



From
the People of Japan

DIA Support Project



Legislative regulation of digital barrier-free environment: Best European practices

Report on
the study results

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CONTENTS

Introduction	4
Study summary	6
Section 1. Overview of EU Legislation	7
1.1. EU Directive 2016/2102 on the Accessibility of Websites and Mobile Applications of Public Authorities	7
1.2. EU Directive 2019/882 on Accessibility Requirements for Products and Services, or the European Accessibility Act	9
Section 2. Overview of the legislation of some European countries on digital accessibility ...	11
2.1. Denmark.....	11
Danish Web Accessibility Act.....	11
Law on Accessibility Requirements for Products and Services	12
2.2. Germany.....	15
Equal Opportunities Act (BGG)	15
Resolution on Accessible Information Technology (BITV)	15
Law on Enhancing Barrier-Free Accessibility (BFSG).....	15
Regulation on the BFSGV (Law on Enhancing Barrier-Free Accessibility)	17
2.3. France.....	17
Law No. 2005-102 on Equality of Rights, Opportunities, Participation and Citizenship of Persons with Disabilities	17
Order dated 20.09.2019 on the General Regulatory Framework for Improving Accessibility	18
Labor Code.....	18
Law No. 2023-171	18
2.4. Sweden	19
Law (2023:254) on the Accessibility of Certain Products and Services	19
Law 2018:1937 on the Accessibility of Digital Public Services	19
2.5. United Kingdom.....	19
Equality Act (2010)	19
Rules for accessibility of websites and mobile applications of public authorities (no. 2) 2018.....	20
Conclusions	21
Conclusions on the application of accessibility requirements.....	22
Conclusions on institutional enforcement of accessibility requirements	23
Recommendations	27
General recommendations.....	27
Recommendations on areas of application	27
Recommendations for establishing requirements	28
Recommendations for institutional support	28

INTRODUCTION

In April 2021, the Cabinet of Ministers of Ukraine adopted the [National Strategy for Creating a Barrier-Free Environment in Ukraine](#) until 2030. One of the Strategy's areas of focus is digital barrier-free approach, and one of the strategic goals is "accessibility of digital services, as well as government websites and applications, to all citizens."

To achieve the goals set out in the Strategy, during 2021 – the first half of 2023, at the initiative of the Ministry of Digital Transformation and with the support of UNDP Ukraine and the Government of Sweden, the following was approved: DSTU EN 301 549:2022 based on the European standard EN 301 549; the official Ukrainian translation of the Web Content Accessibility Guidelines (WCAG) 2.1¹ was published; basic accessibility of government websites was monitored twice; the educational series "Web Accessibility" was created and training sessions on digital barrier-free environment for civil servants were held. All these training materials are available on the [Diia.Accessibility](#) portal.

On July 21, 2023, the Cabinet of Ministers of Ukraine adopted Resolution No. 757 "[Some Issues of Accessibility of Information and Communication Systems and Documents in Electronic Form](#)". According to the resolution, all websites, and mobile applications of state executive authorities, as well as electronic documents posted on them, must be accessible to people with disabilities.

However, it is clear that the needs of people with disabilities, including those with visual impairments, are not limited to services provided on the websites and mobile applications of government agencies. There are many other digital solutions accessibility to which affects people's lives, health, and dignity: healthcare (online doctor's appointments, electronic prescriptions), ambulance and rescue services, calling the police, transportation (buying tickets online and at self-service terminals, obtaining information on a website, in a mobile application, at a station or train station), banking (online transactions, ATMs and terminals), e-commerce (buying medicines, food and other goods), information portals, maps and information kiosks, and other services. The digital accessibility of most e-services in Ukraine is not currently regulated by law.

In addition, the scope of the resolution is limited to the system of state executive authorities, while it is only advisory for local government, state, and municipal enterprises.

It should be noted that in October 2023, the World Wide [Web Consortium \(W3C\)](#) approved the [Web Content Accessibility Guidelines \(WCAG\) 2.2](#) version. It has minor innovations compared to version WCAG 2.1. As a rule, all versions of WCAG are improved only by adding new requirements, i.e. each new version only extends the previous one, but does not change the already approved requirements and criteria.

¹ Web content accessibility guidelines (WCAG) 2.1. <https://www.w3.org/Translations/WCAG21-ua/>

For instance, WCAG 2.2 pays more attention to the needs of users with various cognitive disabilities, expands the requirements for mobile applications, and adds clarifications for developers and content managers. International accessibility standards, and thus the Ukrainian DSTU, will for some time refer to the WCAG 2.1 version. The transition to WCAG 2.2 will be gradual and will not require significant changes in accessibility requirements.

For the in-depth implementation of web accessibility standards in the country, the institutional capacity of the government, the powers, and functions of institutions responsible for implementing digital accessibility requirements at the state level are important. To identify and consolidate the powers of the institutions that will play a leading role in monitoring and improving the digital accessibility of online resources in Ukraine, a study of relevant practices in other countries was initiated at the request of the Ministry of Digital Transformation of Ukraine and with the support of the United Nations Development Program in Ukraine and the Government of Japan.

Countries with different legal systems and populations were selected for the study: Germany and France as the largest EU member states by population, Denmark as the country with the highest level of digital competitiveness in the world as of 2022 according to the Digital Economy and Society Index (DESI), and the United Kingdom and Sweden as well-known leaders in the implementation of digital accessibility, with information on legislation available on their official websites in English.

The purpose of this study is to provide proposals for the draft Law of Ukraine on Digital Barrier-Free Environment, based on the best practices of barrier-free legislation in the European Union and the United Kingdom.

STUDY SUMMARY

The study analyzed EU legal documents, namely: EU Directives related to digital accessibility, as well as national legislation on digital accessibility and the protection of the rights of people with disabilities in EU member states (Denmark, Germany, France, Sweden) and the United Kingdom.

The study concludes that the legislation of the European countries on digital accessibility is very similar or completely identical, as the national legislation is based on two EU Directives – **Directive 2016/2102** and **Directive 2019/882** (European Accessibility Act). The provisions of the first Directive are already in force throughout the EU, and the provisions of the second will come into force on June 28, 2025.

Considering European best practices, it is recommended to develop a draft law on digital barrier-free environment covering both public digital services and digital services from private companies, including transport services, digital communication services, audiovisual media services, banking services, and e-commerce services. The main provisions recommended for inclusion in the Law on Digital Barrier-Free Environment are listed in the Recommendations section.

SECTION 1.

OVERVIEW OF EU LEGISLATION

The study analyzes the main EU directives on digital accessibility: Directive 2016/2102 on the accessibility of websites and mobile applications of public authorities² and Directive 2019/882 on the accessibility requirements for products and services, or, as it is also called, the European Accessibility Act³. Let's take a closer look at the requirements of each of them.

1.1. EU DIRECTIVE 2016/2102 ON THE ACCESSIBILITY OF WEBSITES AND MOBILE APPLICATIONS OF PUBLIC AUTHORITIES

Directive 2016/2102 sets out the requirements for the accessibility of information and communication technologies (ICT) of public authorities in the EU countries, including websites, mobile applications, software, operating systems, and electronic documents.

EU Member States had to implement the provisions of this Directive into their own legislation by September 23, 2018. The provisions of the Directive began to apply to mobile applications on June 23, 2021. Thus, at the time of this study (June-August 2023), the legislation on the accessibility of government websites and mobile applications in EU Member States should already contain these provisions.

Directive 2016/2102 applies to state, regional and local authorities; public law entities and commercial organizations participating in public tenders.

Websites and mobile applications of public broadcasters are not covered by the Directive, as this may put them in a non-competitive position with private broadcasters.

The Directive requires that an **accessibility declaration**⁴ be published on the website or mobile application, which must describe the inaccessible parts of the content and the reasons for their inaccessibility, as well as, where appropriate, available alternatives; provide users with a feedback mechanism to report inaccessible content; and provide a link to an enforcement procedure that can be used in case of an unsatisfactory response to a request.

2 Directive (EU) 2016/2102 of the European Parliament and of the Council.
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016L2102>

3 Directive (EU) 2019/882 of the European Parliament and of THE Council.
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882>

4 An accessibility declaration, or accessibility statement, is a special page on a website that provides information about the current state of compliance of a website or mobile application with web accessibility requirements. <https://www.w3.org/WAI/planning/statements/>

Examples of accessibility declarations

Official website of the European Union: <https://www.gov.uk/help/accessibility-statement>

UK government website: <https://www.gov.uk/help/accessibility-statement>

Certain categories of content are temporarily or permanently exempt from the Directive, including:

- office documents that were published before September 23, 2018;
- time-limited audio and video content, i.e., published before September 23, 2020;
- live video and audio broadcasts. However, live media materials that are stored on the Internet or republished after the live broadcast should be considered as pre-recorded, so the exception does not apply to them;
- mapping services, if important information is provided in another accessible digital form;
- third-party content, if the entity does not fund or control the content, and archived websites and applications. These exemptions should be reviewed when the Directive is updated to consider future technological developments.

The Directive also provides for an exception to avoid a disproportionate burden. That is, in justified cases, a covered entity may not be able to ensure full accessibility of content due to a lack of resources.

If an entity is unable to meet the accessibility requirements of Directive 2016/2102 (in particular due to the exceptions), it must comply with the requirements for **reasonable accommodation**⁵, in particular in the workplace and education, in accordance with Council Directive 2000/78/EC, the Convention on the Rights of Persons with Disabilities and other related legislation.

The accessibility criteria are set out in the **EN 301 549** standard, which has been adopted in Ukraine as **DSTU EN 301 549:2022**. Based on the provisions of this Directive, the Cabinet of Ministers of Ukraine adopted Resolution No. 757 "Some Issues of Accessibility of Information and Communication Systems and Documents in Electronic Form", which will be discussed in more detail below.

⁵ Reasonable accommodation means making necessary modifications and adjustments, as appropriate, that do not impose a disproportionate or unreasonable burden, to ensure that persons with disabilities enjoy all rights and fundamental freedoms on an equal basis with others. Source: UN Convention on the Rights of Persons with Disabilities, https://zakon.rada.gov.ua/laws/show/995_g71#Text

1.2. EU DIRECTIVE 2019/882 ON ACCESSIBILITY REQUIREMENTS FOR PRODUCTS AND SERVICES, OR THE EUROPEAN ACCESSIBILITY ACT

The European Accessibility Act (EAA) is a Directive aimed at improving the functioning of the internal market for accessible products and services in the EU by removing barriers created by different rules in the Member States. Unlike Directive 2016/2102, which sets out requirements for the accessibility of public authorities' websites and mobile applications, the European Accessibility Act aims to extend accessibility requirements to a wider range of entities, products, and services. The provisions of this Directive are to be applied equally to public and private sector entities.

The Act covers products and services identified as essential for persons with disabilities; it is clear that these products and services were previously subject to different accessibility requirements in different EU countries. The Directive was drafted considering the obligations arising from the UN Convention on the Rights of Persons with Disabilities.

The Directive covers the following products and services:

- computers and operating systems (including desktops, laptops, smartphones, and tablets)
- ATMs; ticketing and check-in terminals;
- television equipment related to digital television services;
- telephony services (including calls to the single European emergency number 112) and related equipment;
- access to audiovisual services, such as television and the necessary household equipment;
- services related to air, bus, rail and water passenger transport; banking services;
- e-books (electronic devices for reading books);
- e-commerce services.

The annexes to the Directive set out the accessibility requirements for various products and services. It is also noted that the four principles of website and mobile application accessibility used in EU Directive 2016/2102, i.e. the four basic WCAG principles, are also relevant to this Directive:

- 1) **perceivability** — information and user interface components must be presented to users in a way that they can understand;
- 2) **operability** — user interface components and navigation should be controllable;
- 3) **understandability** — information and operation of the user interface must be understandable;
- 4) **robustness** — the content must be reliable enough to be interpreted by a variety of user agents, including assistive technologies.

It was expected that the provisions of the European Accessibility Act would be incorporated into the national legislation of all EU Member States by June 28, 2022. After that, public and private companies were given another three years (until June 28, 2025) to bring their services and products into compliance with the EU's general accessibility requirements.

This Directive does not apply to the following content on websites and mobile applications:

- multimedia materials in a recording published before June 28, 2025;
- office documents published before June 28, 2025;
- mapping services, if important information is provided in an accessible digital form;
- third-party content that is not funded, developed or controlled by the relevant business entity;
- content of websites and mobile applications that are not updated after June 28, 2025.

Thus, the exceptions are almost the same as those provided for in Directive 2016/2102.

For reasons of proportionality, accessibility requirements should only be applied to the extent that they do not impose a disproportionate burden on the relevant business entity. Or to the extent that they do not require significant changes in products and services that would lead to their fundamental deterioration.

The requirements and obligations of this Directive do not apply to microenterprises. As defined in Article 3, a micro-enterprise is an enterprise employing less than 10 people and having an annual turnover of less than EUR 2 million.

A product manufacturer or service provider must draw up an accessibility declaration and label its product accordingly.

Thus, for people with disabilities and the elderly, the EAA provides benefits such as an increase in the number of accessible products and services on the market, competitive prices for such products and services, reduced barriers to access to transportation, education, and the labor market, and an increase in open positions requiring accessibility experience. In turn, the EAA provides entrepreneurs with uniform accessibility rules across the EU, which helps to reduce costs, facilitate cross-border trade, and expand market opportunities for their accessible products and services.

SECTION 2.

OVERVIEW OF THE LEGISLATION OF SOME EUROPEAN COUNTRIES ON DIGITAL ACCESSIBILITY

Since the legislation on digital barrier-free environment in EU Member States is actually an implementation or transposition of Directives 2016/2102 and 2019/882, their provisions are identical in nature. Therefore, this section discusses in detail the provisions of only one country – Denmark. In the context of other EU Member States, only the institutional support for compliance with the requirements of this legislation is analyzed in detail.



2.1. DENMARK

Danish legislation on digital accessibility consists of the Web Accessibility Act and the Act on Accessibility Requirements for Products and Services.

Danish Web Accessibility Act

The accessibility of government websites and mobile applications in Denmark is regulated by the Web Accessibility Act⁶, adopted in 2018, which implements EU Directive 2016/2102.

The **Digital Governance Agency**, which was previously subordinated to the **Ministry of Finance** and since 2022 – to the **Ministry of Digitalization and Gender Equality**, is responsible for the implementation and enforcement of the law. The Agency's tasks include informing other public sector bodies about the requirements of the law and monitoring and supervision, as set out in Directive 2016/2102.

To verify that government agencies comply with accessibility requirements, the Digital Government Agency conducts three types of monitoring⁷ annually: simplified monitoring of 250 websites, in-depth monitoring of 23 websites, and monitoring of 12 mobile applications. For simplified monitoring, automated tools are used to test websites for compliance with 18 WCAG 2.1 criteria. For in-depth monitoring and monitoring of mobile application accessibility, both automated and manual testing for compliance with EN 301 549 is used. The practical part of the monitoring is usually outsourced to an external provider.

In addition to monitoring compliance with the standard, the Agency also oversees the following issues: whether public authorities are entitled to exemptions based on “disproportionate burden”; whether the accessibility declaration is up-to-date, detailed, comprehensive, and understandable; and whether the link to the declaration is posted on the website's home page.

6 Web Accessibility in Denmark. <https://en.digst.dk/digital-services/web-accessibility-in-denmark/>

7 Web Accessibility in Denmark: Monitoring and supervision. <https://en.digst.dk/digital-services/web-accessibility-in-denmark/monitoring-and-supervision/>

In case of violations, the agency may issue one of three types of orders:

- 1) make certain content accessible;
- 2) ensure that the declaration is adequate and up-to-date;
- 3) request an accessible alternative.

Law on Accessibility Requirements for Products and Services

The Law⁸, adopted in 2022, implements the European Accessibility Act (EAA) and covers the same products and services as Directive 2019/882, i.e. contains similar accessibility requirements.

The Law applies to the following products:

- 1) general-purpose consumer computer hardware systems and operating systems designed for these hardware systems. According to the definition in paragraph 3, general-purpose consumer computer hardware systems include, in particular, desktop computers, laptops, smartphones and tablets;
- 2) payment terminals;
- 3) self-service terminals intended for the provision of services provided for by this Law:
 - a. ATMs;
 - b. ticket machines;
 - c. self-service machines for registration;
 - d. interactive self-service information terminals, except for terminals installed as integral parts of vehicles, aircraft, ships or rolling stock;
- 4) consumer terminal equipment with the possibility of interactive data processing used for electronic communication services;
- 5) consumer terminal equipment with the possibility of interactive data processing used for access to audiovisual media services;
- 6) e-books (e-book readers).

This Law also applies to the following consumer services:

- 1) electronic communication services, except for transmission services used for communication between machines;
- 2) services for providing access to audiovisual media;
- 3) passenger transportation services by air, bus, rail, and sea, except for urban and suburban transportation services and regional transportation services, for which only the fragments referred to in paragraph (e) apply:
 - a. websites;
 - b. services for mobile devices, including mobile applications;
 - c. e-tickets and e-ticketing services;
 - d. provision of information on transportation services, including real-time travel information. As for information screens, they are limited to interactive screens in the European Union;

⁸ Lov om tilgængelighedskrav for produkter og tjenester. <https://www.retsinformation.dk/eli/ta/2022/801>

- e. interactive self-service terminals in the European Union, except for those installed as integral parts of vehicles, aircraft, ships and rolling stock used for the delivery of any part of passenger transport;
- 4) banking services for consumers;
- 5) electronic books and special software;
- 6) e-commerce services (as defined in paragraph 3, these are services provided digitally through websites and services for mobile devices at the individual request of the consumer to conclude a consumer agreement).

The Law does not apply to the following content of websites and mobile applications:

- pre-recorded time-limited multimedia materials published before June 28, 2025
- documents in office formats published before June 28, 2025;
- online maps and mapping services, when important information is provided in an accessible digital way for maps intended for navigational use;
- third-party content that is not funded, developed, or managed by the relevant business operator. The Law defines a business operator as a manufacturer, authorized representative, importer, distributor or service provider;
- the content of websites and mobile applications that qualifies as archived, i.e., covers only the content that has not been updated or edited after June 28, 2025.

Products and services may only be sold or provided if they meet the accessibility requirements.

According to paragraph 6, micro-enterprises offering services are exempt from the accessibility requirements.

Products and services that fully or partially comply with harmonized standards, references to which are published in the Official Journal of the European Union, are deemed to meet the accessibility requirements of this law and regulations established in accordance with this law, if the standards used or parts thereof contain the relevant requirements (paragraph 14).

This means that the European standard EN 301 549 may be applied to websites, mobile applications, electronic documents, and self-service terminals, as it contains requirements for such information and communication technologies. In other words, compliance with EN 301 549 means compliance with the requirements of this law.

Control over compliance with the requirements of the law is vested in the following regulatory authorities:

- 1) The **Security Agency**⁹ controls the availability of all products covered by this law, as well as services for providing access to audiovisual media, consumer banking services, electronic books including special software and e-commerce services;
- 2) The **Energy Agency** controls electronic communication services;
- 3) The **Transport Agency** controls elements of passenger transportation – by air, bus, train, and ship transportation;
- 4) The **Maritime Administration** controls the elements of passenger transportation by ship.

⁹ The Security Agency is part of the Ministry of Business and Industry and is responsible for technical security in Denmark.
<https://www.sik.dk/om-os>

The controlling authority has the following powers:

- to request from the supplier all information to confirm that the products or services meet the accessibility requirements set out in this law or regulations adopted pursuant to it; and information to verify that the supplier has completed the required assessment and that the assessment meets the criteria set out in the law;
- to access at any time all commercial premises and vehicles where products or services subject to this law can be found without proper identification and without a court order;
- to conduct on-site technical inspections of the product or service; as part of the inspection, take photographs, record video and take samples for further analysis or research;
- to withdraw any product or service that falls under the scope of this law for accessibility testing or to take product samples on behalf of a hidden person;
- to conduct technical inspections of the sampled products or services or to commission such inspections;
- to demand reimbursement from the supplier for the costs associated with external technical investigations if the investigation results in a decision not in favor of the supplier.

If a product or service does not meet the accessibility requirements set out in this law or regulations adopted pursuant to it, the controlling authority has the right to oblige the supplier to bring it into compliance within a specified period of time; if the non-compliant conditions are not resolved within the specified period of time, the supplier may be ordered to stop selling or supplying the product/service or to withdraw the product from the market within a specified period of time.

Section 10 outlines the judicial review and appeal procedure. A consumer may file a complaint with the relevant supervisory authority to ensure compliance with this law and the rules established pursuant to it. State bodies, private associations or organizations or other legal entities that have a legitimate interest in ensuring compliance with the provisions of this law may participate in any judicial or administrative proceedings before the courts.

After negotiations with the Minister of Climate, Energy and Supply and the Minister of Transport, the Minister of Business and Industry may establish rules for the establishment of a consumer complaints commission in accordance with this law and the rules established pursuant thereto, including detailed rules on the tasks to be performed by the complaints commission.

Decisions of regulatory authorities or rules established under this law may not be appealed to another administrative body. A fine may be imposed for violation of the rules; any legal entity may also be held criminally liable under Section 5 of the Danish Criminal Code.



2.2. GERMANY

Germany has implemented¹⁰ both EU Directives 2016/2102 and 2019/882. Moreover, many German states have their own digital accessibility rules. Let's take a closer look at some of them.

Equal Opportunities Act (BGG)

According to the Equal Opportunities for People with Disabilities Act (BGG)¹¹, federal authorities are obliged to make their websites barrier-free.

In July 2018, the law was amended to implement EU Directive 2016/2102. In particular, they established the **Federal Agency for Monitoring the Accessibility of Information Technology (BFIT-Bund)**¹², which independently checks the accessibility of digital services of federal government agencies and, together with the Committee for Accessible Information Technology, develops practical solutions. The BFIT-Bund is an independent division of the German pension insurance company Knappschaft-Bahn-See and manages the Accessible Information Technology Committee, which includes a group of experts from associations of people with disabilities, members of research organizations, businesses, and government agencies.

In addition to the federal monitoring agency, the individual federal states have their own monitoring agencies that coordinate their actions with the BFIT-Bund. These agencies monitor sites within their federal state and send reports to the BFIT-Bund, which in turn compiles the data and sends a general report to the European Commission.

Resolution on Accessible Information Technology (BITV)

The BITV¹³ outlines the requirements for accessibility of information and communication technologies (ICT). It requires government websites, mobile applications, electronic services, and documents to be designed to meet the requirements of perceivability, operability, understandability, robustness.

The Resolution refers to the harmonized standards published in the Official Journal of the European Union, i.e., EN 301 549 standard.

Law on Enhancing Barrier-Free Accessibility (BFSG)

The BFSG¹⁴ is a law that implements EU Directive 2019/882 (European Accessibility Act).

The federal states ensure compliance with the law through so-called market surveillance. They are supported by the **Federal Institute for Occupational Safety and Health (BAuA)**. It coordinates the work between the federal states and communicates with the European Commission and EU Member States.

10 Law Office of Lainey Feingold — Germany. <https://www.lflegal.com/lf-country/germany/>

11 Gesetz zur Gleichstellung von Menschen mit Behinderungen. <https://www.gesetze-im-internet.de/bgg/>

12 Überwachungsstelle des Bundes für Barrierefreiheit von Informationstechnik. https://www.bfit-bund.de/DE/Home/home_node.html

13 BITV 2.0. https://www.gesetze-im-internet.de/bitv_2_0/BJNR184300011.html

14 Barrierefreiheitsstärkungsgesetz. <https://www.bmas.de/DE/Service/Gesetze-und-Gesetzesvorhaben/barrierefreiheitsstaerkungsgesetz.html>

In cases where certain goods or services do not meet the accessibility requirements, consumers can apply to the competent state market surveillance authority to take action against those who do not comply with the standards. If the authority refuses to do so, they may appeal to administrative courts.

Supervision of the services market is subject to the following rules:

- If the market surveillance authority has reason to believe that the offer or provision of a service does not meet the accessibility requirements, it must check whether the service meets the requirements.
- The market surveillance authority may inspect the service even without a specific reason. For inspection, the authority should apply the relevant requirements to a particular service (e.g., a website or mobile application).
- If the service provider argues that bringing its services into compliance with the accessibility requirements would mean fundamental changes or a disproportionate burden, then the market surveillance authority checks whether the service provider has assessed the accessibility of its services, assessed the potentially disproportionate burden according to the criteria set out in the Law, and whether it has met all other accessibility requirements.
- If the market surveillance authority concludes that the service does not meet the accessibility requirements, it should immediately require the service provider to take appropriate measures within a reasonable time.
- If the service provider fails to take appropriate corrective measures within the prescribed period, the market surveillance authority shall again require the service provider (under the threat of a ban on the provision of the service) to take such measures.
- In the absence of appropriate measures on the part of the provider, the supervisory authority may order the termination of the offer or provision of the service within a period of time set by it.
- If the service provider proves to the supervisory authority that the service meets the accessibility requirements, the authority will cancel its order on termination of the offer.

Supervision of the product market follows a similar procedure. The Law also contains requirements for the accessibility of communications between the supervisory authority and the consumer:

- If necessary, the market surveillance authority must explain information in a simple and understandable manner. If such an explanation is not sufficient for the consumer, the authority must explain the information in an accessible language.
- People with hearing and/or speech impairments have the right to communicate with the supervisory authority in German sign language. The costs of communication aids must be borne by the supervisory authority.

The consumer also has the right to contact a human rights association – the **Federal Arbitration Council at the Federal Government Commissioner for Matters relating to Persons with Disabilities** – or a qualified institution and request that legal proceedings be initiated on behalf of the association or on behalf of the consumer. Upon receipt of the application, the relevant business entity has the opportunity to comment.

Proceedings may also be initiated at the request of an association or a qualified institution only if the scope of the product or service is in line with the statutory activities of the association or institution.

In general, the law is equivalent to similar laws in other EU Member States, including Denmark, as it is a transposition of EU Directive 2019/882.

Regulation on the BFGSV (Law on Enhancing Barrier-Free Accessibility)

With the Regulation on accessibility requirements for products and services under the BFGSV¹⁵, Germany has fulfilled its obligations to implement Annex I of the European Accessibility Act. This regulation defines specific requirements for the accessibility of products and services, while the BFGSV itself contains general provisions.

The accessibility requirements are identical to those set out in EU Directive 2019/882 (see Danish legislation overview).

2.3. FRANCE

Like other EU Member States, France¹⁶ has implemented EU Directives 2016/2102 and 2019/882. Some provisions of these directives have become part of Article 47 of the Law on Equality of Rights, Opportunities, Participation and Citizenship of Persons with Disabilities; other provisions have been incorporated into other legal acts.

Law No. 2005-102 on Equality of Rights, Opportunities, Participation and Citizenship of Persons with Disabilities

Article 47 of the Law No. 2005-102 on Equality of Rights, Opportunities, Participation and Citizenship of Persons with Disabilities, as amended on March 11, 2023¹⁷ (amended by Law No. 2023-171 of March 9, 2023, Art. 16¹⁸) contains 4 main points:

1. Online services of all public communication services of state, local authorities and municipal institutions that depend on them, as well as private organizations with revenues over EUR 250 million, must be accessible to people with disabilities. From 2025 to 2030 inclusive, even more organizations will be covered – by adding private companies with revenues of more than EUR 2 million and more than 10 employees (these changes are related to the transposition of EU Directive 2019/882).
2. Accessibility obligations apply to all types of information and communication technologies – websites, mobile applications, digital street equipment, etc.
3. The obligation to publish an accessibility statement, draw up a multi-year plan (maximum 3 years) for the accessibility of services and an action plan for the current year.

15 Verordnung zum Barrierefreiheitsstärkungsgesetz. <https://www.bmas.de/DE/Service/Gesetze-und-Gesetzesvorhaben/verordnung-zum-barrierefreiheitsstaerkungsgesetz.html>

16 Law Office of Lainey Feingold — France. <https://www.lflegal.com/lf-country/france/>

17 Article 47 — Loi n° 2005-102 du 11 février 2005 pour l'égalité des droits et des chances, la participation et la citoyenneté des personnes handicapées. https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000037388867/2023-03-11/

18 Changes are related to EU Directive 2019/882 on accessibility requirements for products and services.

4. The obligation to display the level of compliance with the accessibility rules on the home page, provide easy access to the documents mentioned in the previous paragraph, and provide an opportunity to report accessibility issues. Failure to comply with this obligation and failure to bring the service into compliance is punishable by a fine of up to EUR 25,000 per website per year.

The amount of the fine, as well as exceptions such as the disproportionate cost of adapting certain content and functions of the website, are determined by Decree 2019-768. The amount of turnover of the companies covered by the law and the amount of the fine are set by a decree of the **State Council (Conseil d'Etat)**¹⁹.

Order dated 20.09.2019 on the General Regulatory Framework for Improving Accessibility

This Order²⁰ implemented EU Directive 2016/2102 on the accessibility of websites and mobile applications of public authorities. The Order also defines a reference document for the implementation of accessibility requirements: RGAA (Référentiel Général d'Amélioration de l'Accessibilité). It is based on the harmonized standard EN 301 549.

Labor Code

Article L5213-6²¹ of the Labor Code, subsection 1 "Rights and guarantees of employees with disabilities": the employer shall ensure the accessibility of software installed at the workplace of a person with a disability and necessary for the performance of his/her professional activities. The employer must also ensure that the workplace is accessible to persons with disabilities for remote work. However, there is an exception if the costs for employers are disproportionate.

Law No. 2023-171

This law²² of March 9, 2023, transposes EU Directive 2019/882 on accessibility requirements for products and services into French law. This law amends the Law on Equality of Rights, Opportunities, Participation and Citizenship of Persons with Disabilities and many other laws in the areas of economy, health, labor, transport, and agriculture.

Institutions responsible for monitoring compliance²³:

- **DGCCRF** (Directorate General for Competition, Consumer Protection and Fraud Prevention) – general cases;
- **ACPR** (Prudential Supervision and Resolution Authority);
- **AMF** (Financial Markets Authority), which is responsible, among other things, for verifying the availability of legal information provided to the consumer;
- The **Bank of France**, which is responsible for verifying the availability of electronic signature services, payment services and authentication methods.

19 State Council. <https://www.conseil-etat.fr/uk>

20 Arrêté du 20 septembre 2019 portant référentiel général d'amélioration de l'accessibilité. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000039120412/>

21 Article L5213-6 — Code du travail. https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000033024104/2019-08-08

22 LOI n° 2023-171 du 9 mars 2023 portant diverses dispositions d'adaptation au droit de l'Union européenne dans les domaines de l'économie, de la santé, du travail, des transports et de l'agriculture. https://www.legifrance.gouv.fr/jorf/article_jo/JORFARTI000047281814?s=09

23 Impact sur l'accessibilité numérique de la Directive européenne (UE) 2019/882 relative à l'accessibilité des biens et services. <https://access42.net/impact-directive-europeenne-ue-2019-882-accessibilite-numerique/?lang=fr>



2.4. SWEDEN

Sweden has transposed²⁴ both EU Directives. In particular, a special law on the accessibility of digital public services was adopted.

Law (2023:254) on the Accessibility of Certain Products and Services

The Law implements EU Directive 2019/882 on accessibility requirements for products and services. The draft law was initiated by the **Ministry of Social Affairs**. The new law is to enter into force on June 28, 2025.

The services will be supervised by a body appointed by a resolution of the government or its authorized body. At the time of this research, the resolution appointing the supervisory bodies had not been published.

Law 2018:1937 on the Accessibility of Digital Public Services

The Law on Accessibility of Digital Public Services²⁵ is an implementation of EU Directive 2016/2102. Accessibility requirements are discussed above in the overview of this Directive.

The Swedish supervisory authority is **Digg**²⁶, which is subordinated to the **Ministry of Finance**. Digg supervises compliance with this Law and related regulations.

As part of its supervision, Digg monitors the accessibility of public authorities' services. If accessibility deficiencies are identified during the monitoring, an informal notice is sent to the web resource owner with a request to contact within 14 days.

If the website owner does not respond or refuses to meet, Digg sends an official notice. If the deficiencies are not corrected, the next step is a lawsuit.

Digg also accepts complaints from citizens about the inaccessibility of digital services. If such a complaint is received, the service is added to the monitoring plan for the next period.



2.5. UNITED KINGDOM

The United Kingdom²⁷ has an Equality Act that does not contain clear accessibility requirements, as well as the Accessibility of Public Authorities' Websites and Mobile Applications Regulations, which implement EU Directive 2016/2102.

Equality Act (2010)

The Equality Act²⁸ regulates civil rights and protects the rights of people with disabilities in particular.

24 Law Office of Lainey Feingold — Sweden. <https://www.lflegal.com/lf-country/sweden/>

25 Lag (2018:1937) om tillgänglighet till digital offentlig service. https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20181937-om-tillganglighet-till-digital_sfs-2018-1937/

26 About Digg. <https://www.digg.se/en/about-us>

27 Law Office of Lainey Feingold: United Kingdom. <https://www.lflegal.com/lf-country/united-kingdom/>

28 Equality Act (2010). <https://www.equalityhumanrights.com/en/equality-act-2010/what-equality-act>

It consolidates over 116 separate pieces of legislation, including the Disability Discrimination Act 1995²⁹.

This law is aimed at the private sector. It does not define clear digital accessibility standards for assessing potential discrimination against people with disabilities, although WCAG is considered the de facto standard.

The law applies to all countries of the United Kingdom, except Northern Ireland, where the Disability Discrimination Act remains in force.

Rules for accessibility of websites and mobile applications of public authorities (no. 2) 2018

This document³⁰ defines that websites and mobile applications of public authorities must be perceivable, operable, understandable, robust (WCAG principles), and contains all other requirements stipulated by EU Directive 2016/2102.

The **Minister of the Cabinet of Ministers** is responsible for compliance with the accessibility requirements, and the **CDDO** (Central Digitalization and Data Office) is responsible for monitoring. The enforcement body in all countries of the United Kingdom is the **Equality and Human Rights Commission** (for Northern Ireland – the **Northern Ireland Equality Commission**).

If any person believes that the website or mobile application of a certain public authority does not meet the accessibility requirements, they can inform the authority of the error and request that the content be provided in an accessible format. If the public authority continues to fail to comply with the accessibility requirements or the person is not satisfied with the response received from it, he or she has the right to complain to the enforcement authority.

Failure of a public authority to comply with accessibility requirements is considered a violation of the Equality Act (except in Northern Ireland, where the Disability Discrimination Act is in force).

29 Disability Discrimination Act (1995). <https://www.legislation.gov.uk/ukpga/1995/50/contents>

30 The Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018. <https://www.legislation.gov.uk/uksi/2018/952/made>

CONCLUSIONS

All the legislation of the studied countries on digital accessibility can be divided into three groups.

- 1. Laws on the rights of people with disabilities.** For example, the Equality Act in the UK (except Northern Ireland) and the Disability Discrimination Act (in Northern Ireland). These laws do not contain requirements for digital accessibility, but only outline general requirements that prohibit disadvantaging people with disabilities compared to others. This group also includes the Law on Equal Rights, Opportunities, Participation and Citizenship of Persons with Disabilities in France.
- 2. Accessibility requirements for public sector websites and applications** (implementation of EU Directive 2016/2102). These norms usually cover only the public sector and private companies participating in public procurement. Such regulations or laws have been adopted in all five countries studied, including the United Kingdom, which is a former EU member.
- 3. Laws on products and services accessibility** (implementing EU Directive 2019/882), which cover the most important products and services of the public and private sectors. This legislation aims to implement uniform accessibility requirements across EU Member States. All 4 EU Member States studied have already adopted such legislation, but these laws will only come into force on June 28, 2025. Since the main purpose of Directive 2019/882 is to ensure the same accessibility requirements in all EU Member States, the national laws are almost identical and repeat the norms set out in the Directive.

For a detailed study, we have chosen the legislation of Denmark, which is a transposition of the Directive. The review of similar legislation of other countries is presented in a shortened form. Table 1 shows the relationship between the EU directives and the regulations of the countries studied.

Table 1. Relationship between national legislation and EU Directives

Country	National legislation	EU Directive
United Kingdom	Equality Act (2010)	No
	Rules for Accessibility of Websites and Mobile Applications of Public Authorities (No. 2) 2018	Directive 2016/2102
Denmark	Web Accessibility Act (2018)	Directive 2016/2102
	Law on Accessibility Requirements for Products and Services (2022)	EU Directive 2019/882
Germany	Act on Equal Opportunities for Persons with Disabilities (BGG) as amended in 2018	Directive 2016/2102
	Act on Enhancing Barrier-Free Accessibility (BFSG)	EU Directive 2019/882
France	Law No. 2005-102 of February 11, 2005 on Equality of Rights, Opportunities, Participation and Citizenship of Persons with Disabilities, as amended on March 11, 2023	Directive 2016/2102
	Law No. 2023-171 of March 9, 2023.	EU Directive 2019/882
	Order of 20.09.2019 on the General Regulatory Framework for Improving Accessibility	Directive 2016/2102
Sweden	Law 2018:1937 on the Accessibility of Digital Public Services	Directive 2016/2102
	Law (2023:254) on the Accessibility of Certain Products and Services	EU Directive 2019/882

CONCLUSIONS ON THE APPLICATION OF ACCESSIBILITY REQUIREMENTS

As noted above, on July 21, 2023, the CMU adopted a Resolution on the accessibility of government websites and mobile applications that must meet the accessibility requirements of DSTU EN 301 549:2022. The Resolution is based on EU Directive 2016/2102, and the DSTU is based on the European standard EN 301 549.

Since this resolution covers only state executive authorities, we consider it appropriate to extend the same requirements to all legal entities under public law and to some private companies that provide important services to the public. According to EU Directive 2019/882, these areas include banking, communications, audiovisual media, transportation, and e-commerce. This list can be expanded.

Given the Association Agreement between Ukraine and the European Union and Ukraine's status as a candidate for accession to the EU, it is logical to further harmonize Ukrainian legislation with EU law. Therefore, it is advisable to refer to the European standards and requirements set out in EU Directives 2016/2102 and 2019/882 in the regulations.

CONCLUSIONS ON INSTITUTIONAL ENFORCEMENT OF ACCESSIBILITY REQUIREMENTS

In all the countries studied, except for the UK, different regulatory authorities oversee public and private services (in the UK, the requirements currently apply only to public services):

1. In 3 of the 5 countries studied (the UK, Denmark, and Sweden), accessibility of government websites is monitored by the authorities responsible for the implementation of digital services; in France, by the Directorate General for Social Cohesion (a body responsible for protecting the rights of people with disabilities and older people); and in Germany, the Federal Agency for Monitoring Accessibility of Information Technology was specially created for this purpose. In addition, 3 of the 5 countries have designated bodies for enforcement/advocacy.
2. Accessibility of private services is monitored by different regulatory authorities depending on the service sector. In Sweden, the supervisory authorities have not yet been appointed or the relevant regulation has not been published at the time of this study.

Table 2 provides a list of authorities that monitor compliance with the accessibility requirements for digital services in the countries studied.

Table 2. Authorities overseeing compliance with accessibility requirements in different countries

Industry	United Kingdom	Denmark	Germany (federal level)	France	Sweden
Public services	CDDO (Central Digitalization and Data Office) (monitoring)	Digital Governance Agency (monitoring, reporting to the European Commission, enforcement)	Federal Agency for Monitoring the Availability of Information Technologies (monitoring)	Directorate General for Social Cohesion (DGCS) (monitoring and reporting to the European Commission)	Digital Governance Agency DIGG (monitoring, reporting to the European Commission, enforcement)
	Minister of the Cabinet of Ministers (reporting to the European Commission)		Federal Ministry of Labor and Social Affairs (reporting to the European Commission)	Defender of rights (protection of rights)	
	Equality and Human Rights Commission / Equality Commission for Northern Ireland (enforcement)		Federal Arbitration Council at the Federal Government Commissioner for Matters relating to Persons with Disabilities (protection of rights)		
Banking and financial services	Not applicable	Danish Security Agency	Federal Institute for Occupational Safety and Health (BAuA) (coordination of the work of the supervisory authorities of the federal states)	Bank of France	Not assigned
			Federal Arbitration Council at the Federal Government Commissioner for Matters relating to Persons with Disabilities (enforcement)	ACPR (Prudential Supervision and Problem Resolution Authority)	
				AMF (Financial Markets Authority)	

Industry	United Kingdom	Denmark	Germany (federal level)	France	Sweden
Passenger transportation	Not applicable	Danish Transport Agency	Federal Institute for Occupational Safety and Health (BAuA) (coordination of the work of the supervisory authorities of the federal states)	Directorate General for Competition, Consumer Protection and Fraud Prevention (DGCCRF)	Not assigned
		Danish Maritime Administration	Federal Arbitration Council at the Federal Government Commissioner for Matters relating to Persons with Disabilities (enforcement)		
Communication services	Not applicable	Danish Energy Agency	Federal Institute for Occupational Safety and Health (BAuA) (coordination of the work of the supervisory authorities of the federal states)	Directorate General for Competition, Consumer Protection and Fraud Prevention (DGCCRF)	Not assigned
			Federal Arbitration Council at the Federal Government Commissioner for Matters relating to Persons with Disabilities (enforcement)		
E-commerce services	Not applicable	Danish Security Agency	Federal Institute for Occupational Safety and Health (BAuA) (coordination of the work of the supervisory authorities of the federal states)	Directorate General for Competition, Consumer Protection and Fraud Prevention (DGCCRF)	Not assigned
			Federal Arbitration Council at the Federal Government Commissioner for Matters relating to Persons with Disabilities (enforcement)		

Industry	United Kingdom	Denmark	Germany (federal level)	France	Sweden
Services for access to audiovisual media	Not applicable	Danish Security Agency	<p>Federal Institute for Occupational Safety and Health (BAuA) (coordination of the work of the supervisory authorities of the federal states)</p> <p>Federal Arbitration Council at the Federal Government Commissioner for Matters relating to Persons with Disabilities (enforcement)</p>	Directorate General for Competition, Consumer Protection and Fraud Prevention (DGCCRF)	Not assigned
E-books	Not applicable	Danish Security Agency	<p>Federal Institute for Occupational Safety and Health (BAuA) (coordination of the work of the supervisory authorities of the federal states)</p> <p>Federal Arbitration Council at the Federal Government Commissioner for Matters relating to Persons with Disabilities (enforcement)</p>	Directorate General for Competition, Consumer Protection and Fraud Prevention (DGCCRF)	Not assigned

RECOMMENDATIONS

GENERAL RECOMMENDATIONS

Based on the results of the analysis of the legislation of other countries, several possible options for developing special legislation for Ukraine were considered:

- a) a framework law on barrier-free accessibility that applies to public and private companies with an annual turnover of more than EUR 2 million, supplemented by changes provided for by the European Accessibility Act in various sectoral laws (following the example of France);
- b) a hybrid option – the framework law, following the example of France, supplemented by clearer requirements for digital services under the European Accessibility Act, which will come into force in 2025.

Since the EU Directives were adopted in different years, two laws were adopted at the level of national legislation to fulfill the relevant requirements. In Ukraine, it would be appropriate to develop one draft law that would take into account the provisions of both EU Directives.

RECOMMENDATIONS ON AREAS OF APPLICATION

1. Apply accessibility requirements to the following information and communication technologies:
 - websites;
 - mobile applications;
 - electronic documents;
 - self-service terminals and ATMs (to allow the operation of terminals and ATMs installed before the adoption of the law until the end of their service life, but no later than 2030).
2. Extend the requirements for the accessibility of digital services to all public digital services, including digital services provided by state-owned enterprises or enterprises in which the state owns more than 50%.
3. Extend the accessibility requirements to private companies with an annual turnover of EUR 2 million or more that provide the following services:
 - banking services;
 - passenger transportation services (including online ticketing services);
 - communication services;
 - television and radio broadcasting services;
 - e-commerce services.

The list of services may be expanded.

RECOMMENDATIONS FOR ESTABLISHING REQUIREMENTS

1. In regulatory legal acts, refer to DSTU EN 301 549:2022 and other requirements set forth in EU Directives 2016/2102 and 2019/882.
2. Establish a requirement for mandatory publication of a statement (declaration) on the website about its accessibility – a special page that describes the current state of accessibility and provides contact details where users can report the inaccessibility of content or functions on the website.
3. Provide a transition period for private companies.
4. Do not apply accessibility requirements to small businesses, but recommend that they also comply with the requirements.
5. Provide for exemptions for the following types of content:
 - pre-recorded, time-limited multimedia materials published before the date of entry into force of the law;
 - documents in office formats published before the date of entry into force of the law;
 - online maps and mapping services, when important information is provided in another accessible digital way;
 - third-party content that is not funded, developed or managed by the relevant legal entity;
 - content on websites and mobile applications that has not been updated or edited since the law came into force.
6. Specify the terms of appeals and penalties:
 - in cases of failure of a covered entity to respond to a consumer's request or refusal to provide content in an accessible form, the consumer may file a complaint with the relevant regulatory authority to ensure compliance with the rules established in accordance with this law;
 - in cases where the owner of a website, mobile application or self-service software and hardware complex fails to provide content in an accessible form in accordance with the obligations, it shall be punishable by a fine, the amount of which may not exceed a certain amount determined by law.

RECOMMENDATIONS FOR INSTITUTIONAL SUPPORT

1. To monitor compliance with the law by public authorities, appoint a supervisory body subordinated to the relevant ministry (or create a new agency following the example of Germany), whose responsibilities include monitoring the accessibility of digital resources and advising government officials on the implementation of digital accessibility.
2. To monitor compliance with the law on the accessibility of digital services, in addition to services provided by public authorities, appoint the same supervisory bodies that monitor compliance with the law by entities providing services in the relevant industry.
3. The supervisory authority decides whether public authorities are entitled to exemptions on the basis of a "disproportionate burden" or whether the accessibility statement is perceivable, operable, understandable, robust.

4. The supervisory authority receives complaints from citizens regarding the inaccessibility of an online resource or mobile application, conducts an inspection and informs the relevant authority of any violations.
5. Provide for the possibility of appointing a law enforcement and user rights protection body that acts in case of violation of the law by a digital service provider. This may be a digital accessibility committee or other specially created body, which may include representatives of public associations of people with disabilities, barrier-free advisers, representatives of human rights organizations, etc.

