for a European Accessibility Act focuses on the **accessibility of goods and services** for the European internal market. It removes barriers to the use of mainstream products and services, which is particularly relevant for persons with disabilities. Trade and free movement of accessible goods and services in the internal market as well as economic opportunities are prominent in the proposal.

The EAA proposal contains harmonized accessibility requirements for producers, importers and distributors of goods and services as well as monitoring and enforcement mechanisms, as requested by the Concluding Observations. The goods and services included in the proposal are: **ATMs, ticketing machines, check-in machines, computer hardware and operating systems, telephony, banking, transport, e-books and e-commerce services.**

### **IF response to the proposed Act**

We are pleased to see that the European Commission answered to the recommendation in the Article 9 of the Concluding Observations of the CRPD on Accessibility and published the long awaited European Accessibility Act.

IF welcomes the publishing of the European Accessibility Act as it provides for more products and services to be accessible for all, which has a particular relevance for persons with disabilities. The proposal focuses extensively on economic and market aspects such as **removing barriers to the free movement** of goods and services. Therefore, we are pleased that persons with disabilities using any of the listed services or products will benefit from a lower and **more competitive price** thanks to increased cross border trade and mobility.

We also welcome the positive impact the implementation of the Act will have on the **right of persons with disabilities to independent living** (Art.19) as they will be able to manage themselves further aspects of life related to ICT (such as banking, e-commerce and other services). In addition, the Accessibility Act should have positive impact on the freedom of movement of persons with disabilities (in line with Art.18 of Concluding Observations) as it will remove certain barriers to the free movement by harmonising accessibility standards.

Considering that the base of the proposal is in the internal market the scope is determined rather by economic principles than principles of non-discrimination. We understand that the focus of the Act on internal market issues as well technical requirements is essential for common accessibility standards to be put in place. Also, the advantages for producers and other market operators are high on the European Commission's agenda. However, we believe that an emphasis on persons with disabilities as primary beneficiaries is crucial. Accessibility is a core step for persons with disabilities to achieve **adequate dignified standard of living**.

We are concerned about the **narrowed scope** of areas in which goods and services will be affected by the current proposal. The disability movement called for extensive scope including ICT, transport, healthcare, education, training, housing, emergency services, tourism, banking, insurance, household appliances, retail, legal matters and justice, services regarding culture, leisure and sports (EDF Position Paper on EAA 2014 p.13). However, only ICT, transport, banking and retail have been included in the proposal **leaving out some of the crucial fields such as education, healthcare, housing, legal matters** etc.

For IF and its members the **right to health (Art.25)** is one of the main strategic objectives whereby children and adults with SBH enjoy timely access to appropriate and affordable healthcare and rehabilitation of high quality without discrimination or prejudice. IF particularly misses references to **healthcare**, such as accessible e-health medical records or accessibility standards for medical equipment as mentioned in the EC 2010-2015 List of Actions accompanying the European Disability Strategy 2010-2020<sup>1</sup>. In this connection it would also be necessary to ensure non-discriminatory implementation of the **Cross Border Healthcare directive**, which in some of its aspects disproportionately affects persons with disabilities, hence making the cross border healthcare inaccessible to them. Moreover, raising awareness among persons with disabilities of their right to access to healthcare is essential in removing attitudinal obstacles to accessibility in this field.

**Discrimination** in country in access to healthcare is an important topic for IF as too many people living with SBH or other disabilities still experience it. Unfortunately, the current proposal of the Act makes **no reference to this kind of accessibility linked to discrimination** in healthcare. Therefore, IF expects these issues to be covered by Equal Treatment Directive once adopted in the legislative process.

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<sup>1</sup> SEC (2010) 1324 final, published 15.11.2010

Moreover, the proposal only makes references to **accessibility of built environment relating to the provision of services listed** such as transport services, banking services etc. Even then, though, the application of the accessibility requirements as outlined by the Act is left at **discretion of the Member States** and is not legally enforceable by the EU. This should be strengthened by saying that the related built environment 'must be' made accessible otherwise the product or service remains physically inaccessible to persons with disabilities. As the scope of the proposal does not cover access to healthcare, there is no mention of built environments such as medical centres and hospitals, accessibility of which is essential for people with disabilities to exercise their basic rights.

Regarding the process of drafting and its transparency, IF and other disability NGOs were left somewhat in the dark about how the Act would exactly look like and what services and products would be covered by its scope. Contrary to the recommendation by the UN the DPOs were not properly consulted in the process of drafting, before the adoption of the text by the European Commission. We were also given no clear information, up until recently, regarding the publication date of the proposal.

Nevertheless, regarding the consultation format, we find it rather inaccessible to people with different kinds of impairments. Persons with disabilities themselves might want to voice their opinion on the proposal since this is something that will directly affect their lives. Yet, for many of them it will not be possible as the format of the consultation requires substantial amount of time to be spent on familiarising themselves with the proposed directive and then formulating a proper written response. We find this way of consulting sufficient for professionals but not for the persons with disabilities to be directly affected. Accessibility Act should also have an accessible consultation for all. IF would suggest using targeted questions and answers in as many accessible formats as possible.

In conclusion, IF supports the publishing of the European Accessibility Act and is pleased that the Commissioner delivered on her promises. That being said, we see a room for improvement in the proposal particularly in relation to its scope and the 'related built environment' clause. IF remains available to any further discussions on the proposed Act.