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Employment, Social Affairs and Equal Opportunities DG

Equality between Men/Women, Action against discrimination, Civil Society
Integration of People with Disabilities

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STANDARDISATION MANDATE TO CEN, CENELEC AND ETSI TO INCLUDE "DESIGN FOR ALL" IN RELEVANT STANDARDISATION INITIATIVES

1. POLICY BACKGROUND

The European Union approach to disability demands the elimination of discrimination and a determination that people with disabilities should have the same rights as non-disabled people, not only in theory but also in practice.

The EU perceives disability essentially as the result of the dynamic interaction between a person with impairment and his or her environment. Generally it is the environment that is disabling rather than the nature of the impairment itself. Equal rights to contribute to society and economy cannot be realised without equal access to goods and services.

Many goods and services in Europe fall under internal market regulations. The internal Market comprises an area without internal frontiers in which free movement of goods, services, persons and capital is ensured. (art 14 of the EC Treaty). Declaration 22 annexed to the final Act of the Amsterdam Treaty provides that the Institutions of the Community shall take account of the needs of persons with a disability in drawing up measures under Article 95 of the Treaty.

To achieve this it is important that standards describing the characteristics of goods and services in the Internal Market include adequate accessibility provisions and that other provisions in those standards do not introduce accessibility barriers.

Standards are documented voluntary agreements, which establish important criteria for products, services and processes. Standards, therefore, help to make sure that products and services are fit for their purpose and are comparable and compatible. Standards and related deliverables concern many areas of daily life: building, information and communication technologies, healthcare and long term care, environment, transport and packaging, household goods, sport and leisure. All these areas are relevant for people with disabilities and older persons with accessibility aspects being of special importance. Standards that consider the diversity of needs of the population and their functional diversity following a Design for All approach will favour the development of products and services that are accessible for all including persons with disabilities and older persons. This mandate addresses not only the difficulties of disabled and elder people, but also the difficulties of all people facing special challenges with respect to the access

to goods and services. This could include e.g. families with small children or people with special needs (e.g. as a result of temporary or permanent diseases).

Design for All is design for human diversity, social inclusion and equality. This holistic and innovative approach constitutes a creative and ethical challenge for all planners, designers, entrepreneurs, administrators and political leaders.

Design for All aims to enable all people to have equal opportunities to participate in every aspect of society. To achieve this, the built environment, everyday objects, services, culture and information – in short, everything that is designed and made by people to be used by people – shall be safe, accessible, independently usable and convenient for everyone in society to use and responsive to evolving human diversity. Accessibility should not jeopardise safety.

The practice of Design for All makes conscious use of the analysis of human needs and aspirations and requires the involvement of end users at every stage in the design process

Commission Communication COM(2007) 738 final on the Situation of disabled people in the European Union: the European Action Plan 2008- 2009, after analysing the developments in the situation of disabled people, has identified accessibility as a priority for active inclusion and access to rights. It states that accessible goods, services and infrastructures are essential to sustain non-discriminatory and inclusive forms of participation in many aspects of everyday life in an ageing society, along with the elimination of barriers to education and to the labour market.

Achieving accessibility requires the avoidance and removal of barriers that hinder persons with disabilities and older persons from exercising their capabilities and participating fully and on equal terms. It requires **combining the inclusive Design for All approach with specific assistive solutions across policy areas and instruments** so as to address systemic forms of discrimination.

It is well known that there are several **definitions** for Design for All and although there are certain differences, other terms used like accessible design, universal design, universal access, barrier free design, etc are considered to be equivalent for the purposes of this work.¹

Accessibility is also at the core of the **UN Convention on the Rights of Persons with Disabilities** that was signed by the European Community and all Member States. Accessibility is one of the general principles (Article 3) to be taken into account in the overall implementing of the Convention. Furthermore, article 9 of the UN Convention provides that State Parties shall take appropriate measures to develop, promulgate and

1 See definition of Accessible Design in CEN/ CENELEC guide 6 design focussed on principles of extending standard design to people with some type of performance limitation to maximize the number of potential customers who can readily use a product, building or service which may be achieved by

- _ designing products, services and environments that are readily usable by most users without any modification,
- _ by making products or services adaptable to different users (adapting user interfaces), and
- _ by having standardized interfaces to be compatible with special products for persons with disabilities.

NOTE 1 Terms such as design for all, barrier-free design, inclusive design and transgenerational design are used similarly but in different contexts.

NOTE 2 Accessible design is a subset of universal design where products and environments are usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public.

Under the General obligations of the Convention in article 4 there is the obligation to promote universal design² in the development of standards and guidelines.

Since all Member States of the European Union are also member states of the Council of Europe, they are also called upon to implement the Council of Europe Recommendation CM/Rec(2009)8 of the Committee of Ministers to member states on achieving full participation through Universal Design³ in all areas of life, and particularly in fields such as the built environment, transport, and ICT.

The **Council Resolution of 17 March 2008** on the situation of persons with disabilities in the European Union (2008/C 75/01) invites the Member States and the Commission, in accordance with their respective competences, to ensure:

1. that people with disabilities enjoy their human rights in full, by:
 - (a) ratifying and concluding, and then implementing the UN Convention, including shared European solutions within a coherent and coordinated approach for the implementation of the UN Convention;
2. accessibility for people with disabilities:
 - (a) improving accessibility is a precondition for autonomy, inclusion and participation, and enables people with disabilities to enjoy human rights and fundamental freedoms;

The Resolution also invites the Member States and the Commission, in accordance with their respective competences, to ensure:

- (e) the ongoing work on the development of shared European standards for accessibility should be promoted and their application in public procurement encouraged;
- (h) access to mainstream goods, services and infrastructure should be improved, so as to empower persons with disabilities and older persons to act as consumers;

This is in line with the **Communication "A Single Market for 21st century Europe"**⁴, that states that consumers need to feel confident and empowered to make full use of their rights. In this context, it explicitly mentions that a central goal of the consumer policy strategy is *"empowering consumers, including more vulnerable consumers with special needs or **disabilities**, setting rights and **accessibility standards**, and protecting them against risks and threats that they can not tackle as individuals."*

² The UN Convention in its article 2 Definitions states that *"Universal design" means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.*

In fact in the European approach Design for all should consider the interfaces with assistive devices.

³ See Recommendation CM/Rec(2009)8:

<https://wcd.coe.int/ViewDoc.jsp?id=1526681&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>, and accompanying report: "Achieving full participation through Universal Design" (2009), ISBN 978-92-871-6474-2:
http://book.coe.int/EN/ficheouvrage.php?PAGEID=36&lang=EN&produit_aliasid=2410

⁴ COM (2007) 724 final

Already the **Council RESOLUTION of 15 July 2003** on promoting the employment and social integration of people with disabilities (2003/C 175/01) asks to "remove barriers impeding the participation of people with disabilities in social life and, in particular, in working life, and prevent the setting up of new barriers through the promotion of design for all".

2. JUSTIFICATION

This mandate falls within the framework of the general policy of the Commission with respect to technical harmonisation and standardisation and supports disability policies. People with disabilities represent today about 16 % of the working age European population. The number of people with disabilities is growing as a result of the demographic shift, given the correlation between disability and ageing. 18% of the European population was aged over 60 in 1990, while this is expected to rise to 30% by 2030.⁵

The need for accessible products and services is indeed growing and the response of industry to the increased demand is following but not enough. People with disabilities report having difficulties to access mainstream goods and services, they have problems to enter buildings, to access transport facilities and infrastructure, they have difficulties in accessing information and communication, including information and communication technologies and enjoying services like tourism or on line banking. Standards that relate to those goods and services can address accessibility requirements for person with disabilities following Design for all approach and facilitate the removal and prevention of barriers for persons with disabilities.

Employment of people with disabilities

98 percent of European businesses are SMEs, with an average of six employees each. 70 percent of people with disabilities become disabled while they are already in the workforce. One in six of the EU working-age population has a disability of some sort. SMEs are already starting to be confronted with the shrinking workforce induced by the demographic change and they need to prepare themselves to retain their employees that become disabled and also to attract new people with disabilities. Raising employment and participation rates are vital for economic growth and social inclusion. Directive 2000/78 requires the provision of reasonable accommodation in employment.

Free movement of persons:

The internal market comprises an area without internal frontiers in which free movement of goods, services, persons and capital is ensured. People with disabilities and older persons have similar accessibility requirements across the EU and the right to have equal access to products and services in each Member State. Considering Design for All in the process of making standards significantly contributes to achieving the right of persons with disabilities and older persons to move freely around in the EU.

The market of accessible products

⁵ UN World Population Prospects (2002 Revision) and Eurostat Demographic projections

Firstly, a “market” in general should know the needs of the consumers which are more and more individualised. The “standard” consumer doesn’t exist anymore. In that way functional impairments must be considered as an element of diversity just like others.

In the US the spending power of people with disabilities is in the order of \$1 trillion, of which \$220 billion is in the form of discretionary spending. In the UK it is estimated to be about 10% of the GDP. There is a strong business argument for enterprises to make their services and products accessible to all, in particular taking into account the aging of European population.

In this respect, it is now well established that with products and services Designed for All, there is an increase in economies of scale. People with disabilities, older citizens, families with young children, persons with special needs and others are all consumers and represent important markets. Furthermore, when applying a Design for All methodology from the beginning of the design phase, costs are usually negligible. On the other hand retrofitting accessibility once the product is finished can be costly and difficult to undertake. In this respect standardisation has a large role to play in facilitating the development of better and cheaper accessible products that follow the Design for All approach. The market of accessible products must become part of the mainstream market through compatibility of AT, interoperability, standard interfaces. The market of accessible products on itself will enlarge also using these s.

Member States are acting in this respect and are developing legislation and standards on accessibility based on Design for All. Including the design for all approach in the development of standards will not only facilitate the work of European industry to comply with those provisions but will improve their competitive position at global level.

A study in the USA⁶ found that 60% of working-age adults can benefit from the use of accessibility features in ICT following design for all approach because they experience mild impairments or difficulties when using current technologies. Furthermore another study from 2002⁷ found that more than 48% of persons over 50 years of age in Europe considered that they were not adequately addressed by manufacturers of ICT. Furthermore, between 10 and 12 million of them indicated that they were potential customers of new mobile phones, computer and internet services. There is a substantial demand of products and services designed for all.

Related work

The Commission has already issued two mandates to the European standardisation organisations in relation to accessibility requirement to ICT (M/376) and to the built environment (M/420) to be used in public procurement. These two Mandates are now being implemented by the ESOs. The results of these mandates (as far as they are available) should be taken into consideration to ensure complementarity. The objective

⁶ The Wide Range of Abilities and Its Impact on Computer Technology – Forrester Research Inc., 2003.

⁷ SENIORWATCH project reports (www.seniorwatch.de)

of this new mandate is to include a Design for All perspective in mainstream standards. It is not intended to develop specific accessibility standards⁸

Furthermore the Commission has issued a contract with the main purpose to develop and implement training courses for persons with disabilities and older persons to increase their effective participation in the standardisation process and for experts in standardisation to become familiar with disability and accessibility issues. The long term aim is to ensure that accessibility requirements and disability issues are included in the standardisation deliverables for relevant products and services.⁹

The full participation of people with disabilities and of older people, who may develop disabilities as they age, depends on a series of measures, which require adequate planning and implementation. Several Council of Europe Recommendations provide additional guidelines on the specific measures to improve the quality of life and full inclusion of people with disabilities and older people in Europe.¹⁰

It is also important to mention in this context the work undertaken under mandate M/392 to CENELEC in the field of the Low Voltage Directive 73/23/EC¹¹. The purpose of this Mandate is the revisions of relevant safety standards for electrical household appliances with respect to the safety of children, older people and people with disabilities. In November 2009, the first set of revised Parts 2 were approved by CENELEC TC 61 “Safety of household appliances”.

These examples illustrate that there are some areas where accessibility is being considered through specific Mandates covering determine domains. It is not the intention of this new mandate to duplicate or interfere with already ongoing work but rather to expand this practice in other relevant domains where this is not yet happening.

⁸ This new mandate builds also on work previously done under M/273 and M/283 that are already finished.

⁹ STAND for ALL

¹⁰ Recommendation Rec(2006)5 of the Committee of Ministers to member states on the Council of Europe Action Plan on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015, available at: http://www.socialdialogue.net/docs/si_key/CofEurope_060405_%20Rec_2006_5_Disability_Action_Plan.pdf;

Recommendation CM/Rec(2009)6 of the Committee of Ministers to member states on ageing and disability in the 21st century: sustainable frameworks to enable greater quality of life in an inclusive society, and accompanying report: “Enhancing rights and inclusion of ageing people with disabilities and older people with disabilities: a European perspective”:

http://www.coe.int/t/e/social_cohesion/soc-sp/integration/06_publications/presentation.asp#TopOfPage;

Recommendation CM/Rec(2009)8 of the Committee of Ministers to member states on achieving full participation through Universal Design and accompanying report: “Achieving full participation through Universal Design” (2009), ISBN 978-92-871-6474-2:

http://book.coe.int/EN/ficheouvrage.php?PAGEID=36&lang=EN&produit_aliasid=2410

¹¹ This Directive has been the subject of a codification, requiring a new number that is Low Voltage Directive (LVD) 2006/95/EC*,

Furthermore it is also important to consider the work being undertaken by IEC TC59/WG11 "Accessibility and usability of household electrical appliances" as well as the work undertaken by CEN/CLC/BT/WG 'Accessibility for All' .

3. OBJECTIVE

Based on the results of previous work and on stakeholder consultations the main objective of this mandate is to:

- Initiate a standardisation work programme for addressing the needs of persons with disabilities and older persons in European standardisation, dealing with accessibility by **applying the Design for All approach**
- Update a number of standards in priority areas according to the Design for All approach
- Develop a new standard (or other adequate deliverable to be proposed by the ESOs and accepted by the European Commission) that would address the development and production process of goods manufacturing and services provision in the priority areas and that would describe how to consider accessibility for persons with disabilities and older persons following the Design for All approach.

4. DESCRIPTION OF THE MANDATED WORK

While the required specific technical solutions can be quite diverse, people with disabilities and older persons, have also diverse accessibility requirements yet similar across Europe. They have also the right to have equal access to products and services. Considering Design for All in the process of making standards will significantly contribute to equal access for persons with disabilities and older persons to products and services, thus contributing to their inclusion in society¹².

CEN, CENELEC and ETSI are requested to:

- (1) **Identify the relevance of existing and future standardisation deliverables for people with disabilities** and older persons.

Deliverable 1.1: Report describing a process allowing to identify relevance of standardisation deliverables for people with disabilities and older persons (Month 6)

Deliverable 1.2: Report describing the main areas of standardisation to be reviewed in order to address the needs of people with disabilities and older persons (Month 12)¹³

¹² Inspiration can be sought in the environmental or safety field with a specific section in the business plan, relevant questions in the revision of standards, helpdesk support, expert or consultants, training and mirror committees.

¹³ For example when existing standards are revised their relevance to person with disabilities should be assessed and consequently accessibility included.

- (2) Develop a standardisation work programme that includes the process mentioned in D1.1. for reviewing and amending, if necessary, in the priority areas identified in (1) the relevant standardisation deliverables in order to address accessibility for person with disabilities and older persons following Design for all approach. The standardisation work programme in the field of „Design for All“ will be submitted to the technical committees for implementation under the involvement of all interested parties and within the procedures applicable to standardisation work.¹⁴

Deliverable 2.1: Provide a work plan with priorities and time schedule for addressing accessibility following Design for all in standardisation items (new or for revision) starting with at least 2 work items for the first year and pursuing steps to increase the numbers per year in order to cover the relevant fields identified above and having the process operational once the Mandate is finished. (Month 12).

- (3) Apply the above plan to **review and amend** (where appropriate and decided by the responsible group) **the identified standardisation** deliverables starting with at least two per year following the plan of Deliverable 2.1

Deliverable 3.1: at least 2 revised or new Standardisation deliverables for the first year that include accessibility/ Design for All and an increase number the following years aiming to cover the relevant fields using the process mentioned above. (Month 36)

- (4) In order to support the manufacturing industry and service providers (public or private) to apply the new elements of accessibility in the standardisation deliverables revised and amended in (3) or in new standardisation deliverables, a **new standard** (or other deliverable as appropriate to be proposed by the ESOs and accepted by the European Commission¹⁵), should be developed **that describes how the goods manufacturing industry as well as public and private service entities in their processes can consider accessibility following Design for all approach with due consideration for assistive technologies and services that could help bridging the usage gap of the product or service**.¹⁶

¹⁴ Special attention should be paid so that the process of standardisation is also accessible for person with disabilities and older persons.

¹⁵ This does not take away the possibility, after task 4 has been finalised, to supplement D4.1 with additional sector specific guidance documents where needed.

¹⁶ this work should take full account of existing specifications, such as BS-7000-6: 2005 Design management systems: Managing inclusive design”,. In a similar manner, it should also take full account of, address commonalities with and differences from, CEN/CENELEC Guide 6 that is intended for including accessibility/Design for all matters in the standardisation process.

Deliverable 4.1: Standard (or other deliverable as appropriate) addressing the inclusion of accessibility in the manufacturing process for manufactured goods and service provisions following design for all approach¹⁷ (Month 36)

5. EXECUTION OF THE MANDATE

CEN, CENELEC and ETSI shall establish and maintain adequate and efficient coordination mechanisms for the execution of the mandate with a view to achieving the widest possible consensus amongst all parties concerned and shall:

- Build on the activity undertaken under CEN/CENELEC BT/WG on the implementation of the CEN/CENELEC guide 6 and other relevant material like ISO TR22411.
- Ensure international co-operation at technical level as appropriate, in particular with IEC, ISO (concretely ISO/TC 159 "Ergonomics) , ITU, and UN/CEFACT for identifying and using any relevant guidance material.
- Use the experience gained in the execution of mandate M/392

CEN/CENELEC and ETSI will immediately inform the Commission of any problem relating to the carrying out of the mandate from within the Technical Committees.

Within 3 months of the date of acceptance of this mandate, CEN, CENELEC and ETSI shall present a joint report including the work programme to the Commission setting out the arrangements they have made for the execution of this mandate.

Subject to the acceptance of the proposed arrangements by the Commission, CEN, CENELEC and ETSI are invited to execute the work. Adequate monitoring mechanisms for the work will be put in place by the Commission in coordination with the ESOs.

6. BODIES TO BE ASSOCIATED

CEN/CENELEC/ETSI will invite all relevant parties to participate in the work. These parties shall include relevant experts in the field of accessibility, industry associations in the areas concerned, users with disabilities and elderly persons and other relevant organisations/consortia. This shall include in particular:

- relevant industry standards fora and consortia like W3C, 3GPP, DVB where appropriate.
- European and national organisations of persons with disabilities and older people like EDF and AGE.

¹⁷ The deliverable to be developed should deal with different types of process related standards currently and widely used, such as management systems standards, process standards and method standards where relevant.

- standardisation members addressing and having expertise on Design for All and accessibility matters.
- the representative organisations of consumers' interests (ANEC), environmental protection (ECOS), workers (ETUI) and small and medium-sized enterprises (NORMAPME).
- national consumers' associations, association of social and health service providers like EASPD, and the Council of Europe.