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# Products and Services Accessibility Act<sup>1</sup>

Passed 30.05.2022

## Chapter 1 General Provisions

### § 1. Scope of regulation of Act

This Act provides accessibility requirements for products and services which fall within the area of application of this Act, obligations of economic operators to ensure accessibility, assessment of conformity with accessibility requirements and presumption of conformity, and state supervision and liability.

### § 2. Scope of application of Act

(1) This Act applies to the following products:

- 1) e-readers;
- 2) payment terminals;
- 3) ticketing machines;
- 4) check-in machines;
- 5) automated teller machines or self-service payment terminals;
- 6) interactive self-service terminals providing information, excluding terminals installed as integrated parts of vehicles, aircrafts, ships or rolling stock;
- 7) consumer terminal equipment with interactive computing capability, used for accessing audiovisual media services;
- 8) consumer terminal equipment with interactive computing capability, used for electronic communications services;
- 9) consumer general purpose computer hardware systems and operating systems for those hardware systems.

(2) In this Act, the following terms related to the products provided in subsection 1 of this section are used:

- 1) 'e-reader' means dedicated equipment, including both hardware and software, used to access, navigate, read and use e-book files;
- 2) 'self-service terminal' means an electronic device that allows self-servicing, used to offer requests for information (interactive information screens), payments (payment terminals), printing (ticketing machines) and financial services (automated teller machines, self-service payment terminals, check-in machines), forming an interactive environment;
- 3) 'payment terminal' means a device the main purpose of which is to allow payments to be made by using payment instruments as defined in point 14 of Article 4 of Directive (EU) 2015/2366 of the European Parliament and of the Council on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, pp 35–127) at a physical point of sale but not in a virtual environment;
- 4) 'consumer terminal equipment with interactive computing capability, used for accessing audiovisual media services' means any equipment the main purpose of which is to provide access to audiovisual media services;
- 5) 'interactive computing capability' means functionality supporting human-device interaction allowing for processing and transmission of data, voice or video or any combination thereof;
- 6) 'consumer general purpose computer hardware system' means the combination of hardware which forms a complete computer, characterised by its multipurpose nature, its ability to perform, with the appropriate software, most common computing tasks requested by consumers;
- 7) 'operating system' means software, which, inter alia, handles the interface to peripheral hardware, schedules tasks, allocates storage, and presents a default interface to the user when no application program is running, regardless of whether such software is an integral part of consumer general purpose computer hardware, or constitutes free-standing software intended to be run on consumer general purpose computer hardware, but excluding an operating system loader, basic input/output system, or other firmware required at boot time or when installing the operating system;

(3) This Act applies to the following services or parts thereof provided to consumers:

- 1) e-commerce services;
- 2) electronic communications services including emergency communications with the exception of machine-to-machine communication services;
- 3) e-books and dedicated software;
- 4) financial services;
- 5) parts of air, bus, rail and waterborne passenger transport services, such as websites, mobile device-based services, electronic tickets, electronic ticketing services, delivery of transport service information, delivery of real-time travel information, interactive information screens and self-service terminals;
- 6) services providing access to audiovisual media services.

(4) For the purposes of this Act, service means a service as defined in point 1 of Article 4 of Directive 2006/123/EC of the European Parliament and of the Council (OJ L 376, 27.12.2006, pp 36–68).

(5) In this Act, the following terms related to the services provided in clauses 1, 3, 5 and 6 of subsection 3 of this section are used:

- 1) ‘e-commerce services’ means services provided at a distance, through websites and mobile device-based services by electronic means and at the individual request of a consumer with a view to concluding a consumer contract;
- 2) ‘e-book’ means a service consisting of the provision of digital files that convey an electronic version of a book, that can be accessed, navigated, read and used;
- 3) ‘e-book software’ means dedicated software including mobile device-based services dedicated to the accessing, navigation, reading and use of e-book files, and it excludes e-reader software;
- 4) ‘air passenger transport services’ means commercial air services provided on departure from, on transit through, or on arrival at an airport, when the airport is situated in the territory of a Member State, including flights departing from an airport situated in a third country to an airport situated in the territory of a Member State where the services are operated by Union air carriers;
- 5) ‘waterborne passenger transport services’ means services where the port of embarkation or disembarkation is situated in the territory of a Member State and involving a cruise only where the port of embarkation is situated in the territory of a Member State;
- 6) ‘electronic tickets’ means any system in which an entitlement to travel, in the form of single or multiple travel tickets, travel subscriptions or travel credit, is stored electronically on a physical transport pass or other device, instead of being printed on a paper ticket;
- 7) ‘electronic ticketing services’ means any system in which passenger transport tickets are purchased including online using a device with interactive computing capability, and delivered to the purchaser in electronic form, to enable them to be printed in paper form or displayed using a mobile device with interactive computing capability when travelling;
- 8) ‘services providing access to audiovisual media services’ means services transmitted by electronic communications networks which are used to identify, select, receive information on, and view audiovisual media services and any provided features, such as subtitles for the deaf and hard of hearing, audio description, spoken subtitles and sign language interpretation, and electronic programme guides.

(6) The accessibility requirements provided in this Act apply to the products specified in clauses 3–6 of subsection 1 of this section in the case they are used for the provision of the services specified in subsection 3 of this section.

(7) The services specified in clause 4 of subsection 3 of this section are:

- 1) the payment services specified in subsection 1 of § 3 of the Payment Institutions and E-money Institutions Act;
- 2) the issue of e-money specified in subsection 1 of § 6 of the Payment Institutions and E-money Institutions Act;
- 3) the grant of consumer credit and consumer credit relating to residential immovable property for the purposes of § 3 of Creditors and Credit Intermediaries Act;
- 4) the basic payment services related to payment accounts specified in subsection 15<sup>1</sup> of § 709 of the Law of Obligations Act;
- 5) the investment services and activities provided in clauses 1, 2, 4 and 5 of subsection 1 of § 43 of the Securities Market Act;
- 6) the ancillary services to an investment service provided in clauses 1, 2, 4 and 5 of § 44 of the Securities Market Act.

(8) The requirements of this Act applied to the services specified in clause 1 of subsection 3 of this section are also applied to the e-commerce of products and other services covered by this Act.

(9) The accessibility requirements for services do not apply to the following:

- 1) online maps and mapping services, if essential information is provided in an accessible digital manner for maps intended for navigational use;
- 2) third-party content of websites and mobile applications that is neither funded, developed by, or under the control of, the economic operator concerned;
- 3) self-service terminals integrated in vehicles used in the provision of any part of passenger transport services;
- 4) occasional services in accordance with § 5 of the Public Transport Act;
- 5) rural, urban or county routes in accordance with subsection 2 of § 4 of the Public Transport Act for which only the accessibility requirements prescribed for interactive self-service terminals provided in clause 6 of subsection 1 of this section apply.

(10) In addition to the provisions of subsection 9 of this section, the accessibility requirements for services do not apply to waterborne passenger transport services that are provided:

- 1) on excursion and sightseeing tours other than cruises;
- 2) on original, and individual replicas of, historical passenger ships designed before 1965, built predominantly with the original materials, certified to carry up to 36 passengers;
- 3) sailing vessels;
- 4) on ships certified to carry up to 12 passengers;
- 5) on ships which have a crew of not more than three persons;
- 6) on ships where the distance of the passenger service is less than 500 metres one way.

(11) The requirements of this Act do not apply to the operation of service providers who are microenterprises.

(12) The provisions of the Administrative Procedure Act with the specifications provided in this Act apply to the administrative procedure prescribed in this Act.

(13) The provisions of the Product Conformity Act with the specifications provided in this Act is applied to the obligations of the manufacturer, the authorised representative, the importer, the distributor of a product within the scope of application of this Act, conformity assessment and market surveillance of the product, and liability.

### **§ 3. Economic operators, service providers, consumers and microenterprises**

(1) For the purposes of this Act, ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor or the service provider.

(2) For the purposes of this Act, ‘service provider’ means any natural or legal person who provides a service on the Union market or makes offers to provide a service to consumers in the Union.

(3) For the purposes of this Act, ‘consumer’ means any natural person who purchases the product or is a recipient of the service for purposes which are outside the business or professional activities of the person.

(4) For the purposes of this Act, ‘microenterprise’ means an enterprise which employs fewer than ten persons and which has an annual turnover or an annual balance sheet total not exceeding two million euros.

## **Chapter 2 Accessibility Requirements**

### **§ 4. Accessibility requirements for products and services**

(1) Products that are placed on the market and services that are provided must conform to the accessibility requirements, taking into account the specifications provided in subsection 5 of this section and § 5 of this Act.

(2) Products must be designed and produced in such a way as to maximise their use by disabled persons. This requirement also applies to the packaging and instructions of the products specified in clauses 1 and 7–9 of subsection 1 of § 2 of this Act. Where possible, taking into account the nature of the product, the product is accompanied in or on the product by accessible information on their functioning and on their accessibility features in a format in conformity with the accessibility requirements.

(3) The provision of services in order to maximise their use by disabled persons is achieved by including functions, practices, policies and procedures and alterations in the operation of the service that address the needs of disabled persons. Elements of services must be interoperable with corresponding assistive technologies. The description of accessibility requirements applicable to the service and information on the design and the operation of the service are included in the general terms and conditions of the service, or an equivalent document.

(4) The functional accessibility requirements for products and services and the requirements for the information provided concerning such requirements are established by a regulation of the minister in charge of the policy sector.

(5) The accessibility requirements provided in this Act apply to products and services to the extent that conformity with the requirements:

- 1) does not require a significant change in the products and services which would result in the fundamental alteration of the products or services;
- 2) does not impose a disproportionate burden on the economic operator for the purposes of § 5 of this Act.

## **§ 5. Fundamental alteration of products or services and disproportionate burden to economic operators**

(1) Where an economic operator suspects that bringing a product or service into conformity with one or more accessibility requirements provided in § 4 of this Act or established on the basis of subsection 4 of the same section may introduce a fundamental alteration of the product or service or impose a disproportionate burden, the economic operator carries out an assessment of such burden.

(2) An economic operator, except for a microenterprise dealing with products, documents the assessment specified in subsection 1 of this section and keeps the results of the assessment for a period of five years from the last making available of the product on the market or after the service was last provided.

(3) A service provider relying on the disproportionate burden must assess the burden pursuant to subsection 1 of this section if:

- 1) the service is altered;
- 2) it is requested by the Consumer Protection and Technical Regulatory Authority; or
- 3) five years have passed from assessment.

(4) Where economic operators receive funding from other sources than the economic operator's own resources, that is provided for the purpose of improving accessibility, they are not entitled to rely on a disproportionate burden.

(5) Where economic operators, except for microenterprises dealing with products, find after the assessment specified in subsection 1 of this section that one or several accessibility requirements cannot be applied to them, they must notify the Consumer Protection and Technical Regulatory Authority thereof and submit upon a request thereof a documented result of the assessment. Microenterprises dealing with products submit to the Consumer Protection and Technical Regulatory Authority upon the request thereof the facts relevant to the assessment specified in subsection 1 of this section.

(6) The criteria for the assessment of disproportionate burden of economic operators and the procedure for notification of non-application of accessibility requirements are established by a regulation of the minister in charge of the policy sector.

## **Chapter 3 Obligations of Economic Operators to Ensure Accessibility**

### **Subchapter 1 Obligations of Economic Operators Dealing with Products**

#### **§ 6. Obligations of manufacturers**

(1) Before placing their products on the market, manufacturers must draw up technical documentation concerning products and carry out the conformity assessment of products or have it carried out in compliance with all the requirements provided in Chapter 4 of this Act. Where a product conforms to the accessibility requirements, manufacturers draw up a European Union declaration of conformity (hereinafter *declaration of conformity*) and affix the conformity marking.

(2) Manufacturers keep the technical documentation and the declaration of conformity for five years after the product has been placed on the market.

(3) Manufacturers ensure that the product is accompanied by instructions, information and labelling that are clear, understandable and intelligible.

(4) Where it becomes known to manufacturers that a product which they have placed on the market does not conform to the applicable accessibility requirements, they must inform the Consumer Protection and Technical Regulatory Authority of the non-conformity by giving details of the non-conformity of the product and of any corrective measures taken.

(5) Manufacturers keep a register of products placed on the market which do not conform to the applicable accessibility requirements and of the related complaints.

#### **§ 7. Tasks of authorised representatives**

The obligations provided in § 14 of this Act may be fulfilled by an authorised representative of the manufacturer on the behalf and under the responsibility of the manufacturer. An authorised representative keeps the technical documentation and the declaration of conformity specified in §§ 13 and 14 of this Act at the disposal of the Consumer Protection and Technical Regulatory Authority for five years after the product has been placed on the market.

## **§ 8. Obligations of importers**

(1) Importers ensure that a copy of the declaration of conformity and the technical documentation are at the disposal of the Consumer Protection and Technical Regulatory Authority within the period provided in subsection 2 of § 6 of this Act.

(2) The requirements provided in subsections 3–5 of § 6 of this Act apply to importers.

## **§ 9. Obligations of distributors**

Where it becomes known to distributors that a product which they have placed on the market does not conform to the applicable accessibility requirements, they must inform the Consumer Protection and Technical Regulatory Authority of the non-conformity by giving details of the non-conformity of the product and of any corrective measures taken.

## **§ 10. Identification of economic operators dealing with products**

Economic operators specified in §§ 6–9 of this Act must inform the Consumer Protection and Technical Regulatory Authority upon the request thereof of all economic operators to whom they have supplied a product or who has supplied them with a product for a period of five years after they have been supplied with the product and for a period of five years after they have supplied the product.

# **Subchapter 2 Obligations of Economic Operators Related to Services**

## **§ 11. Obligations of service providers**

(1) Service providers ensure conformity of services with applicable accessibility requirements.

(2) Service providers prepare the information explaining the conformity of services with the applicable accessibility requirements and make it available to the public in written and oral accessible format. Service providers keep the information for as long as the service is in operation.

(3) Changes in the characteristics of the provision of the service, changes in applicable accessibility requirements and changes in the harmonised standards or in technical specifications by reference to which a service is declared to meet the accessibility requirements are adequately taken into account by the service providers.

(4) Where a service does not comply with the requirement provided in subsection 1 of this section, service providers are required to:

- 1) take appropriate corrective measures to bring the service into conformity with the applicable accessibility requirements;
- 2) immediately inform the Consumer Protection and Technical Regulatory Authority of the non-conformity, giving details of the non-conformity and of any corrective measures taken.

(5) Service providers cooperate with the Consumer Protection and Technical Regulatory Authority upon the request thereof on any corrective measures taken to bring the service into conformity with the accessibility requirements.

# **Chapter 4 Conformity Assessment and Presumption of Conformity**

## **§ 12. Conformity assessment of products**

(1) When placing a product on the market, conformity of the product with the accessibility requirements is demonstrated by the conformity assessment procedure of internal control which means fulfilment of the requirements provided in §§ 13 and 14 of this Act.

(2) The manufacturer takes necessary measures so that the manufacturing process and its monitoring ensure compliance of the products with the technical documentation provided in § 13 of this Act and with the applicable accessibility requirements.

### **§ 13. Technical documentation of products**

(1) The manufacturer establishes the technical documentation in a manner which makes it possible to assess the conformity of the product with the applicable accessibility requirements and covers, as far as relevant for the assessment, the design, manufacture and operation of the product.

(2) In the case the manufacturer relies on the fundamental alteration of the product or disproportionate burden on the economic operator, the technical documentation must allow to demonstrate that one or several applicable accessibility requirements would introduce a fundamental alteration of the product or impose a disproportionate burden.

(3) The technical documentation contains at least the following elements to the appropriate extent:

- 1) a general description of the product;
- 2) a list of the harmonised standards and technical specifications which have been published in the Official Journal of the European Union, applied in full or in part, or description of the solutions adopted to meet the relevant accessibility requirements;
- 3) references of partly applied harmonised standards or technical specifications, or of the parts which have been applied.

### **§ 14. Declaration of conformity and conformity marking of products**

(1) The manufacturer draws up a written declaration of conformity for a product, which states that the accessibility requirements applicable to the products are fulfilled.

(2) A declaration of conformity must be drawn up by following the model structure provided in Annex III to Decision No 768/2008/EC of the European Parliament and of the Council on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, pp 82–128). A declaration of conformity is continuously updated.

(3) Where one or several accessibility requirements cannot be applied to a manufacturer due to the fundamental alteration of the product or disproportionate burden on the economic operator, the declaration of conformity must state which accessibility requirement is subject to the exception provided in subsection 5 of § 4 and § 5 of this Act.

(4) A conformity marking is affixed visibly, legibly and indelibly to each product that conforms to accessibility requirements, or to its data plate. Where it is not possible or warranted, on account of the nature of the product, to affix a conformity marking to a product, it is affixed to the packaging and to the accompanying documents.

### **§ 15. Presumption of conformity of products and services**

(1) Where the conformity of products or services has been assessed in compliance with harmonised standards or parts thereof covering the accessibility requirements, the products or services that comply with such standards or parts thereof are presumed to be in conformity with the accessibility requirements covered by the standards or parts thereof.

(2) Where the conformity of products or services has been assessed in compliance with the technical specifications or parts thereof covering the accessibility requirements, the products or services that comply with such technical specifications or parts thereof are presumed to be in conformity with the accessibility requirements covered by the technical specifications or parts thereof.

## **Chapter 5 State Supervision**

### **§ 16. Supervisory authority**

State supervision over conformity with the requirements provided in this Act and legislation established on the basis thereof is exercised by the Consumer Protection and Technical Regulatory Authority.

### **§ 17. Specific supervision measures**

In order to exercise state supervision provided in this Act, the Consumer Protection and Technical Regulatory Authority may apply the special state supervision measures provided in §§ 30, 31, 32, 49, 50, 51 and 52 of the Law Enforcement Act on the basis of and pursuant to the procedure provided in the Law Enforcement Act.

### **§ 18. Specifications of supervision**

(1) The Consumer Protection and Technical Regulatory Authority has the right to:

- 1) demand an economic operator to immediately take appropriate measures to bring a product or service into conformity with the applicable accessibility requirements;

2) where the economic operator has failed to take the appropriate measures specified in clause 1 of this subsection, prohibit or restrict making available of the product or service on the national market or demand immediate withdrawal of the product or service from the market or withdraw the product from the market.

(2) Where an economic operator relies on the fundamental alteration of the product or disproportionate burden on the economic operator, the Consumer Protection and Technical Regulatory Authority has the right to:

- 1) check whether the economic operator has carried out the assessment specified in § 5 of this Act;
- 2) review the results of the assessment specified in § 5 of this Act and the proper use of assessment criteria;
- 3) verify conformity with applicable accessibility requirements.

#### **§ 19. Penalty payment rate**

Upon failure to comply with a precept, the upper limit of penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 10,000 euros.

## **Chapter 6 Liability**

#### **§ 20. Provision of services not in conformity with accessibility requirements**

(1) Provision of services not in conformity with accessibility requirements is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 20,000 euros.

#### **§ 21. Proceedings**

Extra-judicial proceedings concerning the misdemeanours provided in this Chapter are conducted by the Consumer Protection and Technical Regulatory Authority.

## **Chapter 7 Implementing Provisions**

#### **§ 22. Specifications for application of accessibility requirements**

(1) The requirements of this Act apply to products placed on the market and services provided as of 28 June 2025.

(2) Service contracts entered into before 28 June 2025 the conditions of which do not take into account the applicable accessibility requirements continue without alteration until they expire but no longer than until 28 June 2030.

(3) The self-service terminals specified in clauses 2–6 of subsection 1 of § 2 of this Act used by service providers for the provision of services before 28 June 2025 may continue to be used for the provision of such services until the end of their economically useful life, but no longer than 20 years after their entry into use.

(4) Service providers may continue to provide their services until 28 June 2030 using products which were used by them to provide such services before 28 June 2025.

(5) The accessibility requirements for services do not apply to the following content of websites and mobile applications:

- 1) pre-recorded time-based media published before 28 June 2025;
- 2) office file formats published before 28 June 2025;
- 3) content of websites and mobile applications that is not updated or edited after 28 June 2025.

#### **§ 23. Ex-post assessment of Act**

In 2028 at the latest, the Ministry of Social Affairs analyses the effect and performance of the implementation of this Act.

§ 24.–§ 26.[The provisions amending other Acts omitted from translation]

**§ 27. Entry into force of Act**

This Act enters into force on 28 June 2022.

<sup>1</sup>Directive (EU) 2019/882 of the European Parliament and of the Council on the accessibility requirements for products and services (OJ L 151, 07.06.2019, pp 70–115).

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