

Get ready for the EU Accessibility Act: *essential steps for businesses to ensure compliance*

In this article, we discuss the accessibility requirements for technology-based products and services under the EU Accessibility Act (**EAA**), effective in Ireland from 28 June 2025. We outline the steps businesses must take to ensure compliance and highlight the enforcement risks in the event of non-compliance, including potential court orders, criminal prosecution, and corrective actions mandated by market surveillance authorities.

7 MIN READ

Background

In just over four months' time, the EAA which was transposed into Irish law by the EU (Accessibility Requirements of Products and Services) Regulations 2023 (the **Irish Regulations**) comes into force on 28 June 2025.

The EAA establishes harmonised accessibility requirements for persons with disabilities for certain technology-based products and services placed on the EU market. It does so by specifying certain accessibility requirements that apply to all in-scope products and services, as well as additional requirements which apply only to certain products and services.

The intent of the legislation is to improve access to mainstream technology-based products and services for persons with disabilities. Currently, it is perceived that access is hampered by divergencies in national laws. The impact of the EEA will be to require a broad range of businesses, particularly in the technology, telecommunications, banking, transport,

e-commerce, and audiovisual media sectors, to take proactive steps to effect changes to their businesses by the effective date.

Such steps may include, for example, updating the general terms and conditions of a service with information on how the service meets the accessibility requirements, or in the case of manufacturers, drawing up technical documentation and carrying out a conformity assessment procedure on in-scope products.

With the effective date fast approaching, this article summarises the in-scope products and services; the specific accessibility requirements that apply; the relevant market surveillance authorities designated under the Irish Regulations, and the repercussions for non-compliance with the EAA.

Q1 What products and services do the accessibility requirements apply to?

The accessibility requirements set out in the EAA will apply to the specific products and services listed in the below table. While

this list is finite in scope, it will impact consumer goods and services across a wide variety of sectors, including technology, telecommunications, banking, transport, e-commerce and audiovisual media.

Products	<ul style="list-style-type: none">▪ Computers▪ Tablets▪ Smartphones▪ Self-service terminals (e.g., payment terminals, ATMs, ticketing machines and check-in machines).▪ E-readers▪ Terminal equipment used for electronic communications services or audiovisual media services
Services	<ul style="list-style-type: none">▪ Electronic communication services (e.g., providing internet access, interpersonal communications services or broadcasting services)▪ Audiovisual media services (e.g., websites, online applications, media players and connected television services)▪ Transport services▪ Consumer banking services▪ E-book software▪ E-commerce services (i.e., services that are provided at a distance through a website or mobile app through which an individual can conclude a consumer contract)

Q2 What are the accessibility requirements under the EAA?

Economic operators who place in-scope products and services on the market must comply with the accessibility requirements specified in the EAA which at a high level are:

- **Products:** the accessibility requirements relate to the provision of information (e.g., such as information on the use of a product); user interface and functionality design; and support services (e.g., helpdesk and call centre services).

There are additional accessibility requirements for certain in-scope products relating to packaging and, separately, instructions on installation, maintenance, storage; and disposal of the product (although these don't apply to self-service terminals).

- **Services:** Similarly, there are general accessibility requirements which are imposed on all in-scope services regarding information on the functioning of the

service; making websites and mobile apps accessible in a consistent manner; and, where available, providing information on the accessibility of support services.

There are specific additional requirements which are imposed on certain in-scope services such as electronic communication services and audiovisual media services.

Q3 What economic operators are in-scope of the EAA?

The EAA applies to public and private economic operators, including manufacturers, authorised representatives, importers, distributors and service providers who place in-scope products or services on the EU market.

Different obligations arise under the EAA for the various economic operators who will each need to take a range of steps to ensure that they are EAA ready when the Irish Regulations come into force. In broad terms, these obligations include the following:

<p>Manufacturers</p>	<ul style="list-style-type: none"> ▪ Ensure their products have been designed and manufactured in accordance with the applicable accessibility requirements ▪ Draw up technical documentation and carry out conformity assessments ▪ Draw up an EU declaration of conformity and in affix the CE marking on products that meet the accessibility requirements
<p>Importers and distributors</p>	<ul style="list-style-type: none"> ▪ Importers must only place on the EU market products that comply with the accessibility requirements ▪ Distributors must when making a product available on the market act with due care in relation to the requirements
<p>Service providers</p>	<ul style="list-style-type: none"> ▪ Ensure that they design and provide services in accordance with the accessibility requirements, for example, update their general terms of conditions and determine what service contracts will need to be adapted ▪ Prepare information explaining how the service meets the applicable accessibility requirements and make it available to the public in an accessible format



Where a product or service does not comply with the accessibility requirements, the economic operator will be required under the EEA to take immediate corrective action to bring the product or service into conformity. In addition, the economic operator should notify the relevant market surveillance authority of the steps which they intend to take (see Q7 below for consequences arising from failure to take correction action).

Q4 Are there any exemptions to the application of the EAA accessibility requirements?

There are limited exemptions from the application of the accessibility requirements to in-scope products and services provided for under the EAA and the Irish Regulations. Specifically, these exemptions apply in the following circumstances:

- **Fundamental alteration:** if the accessibility requirements require a significant change to a product or service concerned that results in the fundamental alteration of its basic nature, the requirement may not apply, or
- **Disproportionate burden:** if complying

with the accessibility requirements results in a disproportionate burden on the economic operator concerned, the requirement may not apply.

Economic operators seeking to avail of these exemptions must however carry out a detailed assessment detailing how they have arrived at the conclusion that the exemption applies. In respect of the ‘disproportionate burden’ exemption, detailed criteria are set out in the EAA which must be met before the exemption can be applied. While application of the criteria will be specific to each product and service, the threshold to invoke the exemption is, in general terms, quite high and may be difficult to meet, particularly for large organisations.

Additionally, microenterprises may avail of certain exceptions for example, regarding the drawing up of technical documentation. This covers enterprises which employ fewer than 10 people and which have an annual turnover not exceeding €2m or an annual balance sheet not exceeding €2m.

Q5 When does it come into force?

The EAA will come into effect in Ireland on

28 June 2025 although transitional periods will apply for certain products and services:

- a service provider may up until 28 June 2030 continue to use products lawfully used by them to provide a similar service before 28 June 2025
- service contracts agreed before 28 June 2025 may continue without alteration until they expire but not longer than five years or by 28 June 2030
- self-service terminals such as ATMS, ticketing machines, and check-in machines may continue to be used until the end of their economic life but no longer than 20 years after their entry into use.

Q6 What are the relevant market surveillance and compliance authorities?

The Irish Competition and Consumer Protection Commission is the designated market surveillance authority for products in Ireland. For services in Ireland, the compliance authority varies by sector. The following compliance authorities are appointed under the Irish Regulations:

Coimisiún na Meán	Services providing access to audiovisual media services
Commission for Communications Regulation	Electronic communications services and answering emergency communications to the single European emergency number ‘112’
Irish Aviation Authority	Elements of air passenger transport services
National Transport Authority	Elements of bus, rail and waterborne passenger transport services
Central Bank of Ireland	Consumer banking services
Competition and Consumer Protection Commission	E-books and dedicated software and e-commerce services

The National Disability Authority is also given a special status under the Irish Regulations to advise the relevant authorities on the accessibility requirements under the EAA.

Q7 What enforcement or civil actions may be brought against an economic operator for breach of the EAA?

There are a range of enforcement actions which a market surveillance authority may take against an economic operator for breach of the Irish Regulations ranging from the issuance of directions, seeking a court order directing compliance, or in serious cases of breach there is the potential for a criminal prosecution to be brought against the economic operator.

An individual consumer, or public bodies and private associations, organisations or other legal entities acting on their behalf, may

also apply to the Circuit Court for an order directing compliance where they believe that an economic operator has failed to comply with the accessibility requirement of the Irish Regulations/EAA.

The EAA does not fall within scope of the collective redress scheme as it is not listed in Annex I of the Collective Redress Directive (EU) 2020/1828. Therefore, as matters stand, when the Irish Regulations come into effect, Irish consumers will not be able to bring a representative action under the collective redress scheme although this could be subject to change in the future.

Q8 Steps to be taken to get EAA ready!

Given the complex and layered obligations under the EAA and the Irish Regulations, economic operators need to map out the bespoke requirements that apply to their operations and identify any gaps that need

to be addressed in the coming months ahead of the coming into force of the Irish Regulations on 28 June 2025.

Service providers captured by the legislation will need to consider whether contracts in place with consumers need to be altered, and manufacturers will need to consider how products may need to be adapted before being placed on the market. In particular, the breadth of the concept of 'e-commerce services' requires careful assessment, given the range of businesses that provide e-commerce services.

Other economic operators in the supply chain including importers and the distributors will also need to understand how accessibility requirements will flow down to them, and what adjustments may need to be made in their processes to ensure compliance.

Key contacts

For more information in relation to the EEA and how it applies to your business, or for bespoke advice please contact:



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