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DISCIT

Making Persons with Disabilities Full Citizens – New Knowledge for an Inclusive and Sustainable European Social Model

Deliverable 7.1 (D7.1)

Analytical Framework for a Comparative Analysis of Accessible Technology Law and Policy
Annex I to the Analytical Framework: Annotated Bibliography – Part A
Annex II to the Analytical Framework: Annotated Bibliography – Part B

Analytical Framework for a Comparative Analysis of Accessible Technology Law and Policy

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ABSTRACT

Deliverable 7.1 poses the basis of the comparative analysis to be conducted throughout the whole WP 7 and reviews existing studies on accessible technology and accessibility law and policy in Czech Republic, Germany, Ireland, Italy, Norway, Serbia, Sweden and the UK. Deliverable 7.1 is divided into two main sections: an Analytical Framework and an Annotated Bibliography.

The Analytical Framework discusses the interrelation between accessible technology and 'active citizenship', and defines the scope, the main concepts and the methodology of the research conducted under WP 7. It also positions WP7 within current legal scholarship, highlighting its innovative contribution.

The Annotated Bibliography, annexed to the Analytical Framework is composed of two main complementary parts (i.e. parts A and B), each one preceded by a roadmap. Part A reviews selected sources on accessibility law and policy in Czech Republic, Germany, Ireland, Italy, Norway, Serbia, Sweden and the UK. Even though it cannot be regard as exhaustive, it aims to give a 'big picture' of current official legislation and policy on accessibility, and scholarship on accessibility. It is intended to be an immediate and easy to read bibliographic tool for scholars approaching accessibility law and policy in Europe. Part B has complements Part A: it does not list legislation or policy programmes on accessible technology, but focusses on the most recent literature on accessible technology.

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1. Introduction

1.1. Work Package 7: A Comparative Legal Analysis of Accessible Technology

In recent decades advances in technology have enabled more persons with disabilities than ever before to communicate, participate in society, and in the economy. These advances have an impact on independent living for persons with disabilities and provide a means to reach emergency services, family members, personal aides, assistive services and everyday services. In addition, a few studies show that investment in new technology might reduce the cost of the assistance for persons with disabilities, there by supporting autonomy and independent living.[1]

Although law and policy might contain obligations for private and public suppliers to provide for new accessible technology (both universally designed products and assistive devices),[2] this technology must be actually produced and sold. In addition, even if a technology is available on the market, it must be affordable. For instance, it has been noted, in regard to Information and Communication Technology (ICT), that even if other aspects affect their usage, the ability to pay for them is one of the most important usage factors.[3] The ability to pay is not only determined by the conditions of the individual (his/her wages, or, more generally, his/her personal financial condition). Neither, it is decided only by the public support that the individual can get (e.g. tax refund, direct public funding to single consumers, public supply of the goods). This is particularly relevant with regard to assistive technology, in regard to which the interaction of demand (people with a disability) with supply (producers and distributors of assistive products) is mediated in the Member States by Service Delivery Models (SDM), i.e., generally speaking, support schemes for people with disabilities to acquire assistive technologies.[4] However, usually, the conditions of the market are also prominently relevant: where can accessible technology be bought? Is there choice among different products and suppliers? Is there the possibility to buy accessible technology produced within other States with the assurance that they are 'interoperable' with the technology in use in the country of residence? The price itself of accessible technology is also extremely important. A recent study conducted by the Age Platform confirms that the cost of

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[1] Claudio Bitelli and Nicolò Bensi, 'Gli ausili sono un costo o un investimento?', Bologna 2010 at <http://www.ausilioteca.org/sites/default/files/Ausili%20costo%20o%20investimento%20-%20Bitelli.pdf> (accessed 3 January 2013); Claudio Bitelli, Nicolò Bens, Marco Malavasi, 'CAAD di Bologna: valutazione dei costi di adattamento degli ambienti di vita', Bologna 2011, available at <http://www.abitareeanziani.it/aea/Portals/0/Allegati/sintesi%20articoli%20rivista/caad%20sintesi.pdf> (accessed 3 January 2013).

[2] See *infra* Section 3.

[3] Rune Halvorsen, 'Digital Freedom for Persons with Disabilities: Are Policies to Enhance e-Accessibility and e-Inclusion Becoming More Similar in the Nordic Countries and the US?', in Gerard Quinn, Lisa Waddington, Eilionóir Flynn (eds), *European Yearbook of Disability Law* Vol. 3 (Intersentia, 2011) 77, at 89.

[4] Deloitte, *Access to Assistive Technology in the European Union. Report for the European Commission* (2003); Deloitte & Abilitynet, *The Internal Market for assistive ICT. Draft Final report for the European Commission* (2011).

ICT and internet access can be a significant barrier to access digital technology, although the situation varies greatly by country.[5]

The availability and the affordability of accessible technology are determined by a series of concurrent and intertwined factors: a legal framework which includes accessibility provisions and obligations; the presence of binding (or voluntary) standards; competition law[6] rules which foster the production and marketing of accessible technology; State aid devoted to research, development and production of accessible technology, and laws which provide for individual financial incentives to buy accessible technology.

At present, the market for accessible technology is very diversified and fragmented. With regard to universally designed products, Vanderheiden affirms that, even though there are key examples of Universal Design projects in the electronic and communication industries, they do not represent the majority of current practice.[7] According to Gassmann and Repeyer industry has little experience when it comes to Universal Design, and the tasks and costs are frequently considered to be still unknown.[8] With regard to assistive devices, generally speaking, the European Union (EU) market is dominated by small and medium enterprises (SME). In some countries, such as Italy, the market is extremely 'patchy' and most of the market players are micro-enterprises which produce locally.[9] The most relevant exception is, probably, the hearing aid market, which is quite well-developed and the leading players are multinational companies.[10] The assistive technology industry is however experiencing dramatic changes, especially in the case of mobile technology and mobile applications. In the past the only screen readers available cost hundreds of dollars, now many are integrated into operating systems or as browser applications. Consequently, the market is expanding because of the progress of technology itself, but also because of the increasing demand: persons with disabilities represent a sizeable and growing part of European consumers (up to 80 millions persons according to the definition adopted) with various needs to be met. In 2010, the annual value of the European Union (EU) market for assistive devices was an estimated €30 billion.[11] A few national reports underline that the size of national markets of accessible technology is growing. For example, according to the UK Office of Fair Trading,[12] the current value of the UK sector for mobility aids is between £430

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[5] Age-The European Older People's Platform, *Media Literacy, Digital Exclusion and Older People* (Brussels, 2008), available at <http://www.age-platform.eu/age-policy-work/accessibility/age-position-statements/538-media-literacy-digital-exclusion-and-older-people> (accessed 30 October 2013).

[6] In this essay, the term 'competition law' is used a synonym of 'antitrust'.

[7] Gregg Vanderheiden, *Barriers, Incentives and Facilitators for Adoption of Universal Design Practices by Consumer Product Manufacturers*, available at <http://trace.wisc.edu/docs/hfes98_barriers/barriers_incentives_facilitators.htm> (accessed 03 December 2013).

[8] Oliver Gassmann and Greg Reepmeyer, 'Universal Design – Innovations for All Ages', in Florian Kohlbacherand Cornelius Herstatt (eds), *The Silver Market Phenomenon* (Springer, 2008) 125 at 130.

[9] This is the case in Italy with particular regard to medical devices. See Sandro Storelli, Domenico Tosello (OBV - Osservatorio Biomedicale Veneto), *Prospettive nell'assistenza Protesica e mercato degli ausili [Perspective on the Prostesis Assistance and Markek of Aids]* (2012) available at <http://www.osservatoriobiomedicaleveneto.it/upload/documentazione/23/prospettivexweb.pdf> (accessed 01 December 2013).

[10] Jennifer Stack et al., *Analysing and federating the European assistive technology ICT industry. Final Report* (EC Publications, 2009) at 11.

[11] *Removing Obstacles for the Disabled*, Policy Brief of European Commission - DG Justice available at <http://ec.europa.eu/justice/citizen/document/files/disabled_en.pdf> (accessed 30 October 2013).

[12] The OFT is the UK's consumer and competition authority. It is a non-ministerial government department established by statute in 1973. See at <http://www.oft.gov.uk/> (accessed 30 October 2013).

million and £510 million, and there are potentially over 4.3 million mobility aid users in the UK.[13] In 2010, the British Healthcare Trades Association estimated that the sales value in the UK of mobility products, including wheelchairs and scooters, was £200 million.[14]

The market of accessible technology as whole appears still underdeveloped, and several obstacles to inclusivity remain. Language serves as an important barrier between the different country markets of the EU assistive ICT industry: for instance, about 80% of assistive technology software[15] is available only in English.[16] Moreover, unfair practices have been detected.[17]

Many assistive technologies (while not all of them)[18] have mainstream potential that can and should be developed. In this respect, the UK Government, in its e-accessibility action plan,[19] states:

> At present, most mainstream products and services do not consider the needs of the widest range of users. Additional technologies must be 'bolted-on' in order for specific user groups to access and use them. This has created significant barriers that limit or prohibit everyone from participating in society […]

Ronan Kennedy, in a report on the Irish digital market legislation, underlines that the private sector is still not very responsive to e-inclusion, and only some multinational companies engage in accessibility research.[20]

In the past few years, a few technical pilot projects have been funded at the EU level to develop new and smarter assistive technology,[21] other 'business cases' or public-private partnership to

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[13] Office of Fair Trading, *Mobility Aids. A Market Study* (OFT, 2011) available at <http://www.oft.gov.uk/shared_oft/market-studies/oft1374> (accessed 30 October 2013). See also Consumer Focus, *Equipment for older and disabled people: an analysis of the market* (2010), available at <http://www.consumerfocus.org.uk/files/2010/11/Equipment-for-older-and-disabled-people-an-analysis-of-the-market.pdf> (accessed 30 October 2013).

[14] Annika Ahtonen and Romain Pardo, 'The Accessibility Act – Using the single market to promote fundamental rights' (European Policy Centre, 2013), available at <http://www.epc.eu/documents/uploads/pub_3393_the_accessibility_act.pdf> (accessed 26 November 2013).

[15] Software developments can range from that developed to make a specific AT product (Braille display) work with traditional non-AT products (a PC), as well as software 100% dedicated for specific AT use, such as environmental control systems based on software which enabled a quadriplegic person to control his/her environment using only voice commands.

[16] Jennifer Stack et al., *Analysing and Federating the European Assistive Technology ICT industry. Final Report* (EC Publications, 2009) at 12.

[17] Office of Fair Trading, *Mobility Aids. A Market Study* (OFT, 2011) available at <http://www.oft.gov.uk/shared_oft/market-studies/oft1374> (accessed 30 October 2013).

[18] For instance, Braille Displays (electronic devices that are used to read text that a computer sends to a monitor) have very little mainstream potential as acknowledged in the Jennifer Stack et al., *Analysing and Federating the European Assistive Technology ICT industry. Final Report* (EC Publications, 2009) at 11.

[19] UK Department for Culture, Media, and Sport, *The e-Accessibility Action Plan. Making Digital Content Accessible By Everyone* (29 June 2011), available at <https://www.gov.uk/government/publications/the-eaccessibility-action-plan-making-digital-content-accessible-by-everyone-june-2011> (accessed 30 October 2013).

[20] Ronan Kennedy, *Digital Freedom for Persons with Disabilities in Ireland. First International Conference on Technology for Participation* (NOVA Invited paper, 2007).

[21] See for instance Asterics at <http://www.asterics.eu/index.php?id=54> (accessed 20 January 2014) and see Annotated Bibliography-Part B.

spread new technology can be found at the national level.[22] However, these experiences are still inadequate.

Work Package 7 (WP7) aims to grasp which regulatory options best work to realize an 'inclusive' and 'accessible' Internal market for all European citizens. It addresses the relationship between technology development and regulation of the technology market. WP 7 as whole aims to investigate, in a comparative perspective, what regulations could nudge the market in a more accessible direction, considering the UN Convention on the Rights of Persons with Disabilities (hereinafter 'the Convention' and the 'CRPD')[23] a legal benchmark or '*tertium comparationis*'.

In this WP, a broad desk based research, is complemented by a series of coordinated set of semi-structured interviews. These interviews, which will be carried out in 2014, have the deliberate purpose of comparing the extent to which accessibility laws and policies are designed to meet the needs of persons with different types of disabilities (sensory, psycho-social, intellectual) in the selected countries, i.e. whether these laws and policies contribute to enabling or disabling environments.[24]

The interviews will offer a 'big picture' on the more everyday understanding of accessibility and the sorts of technologies people have actually available. The interviews will also serve as test-bed to measure what actual effects accessibility law, and market regulations have displayed and whether there is a difference among the three age cohorts of disabled men and women.

The result of both the desk based research and the set of interviews will be a comparative legal analysis to verify which 'regulatory framework' enhance accessibility and reduce barriers to participation in eight selected European countries (Czech Republic, Germany, Ireland, Italy, Norway, Sweden, Serbia, the UK), as established in the 'Description of the Work' (DoW).[25] Ultimately, WP 7 aims to demonstrate how the realization of the Internal market can be functional to the promotion of human rights of people with disabilities, and can contribute to the inclusion of persons with disabilities, and to the improvement of their autonomy (i.e. avoid dependence on or interference from others, foster independent living). These goals fit with the core principles of the CRPD, and are reflected in the 'European Disability Strategy 2010-2020'.[26]

Furthermore, while this is not the primary aim of WP 7, the research addresses, in a general fashion, the 'politological' classification proposed by DISCIT (i.e. the classification of States as 'Liberal' such as Ireland and the UK, 'Conservative' as Germany and Italy, 'Social Democratic' as Norway and Sweden, and 'Post- Communist' as Czech Republic and Serbia).

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[22] See for example the Mobile Wireless Accessibility project described in Francesco Levantini, Franco Carminati and Gabriele Peroni, *Cosa ti rende speciale? Progetto Mobile Wireless Accessibility di IBM Italia. Progetto realizzato in collaborazione con ASPHI, Nokia, Cisco* (2007) available at <http://www-935.ibm.com/services/it/its/pdf/mwa_progetto_it.pdf> (accessed 20 November 2013). See also at <http://www.asphi.org/Documenti/BilancioSociale_2008.pdf> (accessed 20 November 2013).

[23] UN Convention on the Rights of Persons with Disabilities, adopted by the General Assembly on 13 December 2006, Res. 61/106, available at <http://www.un.org/disabilities/default.asp?id=150> (accessed 30 September 2013).

[24] DISCIT Consortium, 'Description of the Work' (DoW) – internal document (unpublished).

[25] DISCIT Consortium, 'Description of the Work' (DoW) – internal document (unpublished).

[26] Communication from the Commission *European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe*' SEC(2010) 1324 fin. The Commission drafted Commission Staff Working Document to accompany the new European Disability Strategy. This document outlined the initial plan to implement the EDS 2010-2020 and contained a list of actions foreseen for the period 2010-2015 (SEC (2010) 1324 final).

At present, there is a wide literature on the CRPD.[27] In addition, as shown by the Annotated Bibliography,[28] there are a few general analyses on accessibility law and policy in Europe provided through the ANED network,[29] and some studies on assistive technology which adopt an economic or policy approach.[30] Many studies, as documented in the Annotated Bibliography, focus on ICT, and adopt a general policy perspective or a technical one. Several contributions have attempted to shed light on the general relationship between law and technology, and a growing amount of literature investigates how both legal analysis and the regulatory endeavours are changing in light of the technological developments.[31] Research studies do not agree but converge on the idea that rule of law has to be reaffirmed against technocratic drift in order to avoid technological advances undermining human rights.[32] However, an in-depth comparative legal analysis of accessible technology law and policy in Europe, that focuses on how to shape the market with a view towards promoting human rights of people with disabilities does not exist. The research conducted in WP 7 will thus provide additional perspectives and advance the legal scholarship.

1.2. First Steps in Work Package 7: Task 7.1 and Its Deliverables

1.2.1 Task 7.1.

The comparative legal analysis to be conducted with WP 7 is an ambitious and complex goal.

The research started in late September 2013, and the first step was reviewing and synthesising existing studies on accessible technology and accessibility law and policy in Czech Republic, Germany, Ireland, Italy, Norway, Serbia, Sweden and the UK (Task 7.1).

7.1. proved to be extremely broad and demanding, and has been accomplished through an Annotated Bibliography and the present report which set forth the analytical framework for the research to be conducted within 2014.

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[27] On the CRPD *ex multis* see: Gerard Quinn, 'A Short Guide to the United Nations Convention on the Rights of Persons with Disabilities'*,* in Lisa Waddington and Gerard Quinn (eds), *European Yearbook of Disability Law, Vol. I*, (Intersentia, 2009) 89; Joel Anderson and Jos Philips, *Disability and Universal Human Rights. Legal, Ethical, and Conceptual Implications of the Convention on the Rights of Persons with Disabilities* (Universiteit Utrecht -Netherlands Institute of Human Rights, 2012).

[28] See *infra* Section 1.3, and the Annotated Bibliography-Part A.

[29] Mark Presley, *National accessibility requirements and standards for products and services in the European single market: overview and examples* (ANED Report, 2013) at <http://www.disability-europe.net/> (accessed 30 October 2013); Anna Lawson, *Maximising the Impact and Effectiveness of Accessibility Measures for Goods and Services: Learning from National Experience. Synthesis Report for the Academic Network of European Disability Experts*, available at <http://www.disability-europe.net/theme/accessibility> (accessed 30 September 2013).

[30] *Inter alia* Technosite, et al.*, SMART 2009-072 Study on Economic Assessment for Improving eAccessibility Services and Products Final Report, eAccessibility impacts* (2012) available at <http://www.eaccessibility-impacts.eu/0072_Final_Report.docx> (accessed 29 November 2013); Empirica and WRC, *ICT & Ageing. European Study on Users, Markets and Technologies* (Report prepared by Empirica and WRC on behalf of the European Commission, Directorate General for Information Society and Media- Brussels, 2010); Kevin Cullen, Donal McAnaney, Ciaran Dolphin, Sarah Delaney and Philomena Stapleton, *Research on the provision of Assistive Technology in Ireland and other countries to support independent living across the life cycle* (Work Research Centre Dublin, 2012) available at <http://www.nda.ie/cntmgmtnew.nsf/0/797AD755B56A82A580257A4D0031A2B6?OpenDocument> (accessed 30 October 2013).

[31] *Ex pluribus* Roger Brownsword and Morag Goodwin, *Law and Technologies of the Twenty-First Century* (Cambridge University Press, 2012).

[32] *Ex pluribus*, see Terese Murphy, *New Technologies and Human Rights* (Oxford University Press, 2009).

The Annotated Bibliography, annexed to this report, is composed of two main complementary parts (i.e. parts A and B), each one preceded by a roadmap. It was compiled between October and December 2013.

October and November 2013 were devoted to the collection and study of academic literature and other different sources. In November 2013, the DISCIT consortium members compiled a questionnaire, listing and providing a summary of national sources on accessibility in their countries. Switzerland also submitted a report for WP 7. The data provided is included as appendix in the Annotated Bibliography-Part A.

The sources gathered and those submitted by the DISCIT consortium members have been processed and 're-organized' in the Annotated Bibliography Parts A and B, which have a similar structure although having very different scope.

Part A reviews selected sources on accessibility law and policy in Czech Republic, Germany, Ireland, Italy, Norway, Serbia, Sweden and the UK. Even though it cannot be regard as exhaustive, it aims to give a 'big picture' of current official legislation and policy on accessibility, and scholarship on accessibility. It is intended to be an immediate and easy to read bibliographic tool for scholars approaching accessibility law and policy in Europe.

Part B has a 'reduced' scope and complements Part A: it does not list legislation or policy programmes on accessible technology,[33] but focusses on recent literature of the last decade (2004-2013). In 're-organizing' the sources provided for by the DISCIT Consortium Members, it appears that there is considerable dissimilarity in the data and sources provided by DISCIT Consortium members. This dissimilarity seems to reflect differences in how technology is perceived. However, it is apparent that, especially, after 2008, in all the countries considered there has been a growing attention to accessible technology.

The Annotated Bibliography is amenable enrichment during the whole research process, and additional sources in their respective native languages, provided by DISCIT consortium members, as well as new publications might be included.

While the Annotated Bibliography reviews and (to a greater or lesser extent) synthetizes the sources gathered, the present report (Analytical Framework) paves the ground for the comparative analysis to be conducted in WP 7, based on those sources collected.

1.2.2 The Annotated Bibliography Part A in a Nutshell

Part A first lists relevant EU hard and soft law, as well as national hard and soft law on accessibility. EU law is listed because much of the national accessibility law is the result of transposition of EU directives or is constituted by EU regulations directly applicable in the Member States. In Norway, which is part of the European Economic Area (EEA), many EU directives (especially in the field of transport) have been implemented. In addition, the EEA applies the bulk of Internal market regime, with only minor modifications.

Data on national legislation has been gathered through ANED reports and official reports. To a lesser extent because of language barriers, we processed primary sources directly. Information on national legislation has been also provided by the DISCIT Consortium members. Although we tried to adopt a consistent referencing style, differences in the format of legislation citations were unavoidable, due to linguistic and systemic differences.

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[33] See *infra* Section 3.

Part A also provides a list of other relevant 'private' regulatory acts (e.g. Standard-setting organisations' rules, standards etc.).[34] Then, it lists 'country-related' official reports (i.e. national institutions' or agencies' reports), other reports or studies (i.e. reports and/or studies produced by academic networks, think thanks, research groups), and selected academic legal literature (i.e. articles on peer reviewed legal journals, online academic papers, books) on accessibility.[35] In examining Part A and Part B, it is apparent that the literature on accessibility is much wider than the one on accessible technology. It is also apparent that the research conducted within ANED plays a prominent role.

In general, besides accessible transportation, accessibility in built environment has attracted great attention: with regard to built environment accessibility, there are booklets on 'best practices' and specific criteria laid down at the national levels by research centres or think tanks. The European Concept for Accessibility, a booklet printed first in 1996 and most recently updated in 2013, produced by a voluntary network[36] funded by the European Commission, provides criteria and guidelines. Though it is not a standard *strictu sensu*, the 'European Concept for Accessibility' (hereinafter the 'Concept')[37] is translated into many languages and is used in several countries to reframe national approaches and guidelines.

Other relevant sources (reports authored by EU institutions or agencies, UN Bodies, other general reports and studies produced by academic networks, think tanks, research groups) are listed, when they contain references or comments on accessibility (whilst not specifically focused on it), which are relevant for the research conducted within WP 7. Several studies and reports touch upon accessibility as a theme. However, they do not grasp its legal meaning, and often provide a partial or sectoral (i.e. referred to a particular sector) analysis.

1.2.3 The Annotated Bibliography-Part B in a Nutshell

As mentioned above, the Annotated Bibliography-Part B has a 'reduced' scope and complements Part A: it focuses on studies and academic literature on accessible technology (as required in the DoW). It does not list legislation or policy programmes, but mentions literature of the last decade (2004-2013). Due to the language barriers, the literature review relies mostly on sources in English, but selected sources in national languages were included with the support of the DISCIT Consortium members.

The Annotated Bibliography- Part B shows that selected 'country-related' reports or studies produced by academic networks, think tanks, research groups, and official reports (i.e reports produced by national institutions or agencies) on accessible technology and e-accessibility have been produced especially in the last few years. In most cases, these reports focus on assistive technology market. This is the case, for example, of the reports produced by: the UK Office of Fair Trade, Consumer Focus, Enable Ireland, the *Osservatorio Biomedico del Veneto* (and sponsored by Padova Chamber of Commerce, Italy), Åke Dahlberg for the Swedish Institute for Assistive Technology.[38]

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[34] See *infra* Section 4.

[35] See Roadmap in Annotated Bibliography -Part A.

[36] All the Countries included in this project are represented in the research. See at <http://www.eca.lu/index.php/news> (accessed 30 November 2013).

[37] The concept in its present form was adopted in 1996 on a conference in Doorn, the Netherlands, financed by the European Commission. See at <http://www.eca.lu/> (accessed 30 October 2013).

[38] See Annotated Bibliography - Part B.

In selecting the studies and the reports, preference to policy, legal studies (which do not have an academic approach) or market studies was given. In most cases, studies have a multidisciplinary perspective and contain both hints on relevant policy and law and economic analysis. In few of the countries under consideration national 'impact assessment' studies have been published: this is the case of Norway.[39] The country coverage is quite diversified, and, in some cases, no studies of this kind were available (e.g. Czech Republic).

The Annotated Bibliography-Part B also includes selected 'country-related' articles published in journals, contributions in books, or volumes on accessible technology and e-accessibility with a policy or legal approach. In this respect, it is to note that in all the countries considered there is a growing attention of scholarship to accessible technology, especially in the employment or educational context. This is the case of Serbia, where in the past few years a manual on new technologies in the primary and secondary education[40] and in a work context were published.[41]

A section of the bibliography lists comparative (legal or policy) studies on accessible technologies. The section shows that in most cases, these comparative studies have been financed by the European Commission, or through EU funds. The majority of them focuses on assistive technology, and have a multidisciplinary approach. In case of studies related to ICT, the discourse is often linked to the usage of technology in specific context, such as the employment context. A prominent example is *Stairway to heaven?*, a comparative study on ICT strategies, employment and disability.[42]

No significant comparative legal research seems available on universal designed products, and no comprehensive studies on the market of universally designed technology have been published. There are few papers on national experiences or projects on universal design, but more from an policy or economic point of view, and/or with a sectoral perspective. This is the case of the paper published in 2010 by James Odeck, Trine Hagen and Nils Fearnley which provides for an economic appraisal of universal design projects in the road sector and in the transport users.[43] The Irish study *The Lived Experience of People in Ireland using Online Public Services[44]* contains a set of practical, evidence-based guidelines in universal design for website owners and developers in the public sector in Ireland, based on research into the lived experience of people using these sites.

The final part of the Annotated Bibliography-Part B contains miscellaneous sources and includes selected multidisciplinary research projects on accessible technology (mainly EU funded projects). Most of the projects are technical one, and aim to research and develop actual

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[39] See Annotated Bibliography - Part B.

[40] Mirjana Lazor, Mirjana Isakov and Nevena Ivkovic, *Asistivna tehnologija u skoli*, Educational Centre Milan Petrovic, available at <http://www.scribd.com/doc/114736284/2/Kori%C5%A1%C4%87enje-asistivne-tehnologije> (accessed 06 December 2013).

[41] Damir Krkobabic and Tamara Blagojevic, *The right to work of persons with disabilities: Assistive technologies in Serbia (EHO/EU),* available at <http://www.mc.rs/upload/documents/Literatura/prirucnici/151111asistivne_tehnologije_u_srbiji.pdf> (accessed 06 December 2013).

[42] Knut Fossestol, *Stairway to Heaven? ICT POLICY, Disability and Employemnt in Denmark, The Netherlands, UK and Norway* (2007) available at <www.afi-wri.no/stream_file.asp?iEntityId=2626> (accessed 3 December 2013).

[43] James Odeck, Trine Hagen, Nils Fearnley, 'Economic appraisal of universal design in transport: Experiences from Norway', (2010) Research in Transportation Economics, Vol. 29, 304-311.

[44] Michael Cunningham, Aisling Dempsey, Fiachra Ó Marcaigh, Siobhan Phillips and Dermot, *The Lived Experience of People in Ireland using Online Public Services Universal Design research and design guidance for public sector websites*, available at <www.universaldesign.ie/web> (accessed 20 January 2014).

technologies. A couple of them (i.e. *DREAM*, *Robolaw*) focuses on legislation and appears to have commonalities with DISCIT. It is apparent that DISCIT is a unique multidisciplinary research, but is (or can be) complementary to several other different research projects.

1.2.4 The Analytical Framework

In addition to the Annotated Bibliography, the main deliverable of Task 7.1. is the present report which provides for an Analytical Framework. It is (mainly, but not exclusively) based on the review made through the Annotated Bibliography, but remains independent from it. It can be read separately, and has its own references.

The Analytical framework poses the basis of the comparative analysis to be conducted in WP 7, and sets clear conceptual boundaries. It provides the necessary background information and the main standpoints for the research.

We adopted the Oxford University Standard for Citation of Legal Authorities (OSCOLA)-Ireland referencing style.[45] This choice was dictated by the need to cite legal materials in a clear, consistent and familiar way, but also in order to align with the referencing style widely used in law schools and by legal journals and book publishers in the EU.

After these comprehensive introductory remarks, the present report is structured as follows.

Section 2 highlights the link between accessible technology and 'active citizenship'. Section 3 defines the scope of the analysis, and clarifies the concepts at stake. Section 4 addresses the meaning of 'law and policy', introduces the role of 'private' regulation, and examines, in a general fashion, the meaning of standardization and standards, which prove essential in regards to accessibility. Section 5 sets out the methodology that will be used to carry out the analysis, high-lighting the main challenges. Section 6 addresses the meaning of the CRPD as a 'legal benchmark' for the research. Section 7 addresses the structure the comparative analysis will adopt.

2. The 'Setting': Accessible Technology and 'Active Citizenship'

In most academic works, technology regulation is discussed in relation to the real or potential environmental, health or social harms that result from technological artefacts and processes.[46] Much of the academic literature covers the 'uncertainty paradox',[47] the absence of reliable risk information or foreknowledge of technological developments.[48] Susan Brenner in her book *Law in an Era of 'Smart' Technology* has noted the tendency to deal with the misuse of technology.[49] This, as highlighted by Bennet, might lead to a theorization of compartmentalised rules designed

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[45] See at <http://www.legalcitation.ie/page5/files/OSCOLA%20Ireland%202011.pdf> (accessed 03 December 2013).

[46] Lyria Bennet Moses, 'How to Think about Law, Regulation and Technology: Problems with Technology as a regulatory Target', (2013) 5 Law Innovation and Technology 1, at 5.

[47] Marjolein van Asselt, Ellen Voss and Tessa Fox, 'Regulating Technologies and the Uncertainty Paradox' in Morag Goodwin, Bert-Jaap Koops and Ronald Leenes (eds), *Dimensions of Technology Regulation* (Wolf, 2010) 259.

[48] Joseph Corkin, 'Legitimacy and the Law: Regulating Risk Regulation Judiciously in the European Community', (2008) 33 European Law Review 359.

[49] Susan W Brenner, *Law in an Era of 'Smart' Technology* (Oxford University Press, 2007).

around a specific type of technology, and although technology-specific laws are sometimes desirables, they might result in an undue and unjustified fragmentation.[50]

Within the field of disability studies, there is a growing attention to technology, but still an ambivalent attitude,[51] exemplified by the words of Alison Sheldon:

'We are often excluded from mainstream technology, a factor said to have contributed to our current labour force exclusion and indeed, to the creation of the modern 'disability' […]. At the same time we have become the recipients of an ever-growing business involved in developing and marketing technologies specifically for our ascribed needs. Many of us have been impaired as a direct result of modern technology. Others would not be alive today without it. *All* of us are now dependent upon it to satisfy even our most basic needs'

This ambivalent attitude, the unpredictability of technological changes, and the drawbacks of technology cannot be underestimated. However, this research conducted under WP 7 does not focus on them, and does not approach technology through the lens of the philosophy of law or ethics. We do not question their adequacy within the 'social model' of disability,[52] which despite the criticism,[53] still remains the dominant model in the current sociological literature. Nor does the project question the conceptualization of the role of technology in this model.

More modestly, WP7 focuses on the legal regulation of accessible technology in respect to their production, marketing and use. As mentioned above, we rely on the assumption that accessible technology increases autonomy and participation, as a means to reach services, to move freely, and to access information and cultural goods.

This assumption is supported by several authors, who underline the relevance and positive effects of technology as tool to allow people with disabilities to enjoy their rights. In 1998, Roustone addressed the role of technology in reducing the environmental and attitude barriers disabled people have commonly faced in the field of employment, and affirmed that social model views the benefits of new technology as inhering in its potential to rehabilitate disabling environments.[54] The already mentioned study *Stairway to Heaven?*, released in 2007, was underpinned by the idea that ICT 'increases opportunities for participation in the workplace for persons with disabilities'.[55] Most recently, a study conducted in Bangladesh and published in

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[50] Lyria Bennet Moses, 'How to Think about Law, Regulation and Technology: Problems with Technology as a regulatory Target', (2013) 5 Law Innovation and Technology, 1, at 15 *et seq*.

[51] Brendan Gleeson, 'Can Technology overcome the Disabling City?', in Ruth Butler and Hester Parr (eds), *Mind and Body Spaces: Geographies of Illness, Impairment and Disability*. (Routledge, 1999) 98; Alison Sheldon, 'Changing Technology', in John Swain, Sally French, Colin Barnes, and Carol Thomas (eds), *Disabling Barriers – Enabling Environments* (Sage, 2003).

[52] Among others Mike Oliver, *The politics of disablement* (Macmillan, 1990); Mike Oliver, *Understanding disability: from theory to practice* (Macmillan. 1996); Colin Barnes, 'Disability studies: new or not-so-new directions', (1999) Disability & Society 577.

[53] *Inter alia* Tom Shakespeare and Nicholas Watson, 'The social model of disability: An outdated ideology', (2002) Research in Social Science and Disability 9; Dimitris Anastasious and James Kauffman, 'The Social Model of Disability: Dichotomy between Impairment and Disability', (2013) Journal of Medicine and Philosophy 441.

[54] Alan Roulestone, *Enabling technology: disabled people, work, and new technology* (Open University Press 1998).

[55] Knut Fossestol, *Stairway to Heaven? ICT POLICY, Disability and Employemnt in Denmark, The Netherlands, UK and Norway* (2007) available at <www.afi-wri.no/stream_file.asp?iEntityId=2626> (accessed 03 December 2013).

2012, found that assistive technology increases the likelihood of human rights enjoyment, particularly hearing aid use.[56] Tower, Ripat and Woodgate have considered assistive technology to be one of the 'great equalisers in education, employment, transportation and social life'.[57]

The research conducted within WP 7, building up on these studies, considers accessible technology law and policy might define and/or promote as right-based access to a certain set of technological goods and services as a form of access that is guaranteed by a public intervention.

In light of the above, WP 7 can be framed within the 'capability' theories,[58] devoted to the evaluation of an individual's well-being and social arrangements. Without discussing these theories in detail, it suffices to point out that the capability model focuses on the individuals' capability of achieving the kind of lives they have reason to value, and looks not only at what a person actually does (his/her functionings) but also at the range of possibilities from which he/she chooses that functionings.[59] In this perspective, accessible technology law and policy is a 'conversion factor', it can eliminate or reduce budget constraints and foster the access to a certain basket of goods or services.

Very recently, in an article to be published in *Law Innovation and Technology*, Alberto Pirni and Federica Lucivero[60] discuss the 'digital/robotic divide', and explore what it means in the context of fair access to assistive robotics, by engaging in a dialogue with the World Health Organization's International Classification of Functioning, Disability and Health, and Sen's and Nussbaum's Capability Approach. This article, although focused on assistive robotics, seems to prove that the research conducted with WP7 can be the starting point or the foundation for a more conceptual reflection.

Additionally, the research conducted under WP7 must be framed within the broad and complex concept of 'Active Citizenship'. In DISCIT Deliverable 2.1, Hvinden and Halvorsen developed a specification of the dimensions of 'Active Citizenship' and of the conditions for persons with disabilities achieving Active Citizenship. Without exploring these dimensions, we refer to the three types of approaches recalled by the authors. First, 'Socio-liberal' approaches focus on citizen's rights and duties vis-à-vis the community (other citizens) or the State, and on the rights and duties of community or state *vis-à-vis* the citizen. These approaches tend to emphasise the reciprocity and interdependence between the responsibilities of the community and the citizen, involving encompassing sets of mutual rights and obligations. Secondly, 'Market-Liberal (Libertarian)' approaches focus on citizen's autonomy and freedom in relation to the community or the state. Finally, 'Civic-Republication' approaches are concerned with the citizen's participation in the life of the community (e.g. through voluntary engagement), with a focus on

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[56] Johan Borg, Stig Larsson Per-Olof Östergren, ASM Atiqur Rahman, Nazmul Bari, and AHM Noman Khan, 'Assistive technology use and human rights enjoyment: a cross-sectional study in Bangladesh', (2012) International Health and Human Rights 12.

[57] Kristine D Tower, 'Disability through the lens of culture', (2003) Journal of Social Work in Disability and Rehabilitation 5. See also Jaquie Ripat and Roberta Woodgate, 'The intersection of culture, disability and assistive technology' (2011) Disability and Rehabilitation. Assistive Technology 87.

[58] See Amartya Sen, 'Capability and Well Being', in Amartya Sen and Martha Nussbaum (eds), *The Quality of Life* (Clarendon Press,1993) 30.

[59] See also Jean-Francois Trani, Parul Bakhshi, Nicolò Bellanca, Mario Biggeri and Francesca Marchetta, 'Disabilities through the Capability Approach Lens: Implications for public policies', (2011) 5(3) ALTER - European Journal of Disability Research 143; Rita Barbuto, Mario Biggeri, Giampiero Griffo, 'Life project, peer counselling and self-help groups as tools to expand capabilities, agency and human rights', 5(3) ALTER 139-232.

[60] On file with the Author.

what degree and forms of participation in deliberation and decision-making related to promoting the common good to be expected of the citizen. [61]

Ultimately, these approaches to citizenship are linked to the conception of the State and of its role. Although, from the legal point of view, the fact that the State is not the sole supplier of regulation,[62] our analysis of accessible technology law and policy is primarily relevant within a 'Socio-liberal' perspective and in a 'Market-liberal' perspective. On the one hand, in a 'Socio-liberal' perspective accessible technology law and policy, or better a legal (State) intervention on the technology market affects the relationship between the individual and the 'State' (or more precisely the legal order), and may be undertaken in order to preserve social goals. On the other hand, in a 'Market-liberal' perspective, a market in which accessible technology is produced by more enterprises in competition among each other leads to more affordable prices of products, and allows individuals to exercise choice and enter freely into contracts. Furthermore, in a 'Civic-Republication' perspective the research conducted in WP 7 is relevant in so far technology is an essential tool to allow people with disabilities to participate in the life of the community.

3 The Scope of the Analysis: Defining 'Accessible Technology'

3.1 Accessibility

The first and probably most relevant concept, which permeates the following analysis, and is underpinned to the notion of 'accessible technology', is that of 'Accessibility'.

Commonly, the term 'accessibility' is defined as 'the extent to which products, systems, services, environments or facilities can be used by people from a population with the widest range of characteristics and capabilities to achieve a specified goal in a specified context of use'.[63] As such, accessibility relates to the diverse needs and abilities of a diverse section of the user population, and is expressed in degrees from 'fully accessible' to 'completely inaccessible'. For full accessibility, all users must be able to perceive (i.e. be aware of its existence and able to access) the system/machinery/technology, and to understand and operate it (i.e. be able to reach and physically interact with it). [64]

Since, as stated by the CRPD, disability is an evolving concept, accessibility should also be considered as undergoing to continuous transformations.

The legal notion adopted in this analysis is the comprehensive one laid down in the CRPD. This constitutes the benchmark against which national and EU law are evaluated. In our analysis, we always refer to the English language version of the CRPD. However, it must be noted that the notion of 'accessibility' put forth in the CRPD has not been always translated correctly in the national languages. This is the case in Germany. As underlined by the shadow report compiled by the BSK Allianz in the official translation of the Convention the term accessibility was

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[61] DISCIT, *Deliverable 2.1 – Active Citizenship for persons with disabilities - Current knowledge and analytical framework - A working paper* (unpublished).

[62] See *infra* Sections 4 and 5.

[63] Clause 2.1 of the EN ISO 26800:2011. For a general definition see also Nirmita Narasimhan (ed.), *e-Accessibility Policy Handbook for Persons with Disabilities* (Hemkunt Publishers, 2011) 3.

[64] Nirmita Narasimhan (ed.), *e-Accessibility Policy Handbook for Persons with Disabilities* (Hemkunt Publishers, 2011) 5.

translated as '*Zugänglichkeit*'.[65] The BRK-Allianz regards '*Barrierefreiheit*' as the appropriate term. The German DPOs have been unable to secure a change of the text by government. Instead they compiled a 'shadow translation' with the correct terms.[66]

Strictly speaking, 'accessibility' is not defined in the CRPD. It rather features as a general principle of the CRPD (Article 3), and is laid down in Article 9 as a specific obligation. The latter provision imposes a range of obligations on States Parties making it clear that, 'for CRPD purposes, accessibility covers more than technical design specifications for products, information and signage or the built environment. It also covers communication and forms of live assistance'.[67] Accessibility gives rise to specific applications in other substantive articles. Article 4 of the CRPD on general obligations refers to accessible information (subsection h); Article 13 deals with access to justice; Article 21 provides for access to information; Article 30 concerns access to cultural goods and services; Article 31 deals with accessibility of statistical and research data of relevance for the realization of the Convention; and Article 49 ensures that the CRPD is available in accessible formats.

Article 20 of the CRPD is also relevant. It recognizes personal mobility as a human right and provides that the states 'shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities'. This provision influences the supply of auxiliary tools for persons with disabilities, and underpins the removal of any restriction to the provision of technological aids to mobility.

'Accessibility' is, therefore, a general measure. Although it is still at a draft stage, and presents some inconsistencies, the *Draft General Comment on Article 9 of the Convention* (hereinafter the *Draft General Comment*) published by the Committee on the Rights of Persons with Disabilities,[68] clarifies in a straightforward way that accessibility is 'group related' and '[…] the duty to provide accessibility is an *ex ante* duty'. By contrast reasonable accommodation is an individual measure and the duty to provide reasonable accommodation 'is an *ex nunc* duty, which means [it takes effect] from the moment an individual with an impairment needs it in a given situation (work place, school, etc.) in order to enjoy her or his rights on basis of equality in a particular context'.

The *Draft General Comment* clearly states that '[A]ccessibility is approached [in the CRPD] in all its' complexity', and 'denial of access should be considered as a discriminatory act'.[69]

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[65] BRK-Allianz (eds), *First Civil Society Report on the Implementation of the UN Convention on the Rights of Persons with Disabilities in Germany*, available at <http://www.brk-allianz.de/attachments/article/93/Alternative_Report_German_CRPD_Alliance.pdf> (accessed 30 October 2013) 6.

[66] The 'shadow translation' is available at <http://www.netzwerk-artikel-3.de/attachments/093_schattenuebersetzung-endgs.pdf> (accessed 30 October 2013).

[67] Anna Lawson, *Maximising the Impact and Effectiveness of Accessibility Measures for Goods and Services: Learning from National Experience. Synthesis Report for the Academic Network of European Disability Experts*, available at <http://www.disability-europe.net/theme/accessibility> (accessed 30 September 2013), at 34.

[68] UN Committee on the Rights of persons with Disabilities (2013), *Draft General Comment on Article 9 of the Convention*, available at <http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx> (accessed 30 September 2013).

[69] UN Committee on the Rights of persons with Disabilities (2013), *Draft General Comment on Article 9 of the Convention*, available at <http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx> (accessed 30 September 2013).

In *Nyusti and Takács v Hungary,*[70] the third individual communication considered by the Committee on the Rights of Persons with Disabilities,[71] the Committee considered the accessibility of automatic teller machines (ATMs) and whether the Hungarian government violated Article 9(2)(b) of the CRPD. In this case, the Committee did not clarify the meaning of Article 9 as such, nor the interrelation between accessibility and reasonable accommodation. However, the decision provides further guidance to States as to their obligations to ensure that private entities make accessible products and services.[72] Without focusing on the decision itself, it suffices to point out that the Committee highlighted that while CRPD provisions unquestionably impose obligations on States and not on private parties the State must take steps to require and encourage private providers of services to operate in a way that is consistent with the CRPD.

The CRPD encompasses a broad meaning of accessibility, including physical accessibility, economic accessibility (i.e. affordability) and information accessibility.

As underlined by Foggetti,[73] the Convention does not specify accessibility criteria for national law, and, as mentioned by Narasimhan 'the Convention defines obligations in relation to desired outcomes by application areas, rather than in specific technical terms'. [74] The only 'criterion' introduced in the final draft is 'universal design', defined in Article 2, which states that the design of products, environments, programs and services must be done 'to guarantee the accessibility to all, in the most extensive way'.[75] In this respect, the *Draft General Comment on Article 9 of the Convention* clarifies that:

> 'Strict application of the universal design to all new goods, products, facilities, technologies, services should ensure full, equal and unrestricted access for all potential consumers, including persons with disabilities, in a manner that fully takes into account the inherent dignity and diversity of the above- mentioned persons. It should contribute to the creation of an unrestricted chain of movement for an individual from one space to another, including the movement inside particular objects, without any barriers in-between. Persons with disabilities, and other users, move in barrier- free streets, enter accessible low floor vehicles, can access information and communication, enter into and move inside universally designed buildings, using technical aids and live assistance, when that is necessary for an

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[70] Communication 1/2010, Views adopted 15-19 April 2013, available at <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Jurisprudence.aspx> (accessed 03 December 2013).

[71] See previously *HM v Sweden*, Communication No 3/2011, Views adopted 16-27 April 2012; and *McAlpine v United Kingdom*, Communication No 6/2011, Decision adopted 17-28 September 2012, available at <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Jurisprudence.aspx> (accessed 03 December 2013).

[72] See the comments to the decisions: Oliver Lewis, 'Nyusti and Takacs v Hungary: decision of the UN Committee on the Rights of Persons with Disabilities' (2013) 4 European Human Rights Law Review 419; Anna Lawson, 'Accessibility Obligations in the United Nations Convention on the Rights of Persons With Disabilities: Nyusti And Takács v Hungary', (still unpublished, on file with the Author).

[73] Nadina Foggetti, 'e-Accessibility definition in the UN Convention on the Rights of Persons with Disabilities: current issues and future perspectives', (2012) Computer and Telecommunications Law Review 56.

[74] Nirmita Narasimhan (ed.), *e-Accessibility Policy Handbook for Persons with Disabilities* (Hemkunt Publishers, 2011) at 3.

[75] See *infra* Section 3.2.

individual. The application of the universal design does not automatically exclude the necessity for the use of technical aids'[76]

It appears that the principle of accessibility laid down in Article 9 of the CRPD must be complemented by specific (or technical) criteria, which might be laid down in national laws, or in other 'soft' and 'private' rules. Article 9 itself requires Parties to the Convention to

> 'develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public'[77]

In doing so, Article 9 leaves the door open for Parties to delegate the writing of technical standards to non-State authorities, acknowledging that the role of national law is limited. It recognizes that that technical specifications and criteria of accessibility have been mostly laid down in booklets, studies prepared by think thanks, or in 'private' rules elaborated by standardization bodies (which are made by companies, or organization representative of them, but might include, often with an 'advisory' role, different stakeholders and civil society organizations), although some of these technical specifications have been incorporated in legal instruments as well. Also, the *Draft General Comment* provides little guidance on the role of these criteria.

For example, in the field of ICT, there are guidelines provided by the World Wide Web Consortium (W3C), which defines itself as an 'international community' of different market actors (companies) and institutional actors (public authorities or agencies)[78], within the WAI (Web Accessibility Initiative).[79] These guidelines have also been recognized and incorporated into other guidelines, or in legal instruments. For example, the Irish National Disability Authority (NDA) launched the 'NDA IT Accessibility Guidelines v1.1', in 2002.[80] The NDA's guidelines are aimed at motivating developers and managers of ICT projects to adopt an inclusive design process, based on the WAI Web Content Accessibility Guidelines (WCAG) 1.0. The Irish Code of Practices under the Disability Act also includes references to the WCAG. The WAI WCAG 2.0, which have substituted the WAI WCAG 1.0, now constitute the point of reference in respect to international guidance on web accessibility. They have been adopted as international standard by the International Standardization Organization (ISO). In particular, the international standard ISO/IEC 40500:2012, on web accessibility adopted by ISO and the International Electrotechnical Commission (IEC) is exactly the same as the original WCAG 2.0. The new guidelines have been incorporated in some national laws. This is the case for example of the Italian ministerial decree,

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[76] UN Committee on the Rights of persons with Disabilities (2013), *Draft General Comment on Article 9 of the Convention*, available at <http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx> (accessed 30 September 2013).

[77] UN Committee on the Rights of persons with Disabilities (2013), *Draft General Comment on Article 9 of the Convention*, available at <http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx> (accessed 30 September 2013).

[78] <http://www.w3.org/Consortium/> (accessed 30 October 2013).

[79] See <http://www.w3.org/TR/WCAG10/full-checklist.html> (accessed 30 October 2013). The WAI project has also defined guidelines for navigation applications: User Agent accessibility Guidelines (WAI-USERAGENT) and for authoring tools: Authoring Tool Accessibility Guidelines (WAI-AUTOOLS). These are 14 guidelines based on two fundamental principles: (1) to preserve an elegant and consistent aspect of the content and (2) to make the content understandable and accessible to all.

[80] <http://accessit.nda.ie> (accessed 30 October 2013). See on this issue Donal Rice, 'E-Accessibility Legislation and Initiatives in Ireland', (2005 Support-EAM Conference, Paris, 31st January 2005) available at <http://www.braillenet.org/colloques/policies/rice_paper.html> (accessed 30 October 2013).

passed in March 2013,[81] which dictates technical criteria on web accessibility to complement Italian Law n. 4/2004 on web accessibility (Law Stanca).[82] The proposed EU directive on the accessibility of public sector bodies' websites mentions WCAG 2.0, and indicates that they are expected to be taken into account in the European standard resulting from Mandate 376 and subsequently in the harmonised standard that should be built upon the outcome of this work. These technology neutral specifications provide the basis for the requirements for web-accessibility.[83]

In 2010, G3ict published a report on ICT Accessibility,[84] which aimed to offer a benchmarking tool collecting data on law, policies and programs pertaining to accessible and assistive ICTs around the world. G3ict also developed an 'ICT Accessibility Self-Assessment Framework' based on the CRPD. This tool should enable States ratifying the CRPD to evaluate their own progress toward domestic conformity with the CRPD's ICT accessibility requirements.[85] In addition, G3ict released an online e-Accessibility Policy Toolkit ('Toolkit')for Persons with Disabilities in collaboration with the International Telecommunication Union (ITU) and with the support of the World Blind Union and the National Disability Authority of Ireland. The Toolkit is designed for policy makers from all sectors of government, as well as for advocacy organizations and private sector operators seeking references on ICT accessibility solutions, standards and good practices. Based on the Toolkit, another policy handbook, edited by Narasiman, explores the meaning of ICT accessibility and the policy solutions to achieve it.[86]

3.2 Accessible Technology

3.2.1 Technology

'Technology' is commonly defined as the making, modification or usage of tools, machines, or processes. In line with the majority the legal scholarship dealing with technology, this analysis relies on this broad concept.[87]

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[81] *DECRETO 20 marzo 2013 Modifiche all'allegato A del decreto 8 luglio 2005 del Ministro per l'innovazione e le tecnologie, recante: «Requisiti tecnici e i diversi livelli per l'accessibilita' agli strumenti informatici». (Prot. 195/Ric). (13A07492)* in *Gazzetta Ufficiale* [Official Journal] N. 217 of 16 September 2013.

[82] *Legge 9 gennaio 2004 No 4 'Disposizioni per favorire l'accesso dei soggetti disabili agli strumenti informatici*, in *Gazzetta Ufficiale* [Official Journal] N. 13 of 17 January 2004.

[83] COM(2012) 721 final.

[84] G3ict, *CRPD Progress Report on ICT Accessibility*, (2010) available at <http://g3ict.org/resource_center/publications_and_reports/p/productCategory_whitepapers/subCat_0/id_168> (accessed 30 October 2013).

[85] G3ict, *ICT Accessibility Self-Assessment Framework*, (2010) available at <http://g3ict.org/resource_center/publications_and_reports/p/productCategory_whitepapers/subCat_0/id_147> (accessed 30 October 2013).

[86] Nirmita Narasimhan (ed.), *e-Accessibility Policy Handbook for Persons with Disabilities* (Hemkunt Publishers, 2011). For a comment on e-accessibility in the Convention see Marco Lazzari, 'La Convenzione delle Nazioni Unite sui diritti delle persone con disabilità e le tecnologie telematiche', in Olivia Osio and Paride Braibanti (a cura di), *Il diritto ai diritti* (FrancoAngeli, 2012).

[87] Among others, Koops defines 'technologies' as 'the broad range of tools and crafts that people use to change or adapt to their environment' (Bert-Jaap Koops, 'Ten Dimensions of Technology Regulation: Finding your Bearings in the Research Space of Emerging Technologies' in Morag Goodwin, Bert-Jaap Koops and Ronald Leenes (eds), *Dimensions of Technology Regulation* (Wolf, 2010) 309, at 310).

Technology includes but is not limited to ICT[88] (i.e. technology concerning the storage, processing and retrieval of electronic information to the array of devices and software used to retrieve this information, as well as those used to communicate, in real time with other people).[89] This definition encompasses a wide range of technologies, such as radio, television, satellites, mobile phones, fixed line phones, computers, network hardware and software. The importance of ICT lies in its ability to open up a wide range of services, transform existing services and create greater demand for access to information and knowledge, particularly in underserved and excluded populations, such as persons with disabilities.[90] Subsequently, the scope of the following analysis is not limited to ICT, although it constitutes a large part of accessible technology.

A 'technology' can be patented (i.e. covered by a patent) or not, and can be designed or produced according to a standard or not. Standards will be defined in Section 4, however it can be underlined here that in order to facilitate both the standards-making process and the application of deliverables, some standardization bodies (for example CEN and CENELEC) make available to the public a shared Patent Information list. This list provides a mechanism for patent holders to inform standard users about any patents that are relevant to a particular standard. In such cases, standard users are advised to contact the patent holders in order to agree any patent licenses that may be necessary.[91]

As regard to patents, without delving into the complexity of it, we limit ourselves to state that they are intended to protect inventions, and are granted by States in return for the investment put in by inventors to create a new product.

In the EU and in the EEA, generally speaking, patent protection is multi-layered, but it is still mainly the domain of national law. Inventions can be protected by national patents, granted by the competent national authorities, and by European patents granted centrally by the European Patent Office (EPO). [92] For the future, the EU Unitary patent (which does not replace existing

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[88] Communication is defined in the CRPD at Article 2. This provision states that communication 'includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology'.

[89] Donal Rice, *Connect a School, Connect a Community. Assistive Technologies for Persons with Disabilities* (National University of Ireland, Galway, 2012). The ITU Correspondence Group on the Elaboration of a Working Definition of the Term 'ICT' is currently working on this matter. Its final report will be presented to ITU Council in May 2014 and to ITU Plenipotentiary Conference in October 2014. Additional information is available on the Correspondence Group website at <http://www.itu.int/ITU-D/study_groups/SGP_2010-2014/groups/definition/> (accessed 30 October 2013).

[90] Broadband Commission for Digital Development, G3ICT, IDA, ITU, Microsoft, the Telecentre.org Foundation and UNESCO, *The ICT Opportunity for a Disability-Inclusive Development Framework* (2013) available at <http://www.itu.int/en/action/accessibility/Pages/hlmdd2013.aspx> (accessed 30 October 2013). For a broad overview on the development of accessible ICT see also Alan F Newell, *Design and the Digital Divide: Insights from 40 Years in Computer Support for Older and Disabled People* (Morgan & Claypool, 2011) and the bibliography cited in it. See also Empirica and WRC, *ICT & Ageing. European Study on Users, Markets and Technologies* (Report prepared by Empirica and WRC on behalf of the European Commission, Directorate General for Information Society and Media- Brussels, 2010).

[91] See <http://www.cencenelec.eu/ipr/Patents/PatentDeclaration/Pages/default.aspx> (accessed 20 January 2014).

[92] Generally speaking, patent protection is multi-layered, but it is still mainly the domain of national law. Inventions can be protected by national patents, granted by the competent national authorities, and by European patents granted centrally by the European Patent Office (EPO). See <http://www.epo.org/> (accessed 02 November 2013). On the drawbacks of EPO system see *inter alia* Donal Loftus, 'International Patent Protection: Time for a fully EU Functioning Supra-National Patent Mechanism', (2011) Journal of International Commercial Law and Technology 176 at 181 *et seq*. For an economic perspective see Piotr Wisniewski, 'The Global Position of the

European or national patents) will slightly change the situation. In December 2012, the European Parliament approved, through the enhanced cooperation procedure, two regulations establishing a 'European patent with unitary effect' (Unitary Patent). The first regulation (Council Regulation (EU) No. 1257/2012) concerns unitary patent protection, and the second (Council Regulation (EU) No. 1260/2012 of December 17, 2012) sets out the translation arrangements for this protection. In addition to the regulations, the patent package includes an Agreement on a Unified Patent Court (UPC), creating a specialized patent court with exclusive jurisdiction for litigation related to European and Unitary Patents.

In the EU and the EEA, the exclusive right of the patent owner coincide mainly with the right to the first marketing of the product, or to give consent to first marketing. In *Merck* v. *Stephar*, the Court of Justice of the European Union (CJEU) clarified that the

> 'right of first placing a product on the market enables the inventor, by allowing him a monopoly in exploiting his product to obtain the reward for his creative effort without, however, guaranteeing that he will obtain such a reward in all circumstances'.[93]

This implies that the accessible (patented) technology once released in one of the EU Member States, or more correctly, anywhere in the European Economic Area (EEA), is only to a very limited degree subject to the control of the undertaking.[94]

3.2.2. Accessible Technology

'Accessible Technology' refers, broadly speaking, to technology that can be used by persons with disabilities.

The International Standard Organization (ISO) and International Electronic Commission (IEC) in the 'Guide 71. Guidelines for standards developers to address the needs of older persons and persons with disabilities'[95] use the term 'accessible design' as

> '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'

European Patent Office (EPO): Is Europe Capable of Protecting its Intellectual Capital Effectively?' (2011) Proceedings of the European Conference on Intellectual Capital 486.

[93] Case 187/80 *Merck* v. *Stephar (Merck I)* [1981] ECR 2063 para. 10.

[94] Case C–10/89 *SA CNL-SUCAL NV* v. *HAG GF AG (HAG II)* [1990] ECR I–3711 para. 12.

[95] ISO/IEC, *Guide 71. Guidelines for standards developers to address the needs of older persons and persons with disabilities*, available at <http://www.iso.org/iso/iso_iec_guide_71_2001.pdf> (accessed 30 September 2013).

As stated in the above mentioned ISO Guidelines, 'accessible technology' can generally be broken down into two categories: 'universally designed products and services', and 'assistive technologies'.[96]

'Universally designed products and services' are generally defined as 'products, services and environments that are readily usable by most users without any modification'. In line with the definition provided by the ISO Guidelines, the 'European Concept for Accessibility' states that universal design refers to 'basic accessibility'.[97]

At a recent conference on Universal Design, held in Oslo in 2012, it was highlighted that universal design is an evolving[98] concept, ad is used differently in different countries and regions.[99] Despite this, and regardless the fact that some authors or studies prefer to use the term 'inclusive design',[100] Article 2 of the CRPD provides for a legal definition of universal design, which constitutes a firm point of reference. This provision states that 'universal design' is

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[96] There are various and different opinion in the field. For instance, Mazz distinguishes between universal design and accessible design. This A. states that while '[u]niversal design (UD) is a set of principles, adherence to which should ensure that a building, product, environment (or even a process) is accessible to and usable by a broad range of users with and without disabilities', accessible design is characterized by a prescriptive nature of accessibility standards incorporated in it. See at <http://www.ud2012.no/keynotespeakers2.cfm> (accessed 20 October 2013). On accessible technology see the website <http://atcoalition.org/> (accessed 30 October 2013).

[97] European Concept for Accessibility (1996) available at <http://www.eca.lu/index.php/documents/eucan-documents/14-1996-european-concept-for-accessibility-1996/file> (accessed 30 October 2013).

[98] Words pronounced by Hua Dong, see at <http://www.ud2012.no/keynotespeakers2.cfm> (accessed 20 October 2013).

[99] <http://www.ud2012.no/speakers_corner.cfm?pArticleId=21651&pArticleCollectionId=3338> (accessed 30 October 2013).

[100] The British Standards Institute defines inclusive design as: 'The design of mainstream products and/or services that is accessible to, and usable by, as many people as reasonably possible ... without the need for special adaptation or specialised design'. See British Standards Institute, *British Standard 7000-6:2005. Design management systems - Managing inclusive design – Guide* (2005).

'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'.[101]

It must be noted that concept of universal design features in several EU soft and hard law documents, and in national legislation.

In some cases, national provisions include a definition of 'universal design' in line with the CRPD. This is the case of Chapter IA of the Irish Disability Act 2005. It defines Universal Design (UD) as:

'the design and composition of an environment so that it may be accessed, understood and used (i) to the greatest possible extent, (ii) in the most independent and natural manner possible, (iii) in the widest possible range of situations, and (iv) without the need for adaptation, modification, assistive devices or specialised solutions, by any persons of any age or size or having any particular physical, sensory, mental health or intellectual ability or disability; and means, in relation to electronic systems, any electronics-based process of creating products, services or systems so that they may be used by any person'.

In Norway, the Law on Discrimination and Accessibility (*Diskriminerings og tilgjengelig-hetsloven*), which has been in force since January 2009, includes a general clause on universal design.[102] 'Universal design' is defined in accordance with the original concept invented by Center for Universal Design at North Carolina State University,[103] one of the leading world centres on this issue.[104]

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[101] The origins of Universal Design date back to the early 1950s (Oliver Gassmann and Greg Reepmeyer, 'Universal Design – Innovations for All Ages', in Florian Kohlbacherand Cornelius Herstatt (eds), *The Silver Market Phenomenon* (Springer, 2008) 125 at 128). However, the theorization of 'universal design' can be traced back to 1997 when a group of architects, led by Ronald Mace, laid down the seven rules of universal design: equitable use, flexibility in use, simple and intuitive use, perceptible information, tolerance for error, low physical effort, and size and space for approach and use. This means that the design must be useful and marketable to people with diverse abilities and the same means of use are to be provided for all users. The design must accommodate a wide range of individual preferences and abilities. The use of the design must be easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level, and must necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities. The design must minimize hazards and adverse consequences of accidental or unintended actions, and can be used efficiently and comfortably and with a minimum of fatigue. The seventh principle alludes to the fact that appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture or mobility. See Federica Baroni, Marco Lazzari, 'Tecnologie informatiche e diritti umani per un nuovo approccio all'accessibilità', (2013) 1 Italian Journal of Disability Studies 79 and bibliography cited in it. See also: <http://www.ncsu.edu/ncsu/design/cud/pubs_p/docs/poster.pdf> (accessed 30 October 2013) and <http://www.universaldesign.ie/exploreampdiscover> (accessed 30 October 2013). For adiachronic perspective on universal deisgn see amongst others Alan F Newell, *Design and the Digital Divide: Insights from 40 Years in Computer Support for Older and Disabled People* (Morgan & Claypool, 2011) at 115. On universal design in built environment see *ex pluribus* Avril Accolla, *Design for all. Il progetto reale e l'individuo* (Franco Angeli, 2009); see also <http://www.designforalleurope.org/> (accessed 30 October 2013). See also at <http://www.universaldesign.ie/exploreampdiscover> (accessed 30 October 2013).

[102] Jan Tøssebro, *Norway Accessibility Report*, *Section 1*, available at <http://www.disability-europe.net/theme/accessibility> (accessed 03 November 2013).

[103] See at <http://www.ncsu.edu/ncsu/design/cud/> (accessed 20 October 2013).

[104] Anna Lawson, *Maximising the Impact and Effectiveness of Accessibility Measures for Goods and Services: Learning from National Experience. Synthesis Report for the Academic Network of European Disability Experts*, available at <http://www.disability-europe.net/theme/accessibility> (accessed 30 September 2013) at 36; see also Jan Tøssebro, *Norway Accessibility Report*, *Section 1*, available at <http://www.disability-

Sometimes, 'universal design' is incorporated as a legal requirement in sectoral legislation.[105] This is the case in Ireland: the Irish legislation on the legal requirement for Energy Suppliers of 2011 in relation to Universal Design is set out in Section 3 (3) of the European Communities (Internal Market in Electricity and Gas) (Consumer Protection) Regulations of 2011.[106] This section states that suppliers must apply the principles of Universal Design to all products and services offered or provided to final customers.

'Assistive technologies' usually include assistive, adaptive and rehabilitative devices aimed at compensating for functional limitations, must be promoted in so far they facilitate independent living, or enable people with disabilities to realise their full potential.

As the CRPD makes clear, the obligation to spread 'universal design', shall not exclude these assistive devices for particular groups of persons with disabilities where this is needed. Article 4(1)(h) of the CRPD states that Parties to the Convention must

> 'provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities'.

In addition, Article 26 of the CRPD on habilitation and rehabilitation states that

> 'States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation'

The Convention does not define AT, although both Art. 4 and Art. 26 seem to endorse a broad concept of them. Definitions of AT are provided for in international guidelines, and studies. For instance, the previously mentioned 'Guide 71. Guidelines for standards developers to address the needs of older persons and persons with disabilities'[107] defines AT as a 'piece of equipment, product system, hardware, software or service that is used to increase, maintain or improve functional capabilities of individuals with disabilities'. According to these Guidelines, AT can be acquired commercially off-the-shelf, modified or customized. ISO defines of 'Assistive Products'[108] as

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europe.net/theme/accessibility> (accessed 3 November 2013). Even if France is not included in the analysis, it is worth noting that recently, the notion of 'universal design', not included in the Law 2005-102, was introduced in the French disability policy following recommendations of the European strategy. In addition, the French Government created an interministerial Observatory of accessibility and universal design (*Observatoire interministériel de l'accessibilité et de la conception universelle*) in February 2010. See Dominique Velche and Catherine Barral*, Study on European Disability Strategy and EU Implementation of the Convention on the Rights of Persons with Disabilities. National report on France* (unpublished).

[105] Sectoral legislation refers to legislation related to specific sectors such as transportation.

[106] S.I. No. 463 of 2011. See Charlotte May-Simera, *Study on European Disability Strategy and EU Implementation of the Convention on the Rights of Persons with Disabilities. National Report on Ireland* (unpublished).

[107] ISO/IEC, *Guide 71. Guidelines for standards developers to address the needs of older persons and persons with disabilities*, available at <http://www.iso.org/iso/iso_iec_guide_71_2001.pdf> (accessed 30 September 2013).

[108] ISO '9999:2011 Assistive products for persons with disability - Classification and terminology', available at <http://www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=50982> (accessed 30 October 2013).

'Any product (including devices, equipment, instruments and software), especially produced or generally available, used by or for persons with disability: for participation; to protect, support, train, measure or substitute for body functions/structures and activities; or to prevent impairments, activity limitations or participation restrictions'

Assistive devices cover any kind of equipment from walking devices to medication reminders.[109] An indication of the broad scope of the field of AT is provided by the main headings in the ISO classification system which include assistive products for personal medical treatment, orthoses and prostheses; assistive products for personal care and protection, assistive products for personal mobility; assistive products for housekeeping, furnishings and adaptations to homes and other premises, and assistive products for employment and vocational training, and assistive products for recreation.[110]

The scope of AT is also continuously changing because of technical developments. This is clearly shown by a few reviews which provides for a discussion on the latest technical developments on AT. The most prominent example is the journal 'Assistive Technologies', promoted by the Rehabilitation Engineering and Assistive Technology Society of North America (RESNA), one of the world leading professional organization dedicated to promoting the health and well-being of people with disabilities through increasing access to technology solutions.[111]

WP 7 will rely on the aforementioned broad definition, and take into account the 'evolving' scope of AT. This choice is also dictated by the fact that this broad definition is reflected in some of the national laws in the DISCIT countries. This is, for example, the case on Italy, where Article 2 of Italian Law n. 4/2004[112] on web accessibility (so called «Law Stanca», from the name of its promoter) states:

'Assistive technology: instruments and technical solutions, both hardware and software that allow a person with disabilities to access information and web services, overcoming or reducing disadvantageous conditions'

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[109] See Deloitte, *Access to Assistive Technology in the European Union* (Report for the European Commission, 2003) at <http://www.acessibilidade.net/at/access_AT_EU.pdf at 17> (accessed 30 October 2013). For a detailed definition of ICT AT, see UNESCO, *Global Report. Opening New Avenue for Empowerment. ICT to Access Information and Knowledge for Persons with Disabilities,* available at <http://unesdoc.unesco.org/images/0021/002197/219767e.pdf> (accessed 30 October 2013) at 78. The technical literature on assistive technology is massive; *inter alia* see Marcia J Scherer, *Assistive Technologies and Other Supports for People with Brain Impairments* (Springer 2012); Marcia J Scherer and others, 'A framework for modelling the selection of assistive technology devices (ATDs)', (2007) Disability and Rehabilitation: Assistive Technology 1; Annalisa Morini, F. Scotti, *Assistive Technology - Tecnologie di supporto per una vita indipendente* (Maggioli Editore, 2005).

[110] Although, an additional category is referred to in some pieces of research, that of 'therapeutic technologies', we will not refer to this term in our analysis. These restore and/or prevent the further loss of original or normal biological functioning on a very individual or personal basis (e.g. surgical techniques, cochlear or ocular implants.

[111] See at <http://www.tandfonline.com/toc/uaty20/current#.UoOR2fn3FAB> (accessed 30 October 2013). See also the website of the 'European Assistive Technology Information Network' at <http://www.eastin.eu/en-GB/whatIsEastin/index> (accessed 30 October 2013).

[112] See *supra* ft. 82.

4 The Object of the Analysis: Law, Policy and…'Private' Regulation

4.1 A plurality of Intertwined Sources

WP 7 generally refers to 'law and policy' in compliance with the DISCIT DoW. However, the whole analysis will refer to more complex and comprehensive regulatory framework, in line with the majority of scholars who usually refer technology 'regulation'. The latter term is potentially both broader and narrower than 'law', has some advantages when considering how technological activities are controlled and influenced.[113] Almost 15 years ago, regarding cyber law, Lessing[114] identified four components of the technology regulatory framework: law, social norms, market and technology itself as a regulatory tool.[115] Other authors propose different types of classifications of regulatory instruments,[116] but they highlight the importance of soft-law, and self-regulatory rules or codes of practices and standards (which could be addressed as 'private regulation').

Even referring to 'law and policy', the research conducted under WP7 takes into account the complexity of the regulatory 'tool-box' of technology, and the combination of different sources. The inter-relations among different legal systems and different law 'suppliers' (public and private) are at the core of the analysis: the concept of 'legal pluralism', while not discussed underlies the analysis.[117]

More precisely, in WP 7, the term 'law' refers to national and EU legislation. The term 'policy' is used in a general way to include a broad spectrum of soft law acts. We acknowledge that the phenomenon of soft law, both in national and EU law, is of a very heterogeneous nature. Subsequently, we will include in our analysis relevant soft law *strictu sensu* (i.e. interpretative and decisional instruments, so called post-law, aiming at providing guidance for the interpretation and application of existing law), and 'pre-law' (i.e. preparatory and informative instruments such as Green Papers, White Papers, action programmes and informative communications).[118] The

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[113] See Lyria Bennet Moses, 'How to Think about Law, Regulation and Technology: Problems with Technology as a regulatory Target', (2013) 5 Law Innovation and Technology 1 at 4.

[114] Lawrence Lessing, 'The Law of the Horse: What Cyberlaw Might Teach', (1999) 113 Harvard Law Review 501.

[115] Lessing deals with 'architecture' and states: 'there is a fourth feature of real space that regulates behavior — "architecture" . By "architecture" I mean the physical world as we find it, even if "as we find it" is simply how it has already been made. That a highway divides two neighborhoods limits the extent to which the neighborhoods integrate. That a town has a square, easily accessible with a diversity of shops, increases the integration of residents in that town. […] These constraints function in a way that shapes behavior. In this way, they too regulate.' (Lawrence Lessing, 'The Law of the Horse: What Cyberlaw Might Teach', (1999) 113 Harvard Law Review 501 at 518).

[116] See for a brief overview, Bert-Jaap Koops, 'A Taxonomy for Descriptive Research in Law and Technology', in Erica Palmerini and Elettra Stradella (eds), *Law and Technology. The Challenge of regulationg Technological Development* (Pisa University Press, 2012) 37 at 41.

[117] In this respect see, among many others, Robert Cotterell, 'Transnational Communities and the Concept of Law', (2008) 21 Ratio Juris 1; Giulio Itzcovich, 'Legal Order, Legal Pluralism, Fundamental Principles. Europe and Its Law in Three Concepts', (2012) 18 European Law Journal 358.

[118] See *ex multis* Nathalie Rubio, '*Les instruments de* soft law *dans les politiques communautaires: vecteur d'une meilleure articulation entre la politique de la concurrence et la politique de cohesion economique et sociale'*, (2007) Revue Trimestrielle de Droit Européen 597. On the role of soft law, see Lisa Senden, *Soft Law in European Community Law* (Hart Publishing, 2004).

concept of 'policy' provides us with an umbrella concept for those instruments laying down rules, programmes on accessible technology, that are delivered by national or supranational public authorities (e.g. EU Commission, EU institutions, national governments…), whose legal status is unclear or uncertain, but whose decisive character is such that they have not been attributed legally binding force.

We can affirm, with a certain degree of approximation, that law and policy are equated by the fact that they are grounded in and stem from democratic systems.[119] As underlined by Corkin, these systems ebb away, however, along three axes: horizontally towards unelected public officials, in a process of bureaucratisation; vertically towards the EU, in a process of Europeanisation; and laterally towards self-regulating private actors, in a process of privatisation. Regulation is not made exclusively by elected national parliaments, by governmental complexes, neither solely at the national nor at the European level. It is neither a wholly public nor a wholly private activity: it is produced across all of these divides, as much between the various actors and outside their formal processes, as within and through them.[120] Nowadays,

> 'Legislative as well as administrative, national as well as supranational and public as well as private actors now interact and compete with one another in complex constellations, with flattened hierarchies and blurred boundaries, to formulate the thousands of regulations, codes and standards that are the stuff of contemporary lawmaking'[121]

Hence, the analysis of accessible technology law and policy must be complemented by the examination of 'private regulation'.

As touched on above, the variety of 'private regulation' is remarkable. In WP 7, the term 'private regulation' is used to encompass common rules, memoranda of understanding, regulatory contracts, codes of conduct, standards and voluntary agreements by which economic actors, social players, NGOs and organized groups establish themselves voluntarily to regulate and organize their activities.[122]

'Private regulation' can emerge spontaneously, independent of any legislative or policy initiative, or as a response to the threat of command and control regulation. As noted *inter alia* by Cafaggi, private regulation can better meet the fast pace of change and the highly technical nature of the information needed to regulate effectively. In high-tech and knowledge-intensive markets, policymakers need to rely on private parties, at least for the definition of implementing measures

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[119] In this analysis, while acknoledging that part of the litterature have questioned the democratic nature of the EU (*inter alia* Giandomenico Majone, 'Europe's 'Democratic Deficit': The Questions of Standards', (1998) European Law Journal 5; Richard Bellamy, 'Still in Deficit: Rights, Regulation and Democracy in the EU', (2006) European Law Journal 725) we consider the EU a democratic and constitutional system, and we rely on the European constitutional theory which is rapidly flourishing: see Giuseppe Martinico, 'Constitutional Failure or Constitutional Odyssey?', (2011) Perspectives on Federalism, available at <http://www.on-federalism.eu/index.php/component/content/article/94-constitutional-failure-or-constitutional-odyssey-what-can-we-learn-from-comparative-law> (accessed 03 December 2013).

[120] Joseph Corkin, 'Constitutionalism in 3D: Mapping and Legitimating Our Lawmaking Underworld', (2013) 19 European Law Journal 636, at 640.

[121] Joseph Corkin, 'Constitutionalism in 3D: Mapping and Legitimating Our Lawmaking Underworld', (2013) 19 European Law Journal 636 at 637.

[122] Fabrizio Cafaggi and Andrea Renda, 'Public and Private Regulation. Mapping the Labyrinth', (2012) CEPS Working paper, available at <http://www.ceps.eu> (accessed 20 October 2013).

and technical specifications. Examples include, but are not limited to, standards development, standardization policy, international roaming, net neutrality regulation, and cloud computing. [123]

4.2 Standardization and Standards

Standards are the probably the most prominent and relevant form of 'private regulation' for the purpose of WP 7.

Standardization is a key vehicle to develop accessible technology. Regrettably, while almost all the ANED 'country-related' reports and several studies listed in the Annotated Bibliography-Part A mention accessibility standards, they do not explore what standards are, nor how they are set forth. Currently no analysis does not examine standards' effect on accessibility efforts.

In this Section, we will not examine the complexity of standardization, which will be addressed at a later stage of this research. Neither, we consider the level of legitimacy of standard-setting processes. Rather, we sketch out definitions for further analysis to be carried out in WP 7.

Standards are technical specifications for goods, services, or processes.[124] There are several definitions provided for in academic works and by standard-setting organizations (SSOs),[125] i.e. industry groups which typically consist of participants in an industry who have expertise in the technologies and products at issue, and evaluate technologies, products, or methodologies.[126]

According to some authors, a standard is 'a written document establishing technical specifications for goods, services, or processes, resulting from a consensus, and whose application is voluntary'.[127]

The ISO/IEC Guide 2[128] defines a standard as:

> 'A document established by consensus and approved by a recognized body that provides for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context'.

Similar definitions are provided by national SSOs. For instance the British Standards Institution (BSI) defines a standard as a

> 'published specification that establishes a common language, and contains a technical specification or other precise criteria and is designed to be used

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[123] *Ibid.*

[124] Mark A Lemley, 'Intellectual Property Rights and Standard-Setting Organizations', (2002) California Law Review, available at <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=310122&download=yes> (accessed 03 November 2013).

[125] For a succinct overview on European SSOs, see Kevin Coates, *Competition and Regulation of Technology Markets* (Oxford University Press, 2011), at 185-186.

[126] Mark A Lemley, 'Antitrust, Intellectual Property Rights and Standard-Setting Organizations' (2000) available at <http://arxiv.org/ftp/cs/papers/0109/0109037.pdf> (accessed 31 October 2013).

[127] Olivier Borraz, 'Governing Standards: the Rise of Standardization Processes in France and in the EU', (2007) Governance: An International Journal of Policy, Administration and Institutions 57, available at <http://www.diplomatie.gouv.fr/fr/IMG/pdf/standards.pdf> (accessed 03 November 2013).

[128] Available at <http://www.iso.org/iso/catalogue_detail.htm?csnumber=39976> (accessed 30 October 2013).

consistently, as a rule, a guideline, or a definition. Standards are applied to many materials, products, methods and services'

At the EU level, Article 2 of Regulation (EU) No 1025/2012 on European standardisation[129] (which is the legal basis for the EU to use European standards for products and for services in support of EU legislation and policies and to finance European standardisation) - in line with the ISO/IEC Guide - defines a standard as a

'technical specification, adopted by a recognised standardisation body, for repeated or continuous application, with which compliance is not compulsory'.

This provision also defines a 'technical specification' as a

'document that prescribes technical requirements to be fulfilled by a product, process, service or system and which lays down one or more of the following:

(a) the characteristics required of a product including levels of quality, performance, interoperability, environmental protection, health, safety or dimensions, and including the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures; […] (c) the characteristics required of a service including levels of quality, performance, interoperability, environmental protection, health or safety, and including the requirements applicable to the provider as regards the information to be made available to the recipient, as specified in Article 22(1) to (3) of Directive 2006/123/EC; […]'

Article 2 also distinguishes among international standards (adopted by international SSOs), European standards (adopted by European SSOs),[130] 'harmonised standards' (i.e. a European standards adopted on the basis of a request made by the Commission for the application of Union harmonisation legislation), and 'national standards' (adopted by a national SSOs).[131]

According to Werle and Iversen[132] there is still a high degree of heterogeneity of concepts and definitions of standards and standardization, which 'reflects the fact that standards and the standardization landscape in which they are set continue to undergo profound change'.

Standards may arise from the operation of the market or be selected by SSOs.

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[129] [2012] OJ L316/12. See also Commission Communication 'The role of European standardisation in the framework of European policies and legislation' COM(2004) 674 final. On the precedents of this regulation see among others Harm Schepel, *The Constitution of Private Governance: Product Standards in the Regulation of Integrating Markets* (Hart, 2005) at 51 et seq.

[130] For a succinct overview on European SSOs, see Kevin Coates, *Competition and Regulation of Technology Markets* (Oxford University Press, 2011) at 185-186.

[131] As it will be discussed further in Section 6 of this paper, the European Committee for standardization (CEN), the European Committee for Electrotechnical Standardization (CENELEC) and the European Telecommunications Standards Institute (ETSI) are the European mirror bodies to their international counterparts, i.e. the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC) and the International Telecommunication Union, telecommunication standardization sector (ITU-T) respectively. See also Annotated Bibliography-Part A.

[132] Raymund Werle and Eric J Iversen, 'Promoting Legitimacy in Technical Standards', (2006) Science Technology and Innovation Studies, available at <http://www.sti-studies.de/ojs/index.php/sti/article/view/80> (accessed 20 January 2014).

The former are defined as *de facto* standards, since the market is the ultimate selection environment for technologies and this is the default situation for the diffusion of standards incorporated in the technology. As highlighted *inter alia* by Werle and Iversen[133]

> The diffusion of de facto standards is based on market leadership or on bandwagon and imitation processes, in which the number of actors attracted by a standard increases with the number of those who have already adopted the standard.

For example, the Microsoft operating systems are clearly *de facto* standards.[134]

Standards selected by SSOs are generally addressed as co-operative or committee standards, since they are set forth in standardisation agreements concluded within the SSOs, i.e. agreements which 'have as their primary objective the definition of technical or quality requirements with which current or future products, production processes, services or methods may comply'.[135] In some instances, SSOs engage in cooperation with the EU or with other international organizations, such as for example the International Communication Union (ITU), a specialized agency of the United Nation.[136]

National SSOs might be officially recognised by public bodies. In the DISCIT countries, organizations such as the British Standards Institution (BSI) or the Deutsches Institut für Normung (DIN) are politically independent and formally non-governmental organizations, but they are accredited or recognized by governments. Only in Czech Republich the Úřad pro technickou normalizaci, metrologii a státní zkušebnictví (the Czech Office for Standards, Metrology and Testing) is established by law and is subordinated to the Ministry of Industry and Trade.

Werle and Iversen[137] distinguish between coordinative and regulative standards. The first aim at promoting interoperability and are voluntary standards. The latter are mandatory and are 'absorbed' in legislative instruments. This classification is not however embraced by many other scholars, and Schepel highlights that standards 'hover between the state and the market and very rarely wholly public or wholly private.'[138]

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[133] Raymund Werle and Eric J Iversen, 'Promoting Legitimacy in Technical Standards', (2006) Science Technology and Innovation Studies, available at <http://www.sti-studies.de/ojs/index.php/sti/article/view/80> (accessed 20 January 2014).

[134] Maureen A O'Rourke, 'Striking a Delicate Balance: Intellectual Property, Antitrust, Contract, and Standardization in the Computer Industry', (1998) Harvard Journal of Law & Technology at <http://jolt.law.harvard.edu/articles/pdf/v12/12HarvJLTech001.pdf> (accessed 03 November 2013). Another *de facto* standard is the '1860 brick structure' for the building-up of a catalogue and the systematic reporting of medical drugs, developed by *IMS Health* (Case C-418/01 *IMS Health* [2004] ECR I-5039).

[135] Para. 257 of the Communication from the Commission 'Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements', [2011] OJ C 11/1.

[136] The ITU (see at <http://www.itu.int/en/Pages/default.aspx> (accessed 03 November 2013)) is UN agency and allocates global radio spectrum and satellite orbits, develop the technical standards that ensure networks and technologies seamlessly interconnect and strive to improve access to ICTs to underserved communities worldwide. See e.g. the MoU between the International Electrotechnical Commission (IEC), the International Organization of Standardization (ISO), the International Telecommunication Union (ITU) and the United Nations Economic Commission for Europe (UN-ECE) Concerning Standardization in the Field of Electronic Business at <http://www.itu.int/ITU-T/e-business/files/mou.pdf> (accessed 30 October 2013).

[137] Raymund Werle and Eric J Iversen, 'Promoting Legitimacy in Technical Standards', (2006) Science Technology and Innovation Studies, available at < http://www.sti-studies.de/ojs/index.php/sti/article/view/80> (accessed 20 January 2014).

[138] Harm Schepel, *The Constitution of Private Governance: Product Standards in the Regulation of Integrating Markets* (Hart, 2005) at 3.

At the EU level, European Standards (ENs) are drawn up on a voluntary basis at European level, have the objective of facilitating long-term convergence of national standards collections towards eventual homogeneity,[139] and can be referenced in legislation.

Legislation may refer to standards in an indicative way, and in this case standards are voluntary. This means that compliance with these privately generated norms is technically voluntary, although heavily incentivised by the EU. Alternatively, legislation may refer to ENs in an exclusive way: standards are then mandatory. In this context, the compliance with the requirements in the EN is taken a presumption of conformity with the law/regulation.

As highlighted above, ENs adopted on the basis of a request made by the Commission for the application of Union harmonisation legislation constitute 'harmonized standards'.

The standard (i.e. the standardised technology), or a technical specification that is part of the standard may be covered by a patent: in this case the standard is deemed to be 'closed' or 'proprietary'. This means that, after one technical specification that has been selected as a standard or is part of it, the patent(s) required for this standard become 'essential' (Standard-Essential Patents, SEPs). As mentioned above, some SSOs provides for a list of patents in order to make standards users (and selectors) aware of the patents involved. In addition, SSOs encourage any person, company or organisation that holds one or more patents (either granted or pending), the use of which may be needed to implement a standard, to declare their patent(s).[140]

If the standardised technology is not covered by a patent, the standard is called 'open'.[141]

Standards can either control interoperability in a network market (like those governing certain aspects of the Internet and electrical outlets) or govern the quality, the safety, or the accessibility of a product. The first ones are referred to as 'network' or 'compatibility' or 'interface' standards. By codifying information on the state of the art of a particular technology, the 'network standards' enable dissemination of knowledge, interoperability between new products, services and digital content and provide a platform for innovation. These types of standards describe the quality a product has, or the process used to develop/manage a product or service,[142] and are needed to make products/services especially ICT service communicate with one another effectively.

Finally, it must be noted that standards are usually covered by copyright. Copyright is commonly understood as a set of exclusive rights granted to the author or creator of an original work, including the right to copy (reproduce), distribute and adapt the work. In case of ENs, the Member States' national standards organisations and national electrotechnical committees enjoy, within their own territories, the full right to sell, reproduce, translate, and otherwise exploit the copyrighted standards documents and publications. Other subjects (e.g non-EU SSOs), in order to access and publish standards documents must pay appropriate royalties.

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[139] See at <https://www.cen.eu/boss/supporting/Guidance%20documents/GD026%20-%20Standards%20and%20Regulations/Pages/default.aspx> (accessed 21 January 2014).

[140] See <http://www.cencenelec.eu/ipr/Patents/DeclaringPatents/Pages/default.aspx> (accessed 21 January 2014). See also <http://www.wipo.int/patent-law/en/developments/standards.html> (accessed 21 January 2014).

[141] Tim Simcoe, 'Open Standards and Intellectual Property Rights', available at <http://openinnovation.berkeley.edu/ranp_chapters/08.pdf> (accessed 20 April 2013).

[142] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, 'The annual Union work programme for European standardisation', COM (2013) 561 final.

5 The Methodology

5.1. A Comparative Legal Analysis

The research conducted within WP 7 adopts a comparative legal method, enriched by a transnational dimension.[143]

WP 7 will compare law and policy on accessible technology in the DISCIT countries: Czech Republic, Germany, Italy, Ireland, Norway, Sweden, Serbia and the UK. This research relies on the direct examination of legal texts, and primary sources where available in English or in Italian. For other national sources, the analysis relies on secondary sources (mainly ANED reports and scholarly contributions, and official databases), and on the contributions offered by the DISCIT Consortium Members. In most cases, especially with regard to the regulation of the market, the nation State is no longer the primary dimension. Thus WP 7 cannot but analyse EU law. In particular, the EU has competence to act with regard to the Internal Market and exclusive competence on competition law (including State aid). Competition law provisions apply also in the EEA. Candidate countries, like Serbia, must also be compliant with the principle of free competition.

The comparative analysis, resulting from WP7 research, will evaluate both EU and national law, in light of the CRPD, which constitutes a legal 'benchmark', as detailed in Section 6.

WP 7 must include EU law and relevant international sources, dealing with their cross-level interactions, acknowledging the existence of a plural law-making process.[144]

> 'As economies become increasingly open, legal systems become more inter-dependent. National legal orders are no longer self-contained systems. Exchanges, the import and export of institutions, and dialogue between judges are common. An open legal space replaces closed-off national territories'[145]

In understanding the interactions between law-makers, this analysis owes considerable debt to multi-level governance theories[146] that provide a nuanced account of the distribution (and sharing) of law-making amongst those at various positions on the Europeanisation axis.

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[143] Rodolfo Sacco, 'Legal Formants: A Dynamic Approach to Comparative Law' (1991) 39 *The American Journal of Comparative Law* 1. See also Rodolfo Sacco, 'Legal Formants: A Dynamic Approach to Comparative Law (II)', (1991) 39 American Journal of Comparative Law 343. On comparative method see also: Sabino Cassese, 'Comparazione e comparazioni giuridiche' in Vittorio Bertorello (cur.), *Io comparo, tu compari, egli compara: che cosa, come, perché?* (Giuffrè, 2003); Lucio Pegoraro and Angelo Rinella, *Diritto pubblico comparato. Profili metodologici* (Cedam, 2007); Giovanni Bognetti, 'L'oggetto e il metodo', in Paolo Carrozza, Alfonso di Giovine and Giuseppe F Ferrari (eds), *Diritto costituzionale Comparato* 5.

[144] Nupur Chowldhury and Ramses Wessels, 'Conceptualising Multilevel Regulation in the EU: A Legal Translation of Multilevel Governance' (2012) 18 European Law Journal 335, at 340.

[145] Sabino Cassese, 'New paths for administrative law: A manifesto', (2012) International Journal of Constitutional Law 603, at 611.

[146] See *ex pluribus* Nupur Chowldhury and Ramses Wessels, 'Conceptualising Multilevel Regulation in the EU: A Legal Transaltion of Multilevel Governance' (2012) 18 European Law Journal 335; Ramses Wessels and Jan Wouters, 'The Phenomenon of Multilevel Regulation: Interactions between Global, EU and National Regulatory Spheres', in Andreas Folledal, Rameses Weseels and Jan Wouters (eds), *Multilevel Regulation and the EU: The Interplay between Global, European and National Normative Processes* (Martinus Nijoff, 2008) 9; Joseph Corkin, 'Constitutionalism in 3D: Mapping and Legitimating Our Lawmaking Underworld' (2013) 19 European Law Journal 636 at 639.

In this context, characterized by a plurality of sources of law, the role of 'private regulation' emerges. As mentioned above accessible technology law appears to be, using Linsdeth words,

> 'a complex system of transnational governance in which the identifying feature is the broad diffusion of normative power throughout an amorphous and highly technical regulatory network, including both public and private actors, that transcends national borders'[147]

5.2 Law and Technology

As mentioned in the Introduction, the research conducted for WP 7 also aims to fit within the relatively new and developing field of 'law and technology'.[148] This field, although already conceived as autonomous, is still in search of a defined theoretical framework. Koops highlights that, as an emerging discipline, 'law and technology' is rather under-theorized,[149] and proposes a ten dimensional conceptualization of the law and technology scholarship.

According to Koops, the ten dimensions consist of: technology type, innovation (the 'newness' of the technology), place (where the technology is developed, marketed or used), time (the temporal development cycle of technology from research & development to product marketing and use), regulation type (the character and level of regulation), normative outlook (normative assumption underlying or implicitly feeding technology regulation), knowledge (what and how much is known about a technology and its effects and counter-effects), discipline (academic discipline that can should be used to better address an issue), problem (what problem is addressed), and frame (frames of reference, i.e. the window through which an issue in technology).[150]

WP 7, we will take into account this ten dimensional conceptualization. However, we will not focus on technology type and innovation Rather, we will concentrate on the inherent level of accessibility, taking into account the main distinction between universally designed products and assistive technologies. The geographic dimension is extremely relevant in this analysis, because the considered countries are within the same geographic area, namely Europe. From our point of view, where the technology is developed, marketed or used, and the temporal development cycle of technology from research and development to product marketing and use are extremely relevant when addressing the role of public subsidies (State aid and subsidies/incentives to consumers). Finally, the character (national or supranational) and 'level' of regulation (law, policy and private regulation) is a seminal dimension in this analysis.

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[147] Peter L Lindseth, '"Weak" Constitutionalism? Reflections on Comitology and Transnational Governance in the European Union', (2001) 21 Oxford Journal of Legal Studies 145, at 151.

[148] For a diachronic perspective on law and technology, see Kieran Tranter, 'The Law and Technology Enterprise: Uncovering the Template to Legal Scholarship on Technology', (2011) 3 Law Innovation and Technology 31. See also Lyria Bennet Moses, 'How to Think about Law, Regulation and Technology: Problems with Technology as a regulatory Target', (2013) 5 Law Innovation and Technology 1.

[149] Bert-Jaap Koops, 'A Taxonomy for Descriptive Research in Law and Technology', in Erica Palmerini and Elettra Stradella (eds), *Law and Technology. The Challenge of regulationg Technological Development* (Pisa University Press, 2012) 37, at 40.

[150] *Ibid*.

6 The 'Legal Benchmark' of the Comparative Analysis

6.1. A 'Legal benchmark'

The comparison among different pieces of legislation using the CRPD as a '*tertium comparationis*' is underpinned by the acknowledgement, on the one hand, of the inherent systemic differences among the systems, but also, on the other hand, of the different roles that the Convention plays in each system.

Having briefly explained the concept of accessibility within the CRPD framework, we will not indulge in a lengthy explanation of the obligations provided for in the Convention. We limit ourselves to highlighting what Article 9 of the CRPD singles out: to enable persons with disabilities to live independently and participate fully in all aspects of life, Parties to the Convention have to take appropriate measures to ensure persons with disabilities access to the physical environment, to transportation, to information and communications, including information and communications technologies (ICT), and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.[151] This implies that the Parties to the Convention must make use of all adequate means to ensure disabled people's rights to accessibility to goods and services. Halvorsen underlines that Article 9 of the CRPD, itself, poses issues of 'availability' and 'affordability'.[152]

Since accessibility law and policy must be evaluated *vis a vis* the 'provisions' set forth by the CRPD, it seems important to understand how the CRPD fits within the legal orders considered, what legal consequences the CRPD purports to have in the domestic context and what type of 'remedy' (if any) is available in case of breach of the CRPD.

Each national system determines the conditions in which sources of public international law (including international treaties) interact with the domestic legal system.

This section does not focus on the theoretical approach (monist or dualist), but relies on it. In this respect, we limit ourselves to point out that, according to the monist approach, international agreements to which the State is a party become part of domestic law through the ratification of the international agreement and have direct legal effect on the national legal framework. Agreements are in principle directly applicable including in courts of law. The monist conception is that international law and national law are both part of one legal structure, even though they operate in different spheres. There are, however, variations to this monist approach. There are the so-called 'extreme monist': States whose constitutions expressly provide that certain treaties are directly applicable in the State and that in such cases the treaties in question are deemed superior to all laws, including the constitutions. Then there are the 'moderate monists', whose constitutions provide for direct application of certain treaties, which may only have a higher status than later legislation but not superior to the constitution. Finally, there are the 'ambivalent monists', whose practice classifies only certain treaties to be self-executing and therefore directly applicable. In dualist legal systems, the international and national legal systems form part of two separate legal spheres. In such countries, international treaties to which the State is a party have no force, as such, within the domestic legal system and domestic legislation must be adopted to

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[151] Janet Lord, 'Accessibility and Human Rights Fusion in the CRPD: Assessing the Scope and Content of the Accessibility Principle and Duty under the CRPD', (Paper delivered at the General Day of Discussion on Accessibility, Committee on the Rights of Persons with Disabilities, Geneva, 7 October 2010).

[152] *Inter alia* Rune Halvorsen, *The Accessibility Principle in the UN Convention on the Rights of Persons with Disabilities and Implication for EU Disability Law and Policy* (2009) Paper prepared for EFC UNCRPD Implementation Project (unpublished). See *supra* Section 1.

incorporate the treaty into the domestic legal order. In the analysis, Czech Republic, Germany, Italy, and the UK appear, to a greater or lesser extent, to be examples of dual legal syesystems.

ANED contributions give a general sense of how the DISCIT countries have responded to ratification of the CRPD (i.e. what laws and policies they have introduced), but they do not explain the legal meaning and potential that the CRPD displays the system. This Section examines in a general fashion the relationship between international (i.e. the CRPD) and national law in the countries under investigation. This constitutes a preliminary exercise, which then might inform the evaluation of the legislative framework under consideration.

6.2 The CRPD in the National Legal Orders

At the time of the writing of this analysis, all the countries under consideration have signed and ratified the Convention except for Ireland.[153]

Originally, in Czech Republic, Art. 87(1)(a) of the Constitution made clear that international human rights treaties (including the CRPD) enjoy higher legal force than statutes.[154] The so-called 'Euro-amendment' completely abolished the specific category of 'international human rights treaties' and replaced the previous Art. 10 of the Constitution with the following wording: 'Promulgated treaties, to the ratification of which Parliament has given its consent and by which the Czech Republic is bound, form a part of the legal order; if a treaty provides something else than the statute, the international treaty shall apply'. In addition to amending Art. 10 of the Constitution, the reference to international treaties in Art. 87(1)(a) of the Constitution was deleted. Despite the revised wording, in a landmark Judgment of 25 June 2002[155], the Czech Constitutional Court held that international human rights treaties have *a* constitutional status,[156] and ordinary courts must refer conflicts between an applicable statute and international treaties (including the CRPD) to the Constitutional Court under the constitutional review process.

In Italy,[157] although the CRPD does not have a constitutional status there is a certain degree of similarity with the Czech situation. National judges have to interpret, as far as possible, the

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[153] The main reason for this delay is the need to introduce modern legal capacity legislation as the current applicable legislation on legal capacity is the Lunacy Act of 1871. As the Government has explained and the Fifth High Level Group Report on Disability (*Fifth High Level Group Report on the Implementation of the UN Convention on the Rights of Persons with Disabilities*, May 2012, 9) has highlighted: '[t]here will be no undue delay in the State's ratification of it; however, Ireland does not become party to treaties until it is first in a position to comply with the obligations imposed by the treaty in question, including by amending domestic law as necessary'. The *Oireachtas* (National Parliament) Committee on Justice, Defence and Equality has asserted that this 19th century legislation is inadequate and insufficient to meet Ireland's obligations under the UN Convention on the Rights of Persons with Disabilities (at the time of writing the *Oireachtas* had just published the new Assisted Decision-Making Bill 2013). See at
<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2013/8313/b8313d.pdf> (accessed 10 November 2013).

[154] Michal Bobek and David Kosař, 'Report on Czech Republic and Slovakia', in Oreste Pollicino and Giuseppe Martinico (eds), *The National Judicial Treatment of the ECHR and EU Laws* (Europa Law Publishing, 2010) 119. See also at <http://eur-lex.europa.eu/n-lex-s/info/info_cz/index_en.htm> (accessed 30 October 2013).

[155] Pl. ÚS 36/01.

[156] Michal Bobek and David Kosař, 'Report on Czech Republic and Slovakia', in Oreste Pollicino and Giuseppe Martinico (eds), *The National Judicial Treatment of the ECHR and EU Laws* (Europa Law Publishing, 2010) 119 at 136.

[157] In Italy, the Convention was ratified through an ordinary law in compliance with Art. 80 of the Italian Constitution and *prima facie* has the same position in hierarchy of other ordinary laws. However, after the 2001 Constitutional reform, Art. 117 (1) provides that 'legislative powers shall be vested in the State and the Regions in compliance with the Constitution and with the constraints deriving from EU legislation and international

domestic provision in a manner consistent with the international provision.[158] However, when such an interpretation is not feasible, and when national law is plainly in breach of the CRPD (as well as with other international treaties) the national court must ask for constitutional review from the Constitutional Court. A contradiction between an ordinary law and an international treaty is ground to repeal the ordinary law or an individual provision, and this power is vested only in the Constitutional Court. In Italy, it has also been made clear through case law, that the national law ratifying the CRPD (as the norms ratifying and executing other international treaties) cannot be abrogated by a subsequent law (i.e. *resistenza passiva all'abrograzione*).

In Serbia, according to Article 16 of the 2006 Constitution,[159] '[g]enerally accepted rules of international law and ratified international treaties shall be an integral part of the legal system in the Republic of Serbia and applied directly', and '[r]atified international treaties must be in accordance with the Constitution'. 'Accepted' or 'ratified' international treaties such as the CRPD become part of the Serbian national legal system through general acts or statutes, therefore acquiring a 'sub-constitutional' status. Direct application of international treaties has been almost non-existent and is an area of debate. The Serbian Constitutional Court does not often refer directly to international treaties. Courts of lower instances or general jurisdictions do not initiate constitutional review before the Constitutional Court to claim a breach of international treaties. Thus, it is unclear in case a national law is in breach of the CRPD, whether ordinary courts must refer to the Constitutional Court for a constitutional review.

Within Germany's legal system, the CRPD has the status of an international treaty adopted domestically with the rank of an ordinary statute. There is only a specific constitutional case law dealing with the CRPD, and there is, a body of case law on the European Convention on Human Rights (ECHR). Even considering that the ECHR has a slightly different status than other international human rights treaties, as underlined by legal scholars, [160] the constitutional case law might offer an interesting piece of reference. This leads us to consider that the CRPD is unlikely to be considered a basis for constitutional review.

In the UK, which is a common law country, the situation differs. British legal culture had long been sceptical of the idea of international human rights, as epitomised by Bentham's description of human rights as 'nonsense upon stilts',[161] and instead of rights, liberty in Britain could traditionally be described as the freedom to do anything that is not forbidden by law. Nevertheless, the UK has ratified the CRPD in 2009. International treaties ratified by the UK are not directly incorporated into UK law. Instead, and in general, the UK complies with its international obligations by enacting or amending domestic legislation to ensure compatibility

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obligations'. This provision seems to establish an higher status (namely a sub-constitutional status) for international sources of law. Up to now, the most part of the Constitutional court judgments interpreting Art. 117(1) have been released on the European Convention on Human Rights- ECHR (*e.g.* cases No. 348 and 349/2007, the subsequent decisions No. 311/2009, No. 317/2009, No. 80/2011 and No. 113/2011), nonetheless, they provide a firm guidance for determining the status of the CRPD in the Italian legal order. See Delia Ferri, 'Reshaping Disability Policy Making in Italy: The 'Focal Point', the National Observatory on the Situation of Persons with Disabilities, and... the Absence of Regions?', (2012) Perspectives on Federalism, available at <http://www.on-federalism.eu/attachments/004_Volume%204%20issue%203%202012.pdf> (accessed 30 October 2013).

[158] See Italian Constitutional Court Decision No 80/2010.

[159] The text of the Serbian Constitution can be found at <http://www.srbija.gov.rs/cinjenice_o_srbiji/ustav_odredbe.php?id=217> (accessed 20 October 2013). Information on this issue has been provided by Milan Markovic (DISCIT Consortium's Member).

[160] Philipp Cede, 'Report on Austria and Germany', in Oreste Pollicino and Giuseppe Martinico (eds), *The National Judicial Treatment of the ECHR and EU Laws* (Europa Law Publishing, 2010) 55.

[161] Jeremy Waldron, *Nonsense upon Stilts: Bentham, Burke and Marx on the Rights of Man* (Routledge, 1987).

with its treaty obligations, following normal parliamentary procedures.[162] This means that if the subject matter of the international text is not covered by existing national law or if it is inconsistent with existing national law, implementation is by new national legislation which will repeal any inconsistent national law. The UK government in its report to the CRPD Committee affirms that, with respect to the CRPD,

> 'the Convention is aligned with the UK approach to disability equality which focuses on inclusion and mainstreaming, with additional support provided where necessary'[163]

In the Nordic Countries under consideration, the situation appears more blurred from the strictly legal point of view, although international treaties in both Sweden and in Norway are highly considered in the whole system.[164] With regards to Norway, it should also be noted that the CRPD was ratified quite recently.

Generally, both the Swedish and the Norwegian legal systems do not fit perfectly into the category of either a civil law or a common law system. This mixture of statutory and case law is a characteristic of what is referred to as the 'Nordic legal family'. The Nordic legal family is seen as distinct from the Anglo-American and the Roman-Germanic or Continental legal families and is often referred to as a 'third' way between common law and civil law systems.[165]

Regarding the relationship with international law, in Norway, generally speaking, according to Article 110 of the Norwegian Basic Law, national courts are obliged to review administrative action in relation to the requirement of human rights. This provision speaks of 'human rights', without particular reference to any human rights instrument, or to any other sources of law that may define them. It is not clear whether this applies also in case of a dispute among private parties. In Sweden, international conventions are not automatically incorporated into Swedish legislation, but 'are normally transformed into Swedish legislation in order to be applicable as Swedish law',[166] which occurred for the CRPD.

To conclude this succinct overview, in the Czech Republic, Italy and Serbia (despite their remarkable differences), the CRPD has a higher status than national statutory law. Both in the Czech Republic and in Italy, in case of a clash between the CRPD and national law, the ordinary courts must ask for a constitutional review to the constitutional court. In cases of Articles 9 and 21 of the CRPD on accessibility, such an event seems quite unlikely, due to the fact that both the provision have quite a wide but general formulation, and, as it appears from the Annotated

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[162] See UK Common core Document available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/468/70/PDF/G1046870.pdf?OpenElement> (accessed 20 October 2013). For a general overview see Aalt Willem Heringa and Philipp Kiiver, *Constitutions Compared. An Introduction to Comparative Constitutional Law* (Intersentia, 2012) at 177.

[163] UK Government - Office for Disability, *Initial Report on the UN Convention on the Rights of Persons with Disabilities,* available at <http://odi.dwp.gov.uk/docs/disabled-people-and-legislation/uk-initial-report.pdf> (accessed 20 October 2013) and at <http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx> (accessed 20 October 2013).

[164] See at <http://www.government.se/sb/d/3104> (accessed 20 October 2013); see also the statement made by Ann Mari Saebona on 10 February 2012 at the Commission for Social Development - Fiftieth session, available at <http://www.un.org/esa/socdev/csocd/2012/docs/govts/Norway.pdf> (accessed 20 October 2013).

[165] Laura Carlson, *The Fundamentals of Swedish Law, A Guide for Foreign Lawyers and Students*, (Studentlitteratur, 2009) 36; Paolo Bianchi, 'Gli ordinamenti scandinavi', in Paolo Carrozza, Alfonso di Giovine and Giuseppe F Ferrari (eds), *Diritto costituzionale Comparato* 5.

[166] Swedish Government, *Initial Report submitted by States parties under article 35 of the Convention*, available at <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx> (accessed 30 October 2013).

Bibliography-Part A, both Italy's and the Czech Republic's national legislations include accessibility provisions.[167]

In Norway, it seems plain that administrative action can be reviewed in light of the CRPD, and thus also in light to Article 9 and 21 of the CRPD. In the other countries considered (Sweden and the UK), direct application of the CRPD seems to be excluded, and it seems that the principle of consistent interpretation or the repeal of a non-consistent act are the main ways to align national law to the CRPD.

In Ireland, the CRPD, when ratified, should be incorporated as a domestic law. Article 29.6 of the Irish Constitution marks Ireland clearly as a dualist jurisdiction when it comes to international law, providing that 'No international agreement shall be part of the domestic law of the State save as may be determined by the *Oireachtas'*. Should Ireland ratify the CRPD but not incorporate it into domestic law, this does not necessarily mean that it is of no recourse to the individual who wishes to avail of the rights and protections within it. There are a number of ways in which unincorporated treaties can be useful in domestic litigation, including as interpretive aids or persuasive precedents.

6.3 The CRPD as EU law

In the EU countries considered (namely Czech Republic, Germany, Ireland, Italy, Sweden and the UK) the status and the effects of the CRPD cannot simply be the same as other international sources. This is so because, on 26 November 2009, the European Community (now of course the European Union, or the 'EU') also acceded to this Convention.[168]

The CRPD is a mixed agreement. 'Mixity' refers to the fact that part of an international agreement falls within the scope of the powers of the EU, and part falls within the scope of the powers of the Member States. Mixed agreements are signed and concluded by the EU and its Member States on the one hand, and by a third party on the other.

Having regard to the CRPD, the legal justification for mixity is that the EU competences did not cover the broad scope of the entire agreement (e.g. legal capacity, considered in Article 12 CRPD, is clearly outside EU competence). 'Mixed agreements' are a very complex topic of scholarly debate.[169] This is because their existence is deeply interrelated with the autonomy of EU legal order and with the division of powers doctrine, and their effects cannot be understood easily. With respect to the CRPD, Waddington, while reflecting on the obligations binding the EU, concludes that the accession to the CRPD by the EU raises several unresolved issues.[170]

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[167] However, it is note that Czech legislation addresses only accessibility of buildings, public transportation, accessibility of information provided by state/public administration via internet. Accessibility related to any other technologies such as ICT is not covered.

[168] Council Decision 2010/48/EC, [2010] OJ L 23/35.

[169] On mixity, see *ex multis* Christophe Hillion and Panos Koutrakos (eds), *Mixed Agreements Revisited* (Hart Publishing, 2010); Peter Eeckhout, *External Relations of the European Union*, (2nd ed., Oxford University Press, 2011) 212; Eelefteria Neframi, 'Mixed Agreements as a Source of European Union Law' in Enzo Cannizzaro, Paolo Palchetti, Ramses Wessel (eds), *International Law as Law of the European Union* (Leiden/Boston: Martinus Nijhoff Publishers, 2011); Jan Heliskosky, *Mixed Agreements as a Technique for Organizing the International Relations of the European Community and its Member States* (Kluwer Law International, 2001).

[170] Lisa Waddington, 'The European Union and the United Nations Convention on the Rights of Persons with Disabilities: A Story of Exclusive and Shared Competences', (2011) 18 Maastricht Journal of European and Comparative Law 431.

Without exploring the complexity of mixed agreements, it suffices to point out that the CRPD is at least partially EU law and should be treated as EU law.

The status of international agreements within the hierarchy of sources of law, which will be discussed below, was also considered by the Court of Justice of the European Union (CJEU or simply 'the Court'). The Court argued that international treaties are situated formally below the provisions of the Treaties.[171] In particular regarding mixed agreements, the CJEU also stated that they 'have the same status of purely Community agreements, in so far as the provisions fall within the scope of Community competence'[172], without really explaining what the scope of the (now) EU's power is. The quoted statement has been widely discussed by scholars, but the question on whether or not a mixed agreement is, in its *entirety*, a source of EU law is still unresolved. The most obvious (and perhaps simplistic) conclusion is that those provisions of international agreements falling under the EU's exclusive or shared competence are undoubtedly sources of EU law, while those provisions that fall under the competence of the Member States (and, thus, outside the competence of the EU) cannot be considered EU law, and are for the Member States purely international provisions.

With regard to the provisions concerning 'accessibility' in the broad meaning outlined in Section 2, the EU clearly has competence to act. Accessibility measures have been adopted in the fields of physical environment, transportation, ICT, consumer protection, currency and transactions, public procurement, and that an important recent development is the proposal for a European Accessibility Act.[173] In addition, the EU has exclusive competence to establish the competition rules necessary for the functioning of the internal market, and this greatly influences the production and circulation of accessible technology. Lastly, as it appears from the European Disability Strategy, accessibility is one of the areas for action to which a high priority has been given in the first two years of implementation.

That the CRPD is a mixed agreement, and that the area of accessibility is mainly governed by EU law has a range of consequences both for the EU legal order as such, and for the national legal orders considered.

In respect to the EU legal order, in hierarchical terms, the CRPD is as suggested above, inferior to the provisions of the Treaty on the Functioning of the European Union (TFEU) and the Treaty on European Union (TEU), but is superior to secondary EU law.[174] The latter point implies that provisions of EU secondary law provision on accessibility must, as far as possible, be interpreted in a manner that is consistent with the CRPD, and in particular with Article 9 of the CRPD.

The Court of Justice of the EU (CJEU) has firmly asserted its competence to interpret international agreements,[175] including mixed agreements.[176] Thus, in a situation governed by EU law, a national judge suspecting a conflict between a domestic provision and the CRPD should ask for a preliminary ruling under Article 267 of the TFEU. The national judge can also ask also

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[171] Case C-61/94, *Commission v. Germany*, [1996] E.C.R. I-3989.

[172] *Ex multis,* Case C-239/03, *Etang de Berre*, [2004] E.C.R. I-07357.

[173] Annika Ahtonen and Romain Pardo, 'The Accessibility Act – Using the single market to promote fundamental rights' (European Policy Centre, 2013), available at
<http://www.epc.eu/documents/uploads/pub_3393_the_accessibility_act.pdf> (accessed 26 November 2013).

[174] *Inter alia* Case C-61/94, *Commission v. Germany* [1996] E.C.R. I-3989.

[175] Case 104/81, *Hauptzollampt Mainz v. Kupferberg* [1982] E.C.R. 3641.

[176] Case 12/86, *Meryem Demirel v. Stadt Schwäbisch Gmünd,* [1987] E.C.R. *3719*. See Jan Heliskosky, *Mixed Agreements as a Technique for Organizing the International Relations of the European Community and its Member States* (Kluwer Law International, 2001) 54.

whether (in situation governed by EU law)[177] the CRPD provision has direct effect.[178] In general, to determine whether a provision displays direct effect, the Court examined whether the Parties to the agreement have established the effect of its provisions in their internal legal order.[179] If not, it considered whether an agreement is capable of stipulating directly effective provisions by examining 'the purpose, the spirit, the general scheme and the terms' of the agreement.[180]

Moreover, it examined whether the relevant provision contains a clear and sufficiently precise obligation, which is not subject, in its implementation or effect, to the adoption of any subsequent measure.[181] Drawing on the discussion above, *in abstracto* the CRPD seems capable, in light of its objectives and spirit, of conferring rights upon individuals, but its provisions are literally addressed to the Parties, and they are formulated in very general terms.[182] In particular, Articles 9 or 21 of the CRPD have an extremely broad scope and clearly do not satisfy the requirements laid down by the CJEU.

7 The Structure of the Comparative Analysis

The comparative legal analysis in WP 7 aims to identify which regulatory framework is the most effective to ensure that people with disabilities are recognised as 'active citizens'.

The analysis will adopt a tripartite structure.

The first part, titled *'Sculpting the market'*, will address the role of public subsidies (and the legislation related to them) in fostering accessible technology. First, incentives to the 'supply' side will be addressed. Most of the reports on ICT and assistive technologies listed in the Annotated Bibliography highlight that basic technologies are already available today, but there is still the need for research and development (R&D) to improve existing products and continue developing new ones. The research will investigate which incentives to R&D have been put in

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[177] In *Merck Genéricos*, on a reference from the Portuguese Supreme Court concerning the effect of Art. 33 of the TRIPs Agreement, the Court held that, 'when the field is one in which the Community has not yet legislated and which consequently falls within the competence of the Member States, the protection of intellectual property rights and measures taken for that purpose by the judicial authorities do not fall within the scope of Community law, so that the latter neither requires nor forbids the legal order of a Member State to accord to individuals the right to rely directly on a rule laid down in the TRIPs Agreement or to oblige the courts to apply that rule of their own motion'. Consequently, in the latter case, it is up to the national judge to accept or deny the direct effect of international provisions in those areas that fall within the competence of the Member States.

[178] Opinion of AG Maduro in *Fabbrica italiana accumulatori motocarri Montecchio SpA (FIAMM) and Fabbrica italiana accumulatori motocarri Montecchio Technologies LLC- Giorgio Fedon & Figli SpA*, (Joined cases C-120/06 P and C-121/06 P), E.C.R. [2008] I-6513.

[179] Case 104/81, *Kupferberg*, [1982] E.C.R. 3641; Joined Cases C-120/06 P and C-121/06 P, *Fabbrica italiana accumulatori motocarri Montecchio SpA (FIAMM) and Others v Council of the European Union and Commission of the European Communities,* [2008] E.C.R. I-6513, para 108.

[180] Case C-280/93, *Germany v Council*, [1994] E.C.R. I-4973, para 110.

[181] Case C-344/04, *R v Department of Transport ex parte IATA*, [2006] E.C.R. I-403, para 39. As stated by Advocate General Maduro in *FIAMM*, it is apparent that an international agreement has direct effect in the EU legal system only subject to the dual condition that the terms, nature and general scheme of the agreement do not prevent it from being relied upon, and that the provisions relied upon appear, in the light of both the object and purpose of the agreement and of its context, to be unconditional and sufficiently precise, or in other words that they contain a clear and precise obligation which is not subject, in its implementation or effects, to the adoption of any subsequent measure (Para 27).

[182] See Opinion of AG Whal C-363/12 *Z v. A Government Department and the Board of Management of a Community School* [not yet published].

place, and what role they have played. In addition, subsidies to actual production will be investigated. The 'chicken-and-egg' challenge in accessible technology marketplace is that industry is reluctant to invest in products without an expressed demand of them. Subsidies to the production is thus a important issue to investigate.

Since State aid falls under the EU control, the first part of the analysis focuses on EU law. According to Art. 107(1) TFEU, any aid granted by a Member State or through State resources, in any form whatsoever, which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is, in principle, in so far as the aid affects trade between Member States, incompatible with the internal market. The term 'aid' goes far beyond a mere subsidy. State aid can take various forms, ranging from grants to low-interest loans, guarantees, tax exemptions, or more complex forms of support financed by State resources, in so far as it confers an economic advantage to the recipient which he would not have received in the normal course of business. Art. 107(2) and (3) set out exemptions to the general prohibition contained in Art. 107(1) TFEU, on the premise that markets do not always work properly if left alone, and may need some intervention from the State to work more effectively, to eliminate inequalities and raise consumer welfare. The EU's supervision of State aid is based on a system of *ex ante* authorisation by the Commission: this means that State aid is prohibited unless the Commission has been notified of the aid and has then approved it under the exceptions laid down in Article 107(2)(3) TFEU. In addition, in the last few years the Commission has adopted regulations which declare certain types of aid to be lawful, exempting them from the obligation of prior notification.[183]

WP 7 will thus consider both EU State aid rules and national State aid schemes put in place in the DISCIT countries.

The first part of the research will also focus on subsidies to the 'demand' side. With regard to AT, the situation in the DISCIT countries appears to be quite patchy. In many of the countries considered AT is either not taxed, or provided through the health system.[184] Therefore, the research conducted under WP 7 will compare different provisions. From this comparative analysis different conception of the role of the State will emerge.

The second part will focus on '*Regulatory Choices*' made in the DISCIT countries, and will investigate the role of non-discrimination and accessibility legislation. Particular attention will be paid to public procurement legislation, as a vehicle to incentivize accessible technology. The EU Reports 'Public Procurement for Research and Innovation' released in 2005, and 'Creating an Innovative Europe' published in 2006 called on governments to use public procurement to

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[183] See e.g. Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to *de minimis* aid [2006] OJ L 379/5. For a critical overview of the regulation see Michael Berghofer, 'New De Minimis Regulation: Enlarging the Sword of Damocles' (2007) European State Aid Law Quarterly 11. See also the Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty – General Block Exemption Regulation [2008] OJ L214/3. The GBER is structured into three main chapters: the first one contains horizontal provisions (scope, definitions...), the second one contains detailed substantive conditions applying to each type of aid included in the GBER, the third one includes final provisions. On the GBER see among others Kristyna Deiberova and Harold Nyssens, 'The new General Block Exemption Regulation (GBER): What changed?', (2009) European State Aid Law Quarterly 27; Michael Berghofer, 'The General Block Exemption Regulation: A Giant of Feet Clay', (2009) European State Aid Law Quarterly 323.

[184] Deloitte & Abilitynet, *The Internal Market for assistive ICT. Draft Final report for the European Commission* (2011).

drive demand for innovative goods.[185] EU legislation already include accessibility provisions. This provision in combination with the will to stimulate innovation might boost accessible technology production: WP 7 will explore the role that these provisions have played and their implementation in the DISCIT countries.

There is extensive general documentation on accessibility law and policy for different Member States and in the EU, as shown by the Annotated Bibliography-Part A. The content of accessibility measures adopted in different EU countries and by the EU has been sketched out in the Disability Online Tool of the Commission (DOTCOM)[186], in the 2012 report of the Disability High Level Group (DHLG),[187] and in several ANED 'country-related' reports. WP 7 will build upon this material, and focus on the convergences and divergences in the legal frameworks considered. We will observe how the legal frameworks promote both 'universal design' and assistive technologies as defined above.

Although Germany is a federal system and Italy is a regional one, and, in both the states, respectively *Lander* and Regions display a relevant function, we limit ourselves to national legislation,[188] in combination with EU law.

The third part will focus on the role of standardization and standards. In addition to 'accessibility standards' which nudge the market towards a more accessible technology, 'interoperability' standards are also extremely relevant for a more inclusive market. With reference to accessible technology, the importance of interoperability standards has been noted in the case of telecare, home telehealth and smart home developments. Among others, the study *ICT & Ageing. European Study on Users, Markets and Technologies* points out that in the market of these products the lack of 'technical interoperability of independent living systems and devices seems to be a bottleneck yet to be overcome'.[189]

In general, as highlighted by legal and economic scholarship, standards 'tend to increase competition and allow lower output and sales costs, thus benefiting the economy as a whole',[190]

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[185] Expert Group Report, *Public Procurement for Research and Innovation*, (European Commission, September 2005) available at <http://ec.europa.eu/invest-in-research/pdf/download_en/edited_report_18112005_on_public_procurement_for_research_and_innovation.pdf> (accessed 30 October 2013); Independent Expert Group on Research and Development, *Creating an Innovative Europe*, (European Commission, January 2006) available at < http://ec.europa.eu/research/era/docs/en/creative-an-innovative-europe-en.pdf> (accessed 30 October 2013).

[186] <http://www.disability-europe.net/dotcom> (accessed 30 October 2013).

[187] High Level Group (2012), *Fifth Disability High Level Group Report on the Implementation of the UN Convention on the Rights of Persons with Disabilities*, available at <http://ec.europa.eu/justice/discrimination/files/dhlg_5th_report_en.pdf> (accessed 30 September 2013).

[188] A complete overview of relevant legislation can be found in the Guide "*I diritti dei cittadini con disabilità*" (available also in English), at <http://www.disabili.com/legge-e-fisco/speciali-legge-a-fisco/diritti-dei-disabili> (accessed 05 May 2011).

[189] Empirica and WRC, *ICT & Ageing. European Study on Users, Markets and Technologies* (Report prepared by Empirica and WRC on behalf of the European Commission, Directorate General for Information Society and Media- Brussels, 2010).

[190] Commission Communication 'The role of European standardisation in the framework of European policies and legislation' COM(2004) 674 final; '2011 Guidelines' (n 17). On the positive effects of standardization see *ex pluribus* Damien Gerardin and Miguel Rato, 'Can Standard Setting lead to Exploitative Abuse? A Dissonant View on Patent Hold-Up, Royalty Making and the Meaning of FRAND' (2007) European Competition Law Journal 101; Ruben Schellingerhout, 'Standard-setting from a competition law perspective', (2011) Competition Policy Newsletter 3. The positive effects of standards are also highlighted by Mark R Patterson, 'Inventions, Industry

and provide consumers with benefits in terms of usability and interoperability.[191] In addition, within the EU or the EEA, standards 'may facilitate market integration and allow companies to market their goods and services in all Member States, leading to increased consumer choice and decreasing prices'.[192]

Therefore, WP 7 will devote attention to standardization focusing on functional performance standards such as EN 301 546 and WCAG.

Standards, and Intellectual Property', (2003) Berkeley Technology Law Journal 1043, available at <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=386861&download=yes> (accessed 20 October 2013).

[191] Marcus Glader, 'Open Standards: Public Policy and Competition Law Requirements' (2010) European Competition Journal 611 at 614. See also Herbert Hovenkamp, 'Standards Ownership and Competition Policy', (2007) University of Iowa Legal Studies Research Paper, available at <http://ssrn.com/abstract= 889335> (accessed 02 May 2013). On the desirability of standards and on competing standards see Tineke M Egeyedi, 'On the implications of competing standards', in Swedish Competition Authority, *The Pros and Cons of Standard Setting*, 2010 available at http://www.kkv.se/upload/Filer/Trycksaker/Rapporter/Pros&Cons/rap_pros_and_Cons_standard_setting.pdf> (accessed 01 May 2013). See also Swann, 'The Economics of Standardisation: An Update', Report for the UK Department of Business, Innovation and Skills, 2010, available at <http://www.bis.gov.uk/assets/biscore/innovation/docs/e/10-1135-economics-of-standardization-update.pdf> (accessed 10 November 2013).

[192] Directorate for Financial and Enterprise Affairs Competition Committee, Working Party No. 2 on Competition and Regulation-Standard Setting, DAF/COMP/WP2/WD(2010)29, available at <http://ec.europa.eu/competition/international/multilateral/2010_standardsetting.pdf> (accessed 20 October 2013).

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ANNEX I
Annotated Bibliography -Part A

Accessibility Law and Policies

Dr. Delia Ferri and Ms. Clíona de Bhailís

with the contribution of the Consortium's Members

Roadmap

Work Package 7 (WP 7) addresses the relationship between the development of technology and regulation of the technology market in order to ensure the accessibility of new products. Task 7.1 reviews and synthesises existing studies on accessible technology and accessibility law and policy in Czech Republic, Germany, Ireland, Italy, Norway, Serbia, Sweden and the UK. This task is presented through an Annotated Bibliography consisting of two main complementary parts, (i.e. parts A and B), each preceded by a roadmap.

The Annotated Bibliography-Part A lists accessibility law and policy in the EU, and in the DISCIT countries (Czech Republic, Germany, Ireland, Italy, Norway, Serbia, Sweden and the UK). It also contains an appendix on Switzerland. For the purpose of this review, the broad meaning of accessibility provided for in the CRPD, explored in the Analytical Framework, is adopted, even though areas such as education and justice are out of the scope of this bibliography and of Work Package 7. It also includes selected reports and academic sources on accessibility. Law and policy documents are listed regardless the year of adoption in so far they are into force. For other sources (reports or academic sources), the time frame is 10 years (2004-2013).

The Annotated Bibliography- Part A cannot be regarded as exhaustive: it rather contains selected sources, and aims to give a 'big picture' of both the law and policy on accessibility and the current scholarship and existing studies on this topic. It is intended to be an immediate and easy to read bibliographic tool for scholars and preliminary exercise to the comparative analysis which will be carried out in WP 7.

The Annotated Bibliography- Part A is structured as follows.

The first section lists **EU Hard and Soft Law** on accessibility. The second one focus on **Standardization**.

Then, for each one of the DISCIT countries, **Legislation and Policy Programmes** are listed, together with **Official Reports** (i.e reports released by national institutions or agencies), other **Reports or Studies** (i.e. reports and/or studies produced by academic networks, think tanks, research groups), and **Academic Literature** (i.e. articles on peer reviewed legal journals, online academic papers, books) on accessibility. We selected policy or legal studies, which do not have an academic approach, and a few technical studies, which contain relevant data on national legislation and/or provide information on accessibility in the country considered. Most of the studies and the academic sources listed are in English language. Selected sources in the national language provided by the DISCIT Consortium's members are listed where appropriate. **Other Relevant Sources** (websites, national standards etc.) are listed.

For ease of reference, the studies and the academic sources are listed in a table in reverse chronological order and a succinct summary is provided.

In addition, the Annotated Bibliography-Part A includes a list of **Selected Comparative Studies** (in English), whose comparative analysis involves some (if not all) of the DISCIT countries. For ease of reference, the sources are listed in a table in reverse chronological order and a succinct summary is provided (where possible).

Under the heading **Other Sources**, the Annotated Bibliography-Part A lists official reports and other general reports or studies (i.e. produced by academic networks, think tanks, research groups) which, while not providing specific information on the DISCIT countries under consideration, focus on accessibility in a general fashion.

Under the heading **Additional Relevant Academic Sources,** Part A lists sources, whilst not specifically referring to the DISCIT countries, discuss accessibility, or EU law on accessibility. This Section is not intended to be complete. Rather, we have selected the most relevant publications, which prove relevant for the purpose of the research conducted in WP 7.

Relevant EU Hard and Soft Law

Hard Law

Transport

- Directive 95/16/EC of 29 June 1995 on the approximation of the laws of the Member States relating to lifts, amended by Regulation (EC) No 1882/2003, Directive 2006/42/EC and Regulation (EU) No 1025/2012

- Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system, [1996] OJ L235/6 amended by Directive 2004/50/EC

- Directive 2000/9/EC of 20 March 2000 relating to cableway installations designed to carry persons, [2000] OJ L106/21

- Directive 2001/16/EC of 9 March 2001 on the interoperability of the trans-European conventional rail system, [2001] OJ L110/1

- Directive 2001/85/EC of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC, [2002] OJ L42/1

- Regulation (EC) 261/2004 of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, [2004] OJ L46/1

- Regulation (EC) 1107/2006 of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, [2006] OJ L204/1

- Regulation (EC) 1899/2006 of 12 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, [2006] OJ L 377/1

- Directive 2006/87/EC of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC, [2006] OJ L389/1

- Directive 2007/46/EC of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive), as amended, [2007] OJ L263/1.

- Regulation (EC) 1370/2007 of 23 October 2007 on public transport services by rail and by road and repealing Council regulations (EEC) Nos. 1191/69 and 1107/70, [2007] OJ L315/1

- Regulation (EC) 1371/2007/EC of 23 October 2007 on rail passengers' rights and obligations, [2007] OJ L315/14

- Commission Regulation (EC) 8/2008 of 11 December 2007 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane, [2008] OJ L10/1

- Commission Decision of 21 December 2007 concerning the technical specification of interoperability relating to 'persons with reduced mobility' in the trans-European conventional and high-speed rail system (PRM-TSI) (2008/164/EC), [2008] OJ L64/72

- Directive 2009/45/EC of 6 May 2009 on safety rules and standards for passenger ships (Recast), [2009] OJ L163/1

- Regulation (EU) 1177/2010 of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) 2006/2004, [2010] OJ L334/1

- Regulation (EU) 181/2011/EC of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) 2006/2004, [2011] OJ L55/1

Access to Documents/Information
- Regulation (EC) 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, [2001] OJ L145/43

- Regulation (EC, Euratom) 1700/2003 of 22 September 2003 amending Regulation (EEC, Euratom) No 354/83 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community, [2003] OJ L243/1

- Directive 2004/27/EC of 31 March 2004 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use, [2004] OJ L136/34

- Regulation (EU) 1169/2011 of 25 October 2011 on the provision of information to consumers, amending Regulation (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) NO 608/2004, known as the Regulation on the Provision of Food Information to Consumers, [2011] OJ L304/18

Access to ICT
- Directive 1999/5/EC of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity, [1999] OJ L91/10

- Directive 2000/31/EC of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce), [2000]OJ L 178/1

- Directive 2002/22/EC of 7 March 2002 on universal service and users rights relating to electronic communications networks and services (Universal services Directive), [2002] OJ L108/51

- Directive 2002/22/EC of 7 March 2002 on universal service and users rights relating to electronic communications networks and services (Universal services Directive) as amended by Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws, [2009] OJ L337/11.

- Directive 2009/140/EC of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services, [2009] OJ L 337/37

Public Procurement

- Directive 2004/17/EC of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors, [2004] OJ L134/1

- Directive 2004/18/EC of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, [2004] OJ L134/114

- Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts, [2007] OJ L335/31

Standardisation

- Commission Decision of 28 November 2011 setting up the European multi-stakeholder platform on ICT standardisation, [2011] OJ C 349/4

- Regulation (EU) No. 1025/2012 on European Standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/1052/EC of the European Parliament and of the Council and repealing Decision 98/95/EEC and Decision No 1673/2006/EC, [2012] OJ L316/12

- List of national standardisation bodies pursuant to Article 7 of Regulation (EU) No 1025/2012 on European standardisation, [2013] OJ C 279/15

Other Relevant Instruments

- Regulation (EC) 975/98 of 3 May 1998 on denominations and technical specifications of euro coins intended for circulation, [1998] OJ L 139/6

- Regulation (EC) 423/1999 of 22 February 1999 amending Regulation (EC) No. 975/98 on denominations and technical specifications of euro coins intended for circulation, [1999] OJ L 52/2

- Decision 1639/2006 EC of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007-2013), [2006] OJ L 310/15

- Decision 742/2008/EC of 9 July 2008 on the Community's participation in a research and development programme undertaken by several Member States aimed at enhancing the quality of life of older people through the use of new information and communication technologies, [2008] OJ L201/49

Proposed Legislation

Transport

- Proposal for European Parliament and Council Regulation on Union guidelines for the development of the trans-European transport network, COM(2011) 650

- Proposal for a Regulation of the European Parliament and Council establishing the Connecting Europe Facility (regulating the conditions for providing EU aid to trans-European networks), COM(2011) 665 final

- Proposal for a Directive on procurement by entities operating in the water, energy, transport and postal services sectors, COM (2011) 895 final

Accessibility in General

- Proposal for a European Accessibility Act [The European Disability Strategy states that, following consultations with Member States and other stakeholders (which occurred in 2012, available at <http://ec.europa.eu/justice/newsroom/discrimination/opinion/111207_en.htm> (accessed 30 October 2013), the Commission will consider whether to propose a 'European Accessibility Act'. A proposal for legislation is expected in the course of 2013.

Access to ICT

- Proposal for a Directive on the Accessibility of Public Sector Bodies' Websites COM(2012) 721 final)

- Proposal for a Regulation on electronic identification and trust services for electronic transactions in the internal market, COM(2012) 238 final

Relevant Soft Law

Transport

- Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions – Action Plan on Urban Mobility, COM(2009) 0490 final

- Communication from the Commission to the European Parliament and the Council 'A European vision for Passengers: Communication on Passengers Rights in all transport modes', COM(2011) 0898 final

Access to ICT

Communications of the European Commission

- Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions - eEurope 2005: An information society for all - An Action Plan to be presented in view of the Seville European Council, 21/22 June 2002, COM(2002)0263 final

- Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'i2010 - A European Information Society for growth and employment', COM(2005)229 final

- Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee and the Committee of the Regions 'eAccessibility', COM(2005)425 final

- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Towards an accessible information society', COM(2008)804 final

- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Digital Agenda for Europe, COM(2010) 0245 final

- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Single Market Act, Twelve Levers to boost growth and strengthen confidence: Working together to create new growth'), COM(2011) 206 final

- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Universal service in e-communications: report on the outcome of the public consultation and the third periodic review of the scope in accordance with Article 15 of Directive 2002/22/EC', COM(2011)0795 final

- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Single Market Act II: Together for new growth'), COM(2012) 573 final

- Commission communication in the framework of the implementation of the Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (Publication of titles and references of harmonised standards under Union harmonisation legislation), 2013/C 297/01

Declarations and Resolutions of the European Parliament

- Declaration of the European Parliament of 17 November 2011 on the need for accessible 112 emergency services [2013] OJ C 153 E/165

- Mobility and inclusion of people with disabilities European Parliament resolution of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 (2010/2272(INI)) [2013] OJ C 131 E/9

Other Institutions Documents

- Opinion of the European Economic and Social Committee on Enhancing digital literacy, e-skills and e-inclusion (exploratory opinion), [2011] OJ *C* 318/9

Standardisation

Communications of the European Commission

- Commission Communication 'The role of European standardisation in the framework of European policies and legislation' COM(2004) 674 final

- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee 'The annual Union work programme for European standardisation' COM (2013)0561 final

Declarations and Resolutions of the European Parliament

- Future of European standardisation European Parliament resolution of 21 October 2010 on the future of European standardisation (2010/2051(INI)), [2012] OJ C 070/56

Standards and Standardisation Mandates

ESOs Websites

- **European Committee on Standardization (CEN)**

The European Committee for Standardization was officially created as an international non-profit association based in Brussels on 30 October 1975.

CEN is a major provider of European Standards and technical specifications. It is the only recognized European organization for the planning, drafting and adoption of European Standards in all areas of economic activity with the exception of electrotechnology (CENELEC) and telecommunication (ETSI) (see below).

<http://www.cen.eu/cen/Pages/default.aspx> (accessed 30 November 2013)

- **CENELEC**

CENELEC is the European Committee for Electrotechnical Standardization and is responsible for standardization in the electrotechnical engineering field. CENELEC prepares voluntary standards, which help facilitate trade between countries, create new markets, cut compliance costs and support the development of a Single European Market. Designated as a European Standards Organization by the European Commission, CENELEC is a non-profit technical organization set up under Belgian law. It was created in 1973 as a result of the merger of two previous European organizations: CENELCOM and CENEL.

<http://www.cenelec.eu/> (accessed 30 November 2013)

- **ETSI**

The European Telecommunications Standards Institute (ETSI), produces globally-applicable standards for Information and Communications Technologies (ICT), including fixed, mobile, radio, converged, broadcast and internet technologies. ETSI is a not-for-profit organization with more than 700 ETSI member organizations drawn from 62 countries across 5 continents world-wide. The organization is officially recognised as a European Standards Organization.

<http://www.etsi.org/> (accessed 30 November 2013)

Relevant Standards

- CEN/CENELEC Guide 6 'Guidelines for standards developers to address the needs of elderly persons and persons with disabilities'

- CENELEC Guide 28 on 'Accessibility in interfaces in low voltage electrical installations – a guide for standards writers'

- EN 81-70:2003 Safety rules for the construction and installations of lifts — Particular applications for passenger and goods passenger lifts — Part 70: Accessibility to lifts for persons including persons with disability, of 6 August 2005

- EN 12929-1:2004 Safety requirements for cableway installations designed to carry persons - General requirements – Part 1: Requirements for all installations

- EN 12397:2004 Safety requirements for cableway installations designed to carry persons – Operation

- EN 13796-1:2005 Safety requirements for cableway installations designed to carry persons – Carriers – Part 1: Grips, carrier trucks, on-board brakes, cabins, chairs, carriages, maintenance carriers, tow-hangers

- EN 12312-14:2006+A1:2009 Aircraft ground support equipment - Specific requirements - Part 14: Disabled/incapacitated passenger boarding vehicles, 08/09/2009

- EN 81-40:2008 Safety rules for the construction and installation of lifts - Special lifts for the transport of persons and goods - Part 40: Stair lifts and inclined lifting platforms intended for persons with impaired mobility, 08 September 2009

- EN 81-41:2010 Safety rules for the construction and installation of lifts - Special lifts for the transport of persons and goods - Part 41: Vertical lifting platforms intended for use by persons with impaired mobility, 08 March 2011

- ETSI Guide EG 202 116: Guidelines for products and services 'Design for All' (DfA)

Relevant Mandates

- Mandate 273 to the European Standards Bodies for Standardization in the field of information and communications technologies (ICT) for disabled and elderly people, M/273 – EN, Brussels 29 September 1998

- Mandate 283 to the European Standards Bodies for a guidance document in the field of safety and usability of products by people with special needs (e.g. elderly and disabled), M 283 – EN, Brussels 24 June 1999

- Mandate 376 to CEN, CENELEC and ETSI, in support of European Accessibility Requirements for Public Procurement of Products and Services in the ICT Domain, M 376 – EN, Brussels 7 December 2005

- Mandate 420 to CEN, CENELEC and ETSI, in support of European Accessibility requirements for Public Procurement in the Built Environment, M/420 – EN, Brussels 21 December 2007

- Mandate 466 Programming Mandates addressed to CEN in the field of the Structural Eurocodes, M/466 – EN, Brussels 19 May 2010

- Standardisation Mandate 473 to CEN, CENELEC and ETSI to include the "Design for all" approach in several standardization initiatives, M/473 – EN, Brussels 1 September 2010

Other Platforms

- **European Multi-Stakeholders Platform on ICT Standardisation (E02758)**

  Advisory Expert Group on all matters related to European ICT Standardisation and its effective implementation (EDF, and AGE Platform are part of the members. <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2758> (accessed 30 October 2013)

Other International SSOs

- Information & Communications Technologies Standards Board (ICTSB)
  **Initiative from the European Standardisation organization CEN, CENELEC and ETSI that coordinates specification activities in the field of ICT.
  <http://www.ictsb.org/> (accessed 13 January 2014)**

- ISO/IEC JTC 1 Information technology
  **Technical Committee founded in 1987 as a part of ISO where experts meet to develop ICT standards for business and consumer applications.
  <http://www.iso.org/iso/home/standards_development/list_of_iso_technical_committees/iso_technical_committee.htm?commid=45020> (accessed 13 January 2014)**

- WCAG2ICT Task Force
  **Task force a part of the Web Content Accessibility Guidelines Working Group and creates guidance on applying Web Content Accessibility Guidelines 2.0 (WCAG 2.0) including principles and success criteria.
  < http://www.w3.org/WAI/GL/WCAG2ICT-TF/>(accessed 13 January 2014)**

Relevant International Standards

- ISO/IEC, Guide 71.Guidelines for standards developers to address the needs of older persons and persons with disabilities, available at <http://www.iso.org/iso/iso_iec_guide_71_2001.pdf> (accessed 30 September 2013)

- ISO '9999:2011 Assistive products for persons with disability - Classification and terminology', available at <http://www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=50982 > (accessed on 30 October 2013)

- ISO 40500:2012 Web Content Accessibility Guidelines (WCAG 2.0) with recommendations on web accessibility, available at <http://www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=58625 >(accessed 13 January 2014)

Czech Republic

Relevant Legislation

Non-Discrimination

- **Charter of Fundamental Rights and Freedoms** (*2/1993 Sb., Listina základních práv a svobod*, Collection of Laws 1993, no. 1 p. 17)
- The Charter prohibits discrimination in regard to basic rights and freedoms in respect of sex, race, colour, language, religion or belief, political or other orientation, national or social origin, adherence to national or ethnic minority, property, birth or any other status. Other grounds, such as disability might fall under 'other status'.
- **Czech Anti-Discrimination Act** (*Zákon č. 198/2009 Sb., o rovném zacházení a o právních prostředcích ochrany před diskriminací a o změně některých zákonů (antidiskriminační zákon* - Anti-discrimination Law No. 198/2009 Coll.)
- Paragraph 1 concerns access to employment and occupation, and other self-employment, service conditions, goods and services, housing, health care, and education.

Transport

The ANED report signals that an amendment to Act No. 111/1994 Coll. on road transport is currently being prepared.

Built Environment

- **Building Act** (Act No. 183/2006 Coll., on Special Planning and Building Code, as amended)

  The Building and Construction Authority can, under the provisions of the Act, order the owner of the construction, building site or developed area to arrange for its barrier-free access and usage.

- **Implementing Decrees to the Building Act** (Implementing Decree No. 398/2009 Coll., No. 499/2006 Coll., No. 501/2006 Coll., No. 503/2006 Coll. to Act No. 183/2006 Coll., on Special Planning and Building Code)

  These decrees contain solutions for barrier-free accessibility regarding all kinds of construction.

- **Decree on General Land Use Requirements** (Decree No.501/2006 Coll.)

  This decree determines conditions for designing public areas so as to allow their barrier-free usage.

- **Decree on General Technical Requirements for Barrier-Free Usage of Constructions** (Decree No. 398/2009 Coll.)

  This decree specifies general technical requirements for buildings and their parts so as to ensure their usage by persons with mobility related, visual, hearing and mental disability, the elderly, pregnant women, and persons accompanying a child in a pram or a child under the age of three.

ICT

- **Television and Radio Broadcasts Act** (*Zákon č. 231/2001Sb. o provozování rozhlasového a televizního vysílání*, Act No. 483/1991 Coll., on the Czech Television, Act No. 231/2001 Coll, Act No. 348/2005 Coll, Act No. 231/2001 Coll)

  According to the Act No. 483/1991 Coll., on the Czech Television, it is a public television service provider in the field of television broadcasting. In addition, it is a subject to particular Act No. 348/2005 Coll., on radio and television fees and Act No. 231/2001 Coll., on radio and television broadcasts. The law obliges the Czech Public TV to procure at least 70% of broadcast programs with hidden or open subtitles for the persons with hearing impairment or with simultaneous interpretation into sign language.

- **Edict on Accessibility (**Edict No. 64/2008 Coll. on the Form of Disclosure of Information Relating to the Performance of Public Administration through Web Pages for Disabled Persons)

  This edict is currently valid and sets out binding rules for web sites of public administration bodies only.

Policy Programmes and Soft Law

- **National Plan for the Creation of Equal Opportunities for Persons with Disabilities 2010–2014 (**Resolution of the Government, Czech Republic No. 253 of 29, March 2010)

  The national plan realizes an increasing responsibility on the government to remove barriers preventing people with disabilities from full participation and involvement in the society. It is formulated as a national policy towards people with disabilities and particular measures for the individual ministries are given priority. It includes measures aimed at equal treatment, ban of discrimination, accessibility of buildings and transport, access to the cultural heritage.

- **National Development Programme Mobility for All (NRPM)**

  This plan supports the implementation of comprehensive barrier-free routes in towns and villages. The two principal areas in which the programme is contributing is removing barriers in state buildings and public institutions, and removing barriers in transport.

- **State Culture Policy 2009 – 2014** (Approved by Resolution of the Government of 19 November 2008 No. 1452)

  It supports projects facilitating the access of disadvantaged citizens and minorities to cultural services.

- **Library Development Concept of the Czech Republic 2004 – 2010** (Approved by Resolution of the Government of 7 July 2004 No. 679)

  It indicates the improved accessibility of libraries and their services, elimination of barriers hindering the access to their usage, extension of library services for persons with disabilities as well as national minorities, unemployed and other disadvantaged social groups as the partial objectives of the library development system (Point 13).

Other Regulatory Measures

- **Transportation Order** (*Přepravní řád*) **of the Czech Railways Company** available at <http://www.cd.cz/cs/vnitrostatni-cestovani/s-cd-bez-prekazek/default.htm.> (accessed 30 October 2013)

  It stipulates the rights of persons with reduced mobility in rail transportation. Persons with different categories of disabilities have access to travel information on the website of the Czech Railways Company.

Official Reports

- Czech Republic (2013), *National Report on Implementation of the National Plan for Creating Equal Opportunities of Persons with Disabilities in period 2010 – 2014 in year 2012 (Zpráva o plnění opatření Národního plánu vytváření rovných příležitostí pro osoby se zdravotním postižením na období 2010–2014 v roce 2012*)
- Czech Republic (2011), *State Report on Implementation of UN CRPD* available at <http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx> (accessed 30 October 2013)

Studies on Legislation

Year	Author	Title and location	Summary
2013	Jan Šiška	*Study on European Disability Strategy and EU Implementation of the Convention on the Rights of Persons with Disabilities. National report on Czech Republic* (unpublished)	The country report examines the impact of EU measures in national legislation. It contains a chapter on accessibility.
2012	Jan Šiška	*ANED 2012 Task 4 - National Accessibility Report*, available at <http://www.disability-europe.net/> (accessed 30 September 2013)	The country report has been prepared as input for the thematic report on *Maximising the Impact and Effectiveness of Accessibility Measures for Goods and Services: Learning from National Experience.* The purpose of the report is to examine the impact and effectiveness of accessibility laws and standards in EU/EEA countries, and mechanisms of monitoring and enforcement.
2011	Pavla Boučková	*European Network of Legal Experts in the Non-discrimination Field - Country Report*, available at <http://www.non-discrimination.net/countries/czech-republic> (accessed 30 September 2013)	This report is part of a study on measures to combat discrimination in the EU. The Report does not focus on accessibility, but it contains reference to anti-discrimination legislation which is relevant to accessibility.
2011		*Shadow Report –Report of NGO's to the Committee on the Rights of persons with disabilities*, available at <http://www.fimitic.org/content/good-example-czech-republic-alternative-report-un-committee-rights-persons-disabilities> (accessed 30 September 2013)	This report contains the views of a wide platform of DPOs, NGOs representing persons with disabilities and other organisations or individuals working with people with disabilities. The report discusses the measures on accessibility and refers deficiencies in the implementation of law into force.

Academic Literature (Legal)

Year		Author	Title and location	Summary
2012		Michal Čermák and Jana Kvasnicová	*Několik poznámek k českému antidiskriminačnímu právu. [A few notes to the Czech anti-discrimination law]* (2012) *Bulletin advokacie* (Ceská advokátní komora).	N.a.
2010		Pavla Boučková, et al.	*Antidiskriminační zákon – komentář [Anti-Discrimination Act – comment]* (CH Beck, 2010)	The publication provides comments to a new Anti-Discrimination Act.
2007		Michal Bobek, Pavla Boučková, Zdeněk Kühn (eds.)	*Rovnost a diskriminace [Equality and Discrimination]* (C. H. Beck, 2007)	This book deals comprehensively with discrimination. It is an interactive study guide based on comparative and contextual approach. The main part provides commentary on various issues of equality and non-discrimination. The second part describes the perception of discrimination in EU law, the ECHR case law, the Constitutional Court of the Czech Republic and the Czech ordinary courts. The third section contains a cross-sectional study on discrimination.

Other Sources

National Standardisation Bodies Websites

- ***Úřad pro technickou normalizaci, metrologii a státní zkušebnictví* (ÚNMZ) - Czech Office for Standards, Metrology and Testing**

  The UNMZ was established by the Czech National Council Act No. 20/1993 Coll. on the Organisation of the State Administration in the field of Standards, Metrology and Testing as the state administration body responsible for such activities. The Office is a budgetary organisation subordinated to the Ministry of Industry and Trade. The Office's mission is to perform tasks set out in Czech legislation on technical standardisation, metrology and testing and tasks related to the harmonisation of Czech technical regulations and standards with the technical regulations of the European Community. Since 2009, the Office has been ensuring development and publication of Czech standards. See at <http://www.unmz.cz/office/en> (accessed 30 October 2013)

Relevant National Standards

- ČSN 73 6110 Design of Local Communications (2006)

- ČSN 73 6425 Bus, Trolleybus and Tram Stops, Part 1: Design of Stops (2007).

Germany

Relevant Legislation

Non Discrimination

- **General Equality Act** (*Allgemeines Gleichbehandlungsgesetz* AGG 2006)

- **Act on Equal Opportunities for Persons with Disabilities** (*Gesetz zur Gleichstellung behinderter Menschen*)

  This act was adopted in 2002 and further amended in 2007. It is based on Directive 2000/78/EC. This Act covers transport accessibility, built environment accessibility and ICT and Web accessibility. The BGG is meant to ensure comprehensive accessibility.

- **Disability Equality Acts in the Federal States** (*Landesgesetze zur Gleichstellung behinderter Menschen – Behindertengleichstellungsgesetze (L-BGGs)*)

  Every state (*Bundesland*) has its own Disability Equality Act. The contents usually complement the (Federal) Disability Equality Act.

Transport

- **Regulations for Railway Construction and Operation** *(Eisenbahn-Bau- und Betriebsordnung* EBO)

  This act was adopted in 1967, and latest amended in 2012. Section 2 and Subsection 3 concern 'Accessibility of trains, platforms and stations'.

- **National Passenger Transport Act** (Personenbeförderungsgesetz -PBefG)

  The PBefG was adpoted in 1961, redrafted in 1990 and last amended in 2012 by the '*Gesetz zur Änderung personenbeförderungsrechtlicher Vorschriften*'.

Built Environment

- **Restaurant Act** (*Gaststättengesetz (GastG)*)

  This act was adopted in 1970, redrafted in 1998, and latest amendments were of 2007. Section 4, Subsection 1, Sentence 2a - Accessibility of Restaurants and Pubs.

- **Air Traffic Act** (*Luftverkehrsgesetz (LuftVG)*)

  This act was adopted in 1922, redrafted in 2007, and latest amendments were made in 2012. Section 19 D deals with the 'accessibility of airport buildings'.

- **Building regulations of the 16 federal states** (*Landesbauordnungen (LBO)*)

  Every federal state (*Bundesland*) has its own building regulation with the respective provisions on accessibility in public buildings. Building regulations of some federal states refer to DIN construction standards (which become legally binding)

ICT

- **Act for Rehabilitation and Participation of Disabled People, Social Code Book IX** (*Sozialgesetzbuch Neuntes Buch (SGB IX) - Rehabilitation und Teilhabe behinderter Menschen, 2001*)

  This act was adopted in 2001, latest amended in 2012. Section 81, Subsection 4 concern 'the right of persons with severe disabilities for an accessible working place (implicating assistive technology)'.

- **Telecommunications Act** (Telekommunikationsgesetz – TKG 2004)

  This act was adopted in 2004, latest amended in 2013. Section 45 stipulates that disabled users are to have equal access to broadcasting and telecommunication systems.

- **Interstate Broadcasting Agreement** (*Rundfunkstaatsvertrag* – RStV)

  This 'State treaty on broadcasting services and telecommunication media' (abbreviated as RStV), was enacted on 1 December 1987 and the fifteenth revision of 30 October 2010 is came into effect on 1 January 2013. It contains provisions of accessibility.

- **Accessible Information Technology Regulation** (*Barrierefreie Informationstechnik-Verordnung (BITV 2.0)*)

  This regulation regarding e-accessibility (websites and web services) was adopted in 2011, and seizes on the principles of the WCAG 2.0.

Social Security

- **Book 1 of the German Social Code – General part** (*Erstes Buch Sozialgesetzbuch – Allgemeiner Teil (SGB I)*)

  Adopted in 1975, this code was latest amended in 2013. Section 17, Subsection 3 & 4 concerns 'Accessibility of Social Security'.

Policy Programmes and Soft Law

- **National Action Plan on Disability 2011** (*Nationaler Aktionsplan*), available at <http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a740-nationaler-aktionsplan-barrierefrei.pdf?__blob=publicationFile> (accessed 02 December 2013)

- **Handbook for accessible public transport in Germany** (*Handbuch barrierefreier ÖPNV in Deutschland*) at available at <http://www.bmvi.de//SharedDocs/DE/Artikel/UI/handbuch-barrierefreier-oepnv-in-deutschland.html?nn=36078> (accessed 03 December 2013)

Official Reports

- Germany (2011), *State Report on Implementation of UNCRPD (Bundesministerium für Arbeit und Soziales)*, available at <http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx>, and available at <http://www.bmas.de/SharedDocs/Downloads/DE/staatenbericht-2011.pdf?__blob=publicationFile> (accessed 30 September 2013)

Studies on Legislation

Year	Author	Title and location	Summary
2013	Andreas Sturm	*Study on European Disability Strategy and EU Implementation of the Convention on the Rights of Persons with Disabilities. National report on Germany* (unpublished)	The country report examines the impact of EU measures in national legislation. It contains a chapter on accessibility.
2013	BRK-Allianz	*Für Selbstbestimmung, gleiche Rechte, Barrierefreiheit, Inklusion! Erster Bericht der Zivilgesellschaft zur Umsetzung der UN-Behindertenrechtskonvention in Deutschland [First Civil Society Report on the Implementation of the UN Convention on the Rights of Persons with Disabilities in Germany]*, available at <http://www.brk-allianz.de/attachments/article/87/parallelberich t_barrierefrei_layoutfassung.pdf> (accessed 02 December 2013)	The report is compiled by the BRK alliance, which is comprised of 78 DPOs and CSOs. The authors indicate the deficit that there is no study about the effectiveness of national accessibility law. An examination by the federal government on the implementation of accessibility law in Germany is planned for 2013 (BRK-Allianz 2013, p. 16).
2012	Anne Waldschmidt and Kathrin Prassel	*ANED 2012 Task 4 - National Accessibility Report*, available at <http://www.disability-europe.net/> (accessed 30 September 2013)	The country report has been prepared as input for the thematic report on *Maximising the Impact and Effectiveness of Accessibility Measures for Goods and Services: Learning from National Experience.* The purpose of the report is to examine the impact and effectiveness of accessibility laws and standards in EU/EEA countries, and mechanisms of monitoring and enforcement

Academic Literature (Legal)

Year	Author	Title and location	Summary
2012	Felix Welti	'*Rechtliche Voraussetzungen von Barrierefreiheit in Deutschland*' in Tervooren A and Weber J (eds), *Wege zur Kultur Barrieren und Barrierefreiheit in Kultur- und Bildungseinrichtungen* [*Legal provisions on accessibility in Germany*](*Böhlau Verlag*, 2012)	A review of national, European and international accessibility legislation and their interdependence and relevance for Germany. The article accentuates the binding nature of existing accessibility legislation as well as the lack of its effective implementation. The author concludes with the demand for more frequent use of filing lawsuits, established and guaranteed by the respective laws.
2011	Bundesinstitut für Bau-, Stadt- und Raumforschung	'*Wohnen im Alter. Marktprozesse und wohnungspolitischer Handlungsbedarf. Herausgegeben vom Bundesministerium für Verkehr, Bau und Stadtentwicklung*' ['Housing for the elderly - market processes and the need for housing policy action'], available at <http://www.bmvbs.de/SharedDocs/DE/Anlage/BauenUndWohnen/wohnen-im-alter-forschungen-heft-147.pdf?__blob=publicationFile> (accessed 02 December 2013)	The study evaluates the current living condition of elderly people in Germany. It compares the varying degrees of financial support in this respect by the 16 German federal states (*Bundesinstitut für Bau-, Stadt und Raumforschung* 2011, pp. 70-74). English summary to be found at: <http://www.bbsr.bund.de/BBSR/EN/Publications/BMVBS/Forschungen/2011/147abstract.html?nn=395598> (accessed 02 December 2013)
2009	Hans-Joachim Steinbrück	'*Barrierefreiheit von Wohn- und öffentlich zugänglichen Gebäuden - Regelungsgehalt, Wirkung und Durchsetzung baurechtlicher Bestimmungen*' ['Accessibility of Residential and Public Buildings - Regulatory Content, Impact and Implementation of planning and building Law'] (2009) 48 *Behindertenrecht Fachzeitschrift für Fragen der Rehabilitation* 157	The article provides a review of existing federal state and state legislation on accessibility of residential and public buildings (*DIN 18040-1/2*, s. p. 28 of this document) and the UN-CRPD. Subsequently, it outlines the legal enforcement of the previously presented laws and the possibilities of class action lawsuit. The author concludes with the pleading for more effective legal enforcement. Therefore, it might be necessary to adapt existing laws with regard to more rights for the potential complainants.
2009	Theresia Degener	'*Welche legislativen Herausforderungen bestehen in Bezug auf die nationale Implementierung der UN-Behindertenrechtskonvention in Bund und Ländern?*' ['What are the challenges regarding the national Implementation of the UN Convention on the Rights of Persons with Disabilities in federal and state legislation?'] 48 *Behindertenrecht Fachzeitschrift für Fragen der Rehabilitation* 34	An overview of central aspects of the UN-CRPD and their interference with national law. Regarding accessibility the author states that existing (and legally non-binding) construction standards on accessibility aspects (*DIN 18040-1* and *DIN 18040-2*, s. p. 28) should be integrated in all the building regulations of the federal states. Thus, accessibility issues may become more legally binding.
2006	Horst Frehe	'*Barrierefreie Gesundheitsversorgung - Rechtliche Situation, Gestaltungs- und Sanktionsmöglichkeiten*' ['Accessible Health Care – Legal Context, Scope for Design and Potential Sanctioning'] (2006) 45 *Behindertenrecht Fachzeitschrift für Fragen der Rehabilitation* 7	The article underlines the legal responsibilities of health care providers to establish accessibility in all fields of medical support, as required by Book 1 of the German Social Code, Section 17, Subsection 3 and 4. The author reveals a lack of effort and awareness in this respect and encourages the persons concerned to file lawsuits.

Other Sources

National Standardisation Bodies

- ***Deutsches Institut für Normung e.V.* (DIN)- German Institute for Standardization**

   DIN is the acknowledged national standards body that represents German interests in European and international standards organizations. DIN is a registered non-profit association, and has been based in Berlin since 1917. The remit of DIN is to encourage, organize, steer and moderate standardization and specification activities in systematic and transparent procedures for the benefit of society as a whole, while safeguarding the public interest.

   <http://www.din.de/cmd?level=tpl-home&contextid=din&languageid=en> (accessed 30 October 2013)

- ***Deutsche Kommission Elektrotechnik Elektronik Informationstechnik im DIN und VDE* (DKE)- German Commission for Electrical, Electronic & Information Technologies** The DKE is the national organization responsible for the creation and maintenance of standards and safety specifications covering the areas of electrical engineering, electronics and information technology in Germany.

   <http://www.vde.com/en/dke/Pages/DKE.aspx> (accessed 30 October 2013)

Relevant National Standards

- DIN 18040-1 Constructing accessibly – Public Buildings (*Barrierefreies Bauen – Öffentlich zugängliche Gebäude*)
- DIN 18040-2 Constructing Accessibly – Residential Buildings (*Barrierefreies Bauen – Wohnungen*)
- DIN 18070 - Barrier-free built environment (replaces DIN 18024-1 1998-01)
- DIN 32975:2009-12 - Designing visual information in the public area for accessible use
- DIN 32981:2002-11 - Special devices for blind and partially sighted persons on traffic signals - Requirements

Other Guidelines (Private Regulations)

- *DBSV Richtlinie Bankautomaten* (Guidleines on Accessibility of ATMs)

   These guidelines contain provisions on accessibility of ATMs for blind people and apply to financial services providers. See at

   <http://www.dbsv.org/fileadmin/dbsvupload/Worddateien/GFaH/Richtlinie_Bankautomaten_2011-02.pdf> (accessed 20 January 2014)

- DEHOGA Minimum Standards for Barrier-free Accommodation and Catering Requirements (*Mindeststandards für die Kategorisierung barrierefreier Beherbergungs- und Gatronomiebetriebe*)

Ireland

Relevant Legislation

Non-Discrimination

- **Equal Status Act 2000**

    Sections 5-19 of this Act provide that anyone selling goods, providing services, selling or letting accommodation, or operating educational institutions and clubs, in Ireland, must do all (subject to a nominal cost) that is reasonable to accommodate the needs of a person with a disability by providing special treatment or facilities, where without these it would be impossible or unduly difficult to access such goods and services.

- **Disability Act 2005**

    The Disability Act 2005 requires all public bodies to ensure that their public buildings are, as far as practicable, made accessible to people with disabilities.

- **Code of Practice under Part 3 of the Disability Act 2005**

    Available at <http://www.nda.ie/cntmgmtnew.nsf/0/3DB134DF72E1846A8025710F0040BF3D?OpenDocument> (accessed 20 January 2014)

Built Environment

- **Building Regulations 2000**, Part M

    Building Regulations set out general requirements that should ensure that buildings are usable by persons with disabilities. The accompanying Technical Guidance Document lists specifications for particular aspects of a building (e.g. doorway and corridor widths) that would satisfy the accessibility specifications.

- **Building Control Act 2007 (as amended in 2009)**

    Inter alia, introduces a Disability Access Certificate (DAC) confirming that the designs of new Non -Domestic Buildings and Apartment Blocks comply with Part M (Access for

    People with Disabilities) of the Building Regulations.

Transport

- **Public Transport Regulation Act, 2009**

    Inter alia, this regulation introduces a number of responsibilities and powers in relation to accessibility of public transport.

Employment

- **Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299/2007)**

    This regulation *inter alia*, introduces obligations on employers to ensure accessibility for employees with disabilities.

ICT

- **Broadcasting Act, 2001**

Makes various provisions in relation to the operation and regulation of broadcasting in Ireland, including accessibility provisions.

Policy Programmes and Soft Law

- **Mobility Aids Grant Scheme**

This scheme was set up in 2007 and provides grants to low income families who have members whose mobility is limited by the design of the home. The grants can be used for mobility aids such as grab-rails, ramps, stair lifts and accessible showers. Further information available at <http://www.citizensinformation.ie/en/housing/housing_grants_and_schemes/mobility_aids_grant_scheme.html> (accessed 06 December 2013)

- **Housing Adaptation Grant for People with a Disability**

This scheme provides grants specifically for persons with "physical, sensory or intellectual disability or mental health difficulty" to make homes more accessible. You cannot apply for both the Mobility Aid Grant and Housing Adaptation grant. Further information available at <http://www.citizensinformation.ie/en/housing/housing_grants_and_schemes/housing_adaptation_grant_for_people_with_disability.html> (accessed 06 December 2013)

- **National Housing Strategy for People with a Disability 2011-2016 National Implementation Framework**

This Framework was put out by the Department of Health along with the Department of Environment, Community and Local Government. The framework's vision includes among other principles, good practice in design and research and development of universal design standards.

- **NDA Guidelines for Web Accessibility**
These guidelines from the National Disability Accessibility "recommend the use of the Web Content Accessibility Guidelines 2.0 from the Web Accessibility Initiative." The guidelines include three priorities on accessibility. More information available at <http://accessit.nda.ie/it-accessibility-guidelines/web/guidelines> (accessed 09 December 2013)

- **Guidelines for Public Access Terminals Accessibility**

These guidelines ensure accessibility of SSTs. More information available at <http://www.universaldesign.ie/useandapply/ict/itaccessibilityguidelines/publicaccessterminals/guidelines/guidelinesforpublicaccessterminalsaccessibilityprinta> (accessed 20 January 2014)

- **National Disability Strategy Implementation Plan 2013-2015**
The National Disability Strategy was introduced in 2004 and is "a whole-of government approach to advancing the social inclusion of people with disabilities." The implementation plan sets out objectives and high level goals that consist of practical measures designed to advance the National Disability Strategy. The implementation plan includes several objectives on accessibility.

Studies on Legislation

Year	Author	Title and location	Summary
2013	Charlotte May- Simera	*Study on European Disability Strategy and EU Implementation of the Convention on the Rights of Persons with Disabilities. National report on Ireland* (unpublished)	The country report examines the impact of EU measures in national legislation. It contains a chapter on accessibility.
2013	Inclusion International	*Implementing the National Disability Strategy-Inclusion International Position Paper,* Inclusion Ireland, available at <http://www.inclusionireland.ie/sites/default/files/documents/position_paper_on_implementing_the_nds_.pdf> (accessed 09 December 2013).	This report looks at the gaps in the 2004 Disability Strategy and what the National Disability Strategy must address in the implementation plan
2012	Conor Newman and Charlotte May-Simera	*ANED 2012 Task 4 - National Accessibility Report*, available at <http://www.disability-europe.net/countries/ireland> (accessed 30 September 2013)	The country report has been prepared as input for the thematic report on *Maximising the Impact and Effectiveness of Accessibility Measures for Goods and Services: Learning from National Experience.* The purpose of the report is to examine the impact and effectiveness of accessibility laws and standards in EU/EEA countries, and mechanisms of monitoring and enforcement

Academic Literature (Legal)

Year	Author	Title and location	Summary
2012	Kevin Cullen, Donal McAnaney, Ciaran Dolphin, Sarah Delaney and Philomena Stapleton,	*Research on the provision of Assistive Technology in Ireland and other countries to support independent living across the life cycle* (Work Research Centre Dublin, 2012) available at <http://www.nda.ie/cntmgmtnew.nsf/0/797AD755B56A82A580257A4D0031A2B6?OpenDocument> (accessed 30 October 2013).	The report looks at how assistive technology was provided in Ireland and other countries.
2012	Henrike Rau, and Amaya Vega	'Spatial (Im)mobility and Accessibility in Ireland: Implications for Transport Policy', (2012) 43 Growth And Change 667	This paper presents a spatial analysis of accessibility to employment for Galway City and its environs, a predominantly rural region in the West of Ireland dominated by its urban centre.
2011	Blaithin Gallagher, Patricia Hart, Colm O'Brien, Michael Stevenson and Andrew Jackson	'Mobility and access to transport issues as experienced by people with vision impairment living in urban and rural Ireland', (2011) 33(12) Disability & Rehabilitation 979.	This study was based on 14 focus groups across Ireland to determine the barriers of access to transportation for persons with vision impairment in Ireland its impact.
2010	Ted Burke, Annraoi de Paor and Eugene Coyle	'Disability and Technology: Engineering a more Equitable Ireland' (2010) 29(1) Technology and Society Magazine, IEEE 35	
2005	Donal Rice	'E-Accessibility Legislation and Initiatives in Ireland' (Support-EAM Conference, Paris, January 2005)	This paper looks at existing and upcoming legislation in e-accessibility in Ireland as well as

			policies such as the National Disability Strategy.

Other Sources

National Standardisation Bodies

- **National Standards Authority of Ireland (NSAI)**

 NSAI (National Standards Authority of Ireland) is Ireland's official standards body. They operate under the National Standards Authority of Ireland Act (1996) and are accountable to the Minister for Jobs, Enterprise and Innovation.The NSAI is the national certification authority for CE Marking and provide a certification service to enable business demonstrate that Irish goods and services conform to applicable standards

 < http://www.nsai.ie/> (accessed 30 October 2013)

Italy

Relevant Legislation

Non discrimination

- **Law 1st march 2006, n. 67 Judicial protection against disability discrimination** *(Misure per la tutela giudiziaria delle persone con disabilità vittime di discriminazioni, G.U. 06.03.2006)*

  This law defines the meaning of 'discrimination' (art. 2) and provides for the judicial procedures to ensure protection against discrimination.

Rights of persons with disabilities

- **Law 5 February 1992 n. 104 on assistance, social integration and rights of persons with disabilities** *(Legge-quadro per l'assistenza, l'integrazione sociale e i diritti delle persone handicappate", GU.17 febbraio 1992, n. 39, S.O.)*
  The law 104/92 is the Italian framework law on disability. It defines general principles (art. 1, 2, 5) and provides for measures on caring (art. 7), social inclusion (art. 8), right to education (artt. 12, 13, 14, 15, 16), vocational training (art. 17), working policies (art.18), accessibility of sports and recreational activities (art. 23), accessibility of built environment (art. 24)

- **Law 9 January 1989, n. 13, Measures in order to remove obstacles in private buildings** *(Disposizioni per favorire il superamento e l'eliminazione delle barriere architettoniche negli edifici privati. GU n.21 del 26-1-1989)*
  This law provides for the adoption of administrative measures to improve accessibility of buildings.

Web accessibility

- **Ministerial Decree 20 March 2013**, **Technical Requires and Levels for ICT tools accessibility** *(Decreto ministeriale 20 marzo 2013, modifiche all'allegato A del decreto 8 luglio 2005 del Ministro per l'innovazione e le tecnologie, recante: «Requisiti tecnici e i diversi livelli per l'accessibilità agli strumenti informatici» (GU Serie Generale n.217 del 16-9-2013)*

  This decree dictates technical criteria on web accessibility to complement Italian Law n. 4/2004 on web accessibility.

- **Law Decree 8 October 2012, n. 179** *(Decreto legge 8 ottobre 2012, n. 179 recante "Ulteriori misure urgenti per la crescita del Paese" (GU n. 245 del 19 ottobre 2012 - Suppl. Ordinario n. 194), convertito con modificazioni dalla legge 17 dicembre 2012, n. 221)*

- **Regulation 1 March 2005, n. 75** *(Decreto del Presidente della Repubblica 1 marzo 2005 n.75 Regolamento di attuazione della Legge 9 gennaio 2004, n. 4, per favorire l'accesso dei soggetti disabili agli strumenti informatici (G.U. 3 maggio 2005, n. 101)*

- **Ministerial Decree 08 July 2005, Technical Requires and Levels for ICT tools accessibility** *(Decreto Ministeriale 8 luglio 2005. (Ministro per l'Innovazione e le tecnologie) Requisiti tecnici e i diversi livelli per l'accessibilità agli strumenti informatici, (G.U. 8 agosto 2005, n. 183)*

- **Legislative Decree 07 March 2005, n. 82, Digital Administration Code** (*Decreto legislativo 7 marzo 2005, n. 82 (Codice dell'amministrazione digitale - CAD)*)

  The CAD establishes 'a statute of the digital citizen' (including natural and legal persons), by requiring public offices, agencies and bodies to interact in a digital manner, thus to arrange appropriate means from the technical and organizational point of view to meet citizens' requests

- **Law 09 January 2004, n. 4**, (*Legge 09 gennaio 2004, n. 4 (Legge Stanca), recante «Disposizioni per favorire l'accesso dei soggetti disabili agli strumenti informatici» (G.U. n. 13 del 17 gennaio 2004)*)

  This law regulates web accessibility.

Policy Programmes and Soft Law

- **White Book. Disability Technologies: towards a society without exclusion** (*Libro Bianco: Tecnologie per la disabilità: per una società senza esclusi,* published by Commissione interministeriale sullo sviluppo e l'impiego delle tecnologie dell'informazione per le categorie deboli, Ministro per l'Innovazione e le Tecnologie di concerto con il Ministro della Salute ed il Ministro del Lavoro e delle Politiche Sociali)

- **Ministerial circular n. 61/2013***(Agenzia per l'Italia Digitale, Circolare n. 61/2013 - Disposizioni del decreto legge 18 ottobre 2012, n. 179, convertito con modificazioni dalla L. 17 dicembre 2012, n. 221 in tema di accessibilità dei siti web e servizi informatici. Obblighi delle pubbliche Amministrazioni)*

- **Accessibility Goals 2013** (*Agenzia per l'Italia Digitale, Obiettivi di accessibilità per l'anno 2013*)

Official Reports

- Italy (2012), *State Report on Implementation of UN CRPD*, available at http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx and http://www.lavoro.gov.it/md/AreaSociale/Disabilita/Documents/TREATYversione_DEF_persito.pdf (Italian version)

Studies on Legislation

YEAR	Author	TITLE	Summary and Main Content
13	Giampiero Griffo, Maura Benedetti	*Study on European Disability Strategy and EU Implementation of the Convention on the Rights of Persons with Disabilities. National report on Italy* (unpublished)	The country report examines the impact of EU measures in national legislation. It contains a chapter on accessibility.
2011	Delia Ferri	*ITALY*, in *Inquiry on the UN Convention on People with Disabilities - Status of its implementation in the G20 nations, Report written for Konrad Adenauer Foundation and Rome-Berlin and published in German in H. Reifeld, M. Michalk (eds), Auf dem Weg zur Inklusion, (KAS-Berlin, 2012)*	The report provides for a review of national legislation on disability, including accessibility measures.
2007	ISGI	*La Convenzione delle Nazioni Unite del 2007 sui diritti delle persone con disabilità; modalità di recepimento, attuazione a livello nazionale e regionale, strumenti di monitoraggio*, [*The UN CRPD 2007 on people with disability rights; transposition, national and subnational implement, monitoring*] at <http://www.isgi.cnr.it/studi-ricerche/progetti-conclusi/la-convenzione-dellonu-sui-diritti-delle-persone-con-disabilita/> (accessed 30 October 2013)	The Study contains a commentary of Article 9.

Academic Literature (Legal)

Year	Author	Title and Location	Summary
2013	Carlotta Redi	*L'accessibilità nelle politiche per i soggetti disabili*, [*Accessibility on people with disabilities policies*] in Emanuele Rossi and Vincenzo Casamassima (eds.), *La politica sociale europea tra armonizzazione normative e nuova governance* (Pisa University Press, 2013)	This contribution explores the EU and Italian accessibility law and policy in a critical perspective.
2013	Roberto Toscano	*L'uomo oltre l'uomo. Übermensch, Hypermensch, Multimensch: ipotesi pedagogiche e competenze 'speciali' nell'uomo tra il XIX e il XXI secolo. Una prospettiva di ricerca.*[The man beyond the man. *Übermensch, Hypermensch, Multimensch; pedagogical hypotesis and 'special' human competencies between XIX and XX century*] (2013), Studi sulla Formazione, 203 <http://www.fupress.net/index.php/sf/article/view/12051> (accessed on 01 November 2013)	This paper discusses the post-human condition.
2012	Angelo Venchiarutti	*Condotta discriminatoria nei confronti di persona disabile per mancanza sui marciapiedi delle piattaforme di accesso ai mezzi di trasporto* [*Discriminatory conduct towards people with disability in lack of access platform to public transport modes*] (2012) 11 La nuova giurisprudenza civile commentata 964	This article discusses the accessibility of transportation facilities in light of most recent case law.

2012	Lorenzo Nannipieri	*Il diritto all'istruzione del disabile nelle fonti nazionali tra problemi definitori, giurisprudenza costituzionale e giudici di merito* [*The right to education of persons with disabilities in the national sources of law context, between definition issues, constitutional jurisprudence and lower courts*] (2012) 3 Rivista AIC at <http://www.rivistaaic.it/rivista/413> (accessed 01 November 2013)	This paper examines the children with disabilities right to education in schools; although not explicitly referred to accessibility, this article contains useful insight on disability law and policy in Italy
2012	Nicola Gencarelli	*Ausili fai da te. Creare e adattare oggetti e strumenti tecnologici per la disabilità* [Self-made aids. To create and to adapt things and technological tools for disability] (Erickson, 2012)	This book has a technical approach and explores the manifacturing of technological aids for persons with disabilities.
2011	Angelo Venchiarutti	*Diminuzione delle ore di sostegno scolastico e danno esistenziale dell'alunno con grave handicap* [School hours care reduction and student with severe disability existential damage] (2011) La nuova giurisprudenza civile commentata, 149	The article discusses the reduction of support in schools. Although not explicitly referred to accessibility, this article contains useful insight on disability law and policy in Italy.
2011	Luisa Cassetti, Silvia Ricci	'L'Agenda Digitale Europea e la riorganizzazione dei sistemi di welfare nazionale: le nuove frontiere dei diritti sociali nella knowledge based society' [The EU Digital Agenda and the re-organization of national welfare systems: the new frontiers of social rights in the knowledge based society] (2011) 20 Federalismi.it at <http://www.federalismi.it/> (accessed 01 November 2013)	This paper examines the European Digital Agenda and its impact on the national welfare systems, also with regard to people with disabilities and CRPD.
2011	Angelo Venchiarutti	*I diritti delle persone disabili [People with disabilities' rights]* Stefano Rodotà e Paolo Zatti (eds.) *Trattato di Biodiritto. Il governo del corpo* (Giuffré, 2011)	Although not explicitly referring to accessibility, this contribution gives a clear and succint overview of disability law in Italy.
2011	Silvia Bruzzone	*La strategia europea 2010-2020 e la Convenzione ONU sui diritti delle persone con disabilità* [*The European Strategy 2010-2020 and the CRPD*], (2011) 1 Diritto delle relazioni industriali 240	This paper analyses the European Strategy on disability, the CRPD and their impact on the italian welfare; it underscores some critical issues on accessibility.
2009	Nadina Foggetti	*Diritti umani e tutela delle persone con disabilità: la convenzione delle Nazioni Unite del 13 dicembre 2006* [*Human rights and people with disabilities' protection: The UN Convention of 13 December 2006*], (2009) 33 Rivista della cooperazione giuridica internazionale 98	This study analyses the CRPD and discusses the accessibility principle.
2009	Francesco Seatzu	*La convenzione delle Nazioni Unite sui diritti delle persone disabili: diritti garantiti, cooperazione, procedure di controllo*, [*The UN CRPD on people with disability rights: protected rights, cooperation, enforcement procedures*] (2009) 2 Diritti umani e diritto internazionale 259	This paper aims to investigate the main issues related to the international protection and, *inter alia*, it assesses the meaning of the term 'accessibility'.

Other Sources

National Standardisation Bodies Websites

- ***Ente nazionale italiano di unificazione –UNI* (Italian National Body for Standardization)**

   UNI Italy's standardization body. It works in all industrial and commercial sector. <http://www.uni.com/>

- ***Comitato elettrotecnico italiano –CEI* (Italian Electrotechnic Committee)**

   The CEI is a no-profit organization established on 1909; it's responsible for electronic, electrical engineering and TLC related legislation. The CEI , designed by the government, also co-ordinates Italian participation in European and other international standardisation work as a member of the IEC and CENELEC. <http://www.ceiweb.it/it/>

Websites

- http://www.digitpa.gov.it/

   Official web site on Italian Digital Agenda; it includes a section on web accessibility and a download area with ICT accessibility related legislation

- http://www.handylex.org

   Unofficial web site on Italian legislation on disability

- http://www.condicio.it/

   Unofficial web site that collects data and statistics on persons with disabilities. Reports and studies can be downloaded (in Italian language)

- http://www.disabilitaincifre.it/

   Unofficial web site that displays statistics on disability (in Italian language)

Norway

Relevant Legislation

Non-Discrimination

- **Anti-Discrimination and Accessibility Act** (*Lov om forbud mot diskriminering på grunn av nedsatt funksjonsevne- diskriminerings- og tilgjengelighetsloven*) of 20 June 2008, No 42

  This act is mainly focused on transport, ICT and the built environment. The Act refers to the sector legislation in each field as well as specific regulations elaborating on the regulations in the Act itself. It has legally established the principle that inaccessibility is a matter of discrimination.

Built Environment

- **Planning and Building Act 1985, as amended** (*Plan- og bygningslov*)

  This act provides for accessibility requirements concerning individual building projects / construction.

- **Regulations concerning requirements for construction and construction products** (TEK) (*Forskrift om krav til byggverk og produkter til byggverk -TEK*)

  This act provides for accessibility requirements concerning individual building projects / construction.

Transport

- **Act on Roads, 1964, amended January 1th 2007** (*Lov om vegar (veglova)*)

  Inter alia, this act regulates the accessibility of public roads.

ICT

- **Regulations for universal design of information and communication technology (ICT) solutions** (*Forskrift om universell utforming av informasjons- og kommunikasjonsteknologiske (IKT)-løsninger)* of 1 July 2013

  These regulations are aimed at ensuring universal design of information and communication technology and cover online sources and machines. The regulations apply to businesses that inform and provide services to the public through the use of ICT.

- **Electronic Communications Act**

  This act regulates electronic communications, and includes accessibility aspects.

Policy Programmes and Soft law

- **Norway- Universally Designed by 2025 - The Norwegian government's action plan for universal design and increased accessibility 2009-2013** (*Norge universelt utformet 2025 – Regjeringens handlingsplan for universell utforming og økt tilgjengelighet 2009-2013*) Norwegian Ministry of Children and Equality, available at

  <http://www.regjeringen.no/upload/BLD/Nedsatt%20funksjonsevne/Norway%20universally%20designed%20by%202025-web.pdf> (accessed 27 November 2013).

Government Action plan for universal design and increased accessibility 2009-2013. It states that the government's principal that all new buildings and facilities intended for public use must be universally designed.

- **National Transport Plan 2010 – 2019** (*Nasjonal transportplan 2010–2019*)

Norwegian Ministry of Transport and Communications, available at <http://www.regjeringen.no/upload/SD/Vedlegg/NTP/Binder1ntp_engNY.pdf> (accessed 27 November 2013)

The National Transport Plan aims to provide an effective, universally accessible, safe and environmentally friendly transport system that covers the Norwegian society's transport requirements and advances regional development.

- **Norway 2009 – the digital leap** (*eNorge 2009 – det digitale spranget*)

Norwegian Ministry of Modernisation, (2005) available at <http://www.regjeringen.no/upload/FAD/Vedlegg/IKT-politikk/eNorway_2009.pdf> (accessed 27 November 2013)

This plan sets as a goal that 80% of all public websites should comply with the quality criteria for accessibility defined by norge.no by 2007 (drawing on the WAI guidelines). It mirrors the EU communication, i2010 – A European Information Society for growth and employment. (Commission 'i2010 – A European Information Society for growth and employment' COM (2005) 229 final), available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0229:FIN:EN:PDF> (accessed 27 November 2013).

- **Circular: Universal design in the discrimination and accessibility act** (*Rundskriv: Universell utforming i diskriminerings- og tilgjengelighetsloven, det kongelige barne-likestillings-og inkluderings*)

Ministry of Children Equality and Inclusion (2010) available at <http://www.regjeringen.no/upload/BLD/Universellutforming/RETTEtRundskrivDiskriminering.pdf > (accessed 27 November 2013)

Legislative Proposals

- **On the law prohibiting discrimination on grounds of disability Accessibility Act-Proposition no. 44** (*Om lov om forbud mot diskriminering på grunn av nedsatt funksjonsevne (diskriminerings- og tilgjengelighetslove)- Odelstingsproposisjonr 44 Det kongelige barne-og likestillingsdepartement*)

Ministry of Children, Equality and Social Affairs (2008) available at <http://www.regjeringen.no/pages/2062912/PDFS/OTP200720080044000DDDPDFS.pdf> (accessed 27 November 2013).

This proposal to the Parliament presents the government's proposal for a discrimination and accessibility act, including provisions on ICT.

Academic Literature (Legal)

Year	Author	Title (and location)	Summary
2012	Inger Marie Lid	*Likeverdig tilgjengelighet? En drøfting av menneskesyn og funksjonshemming med vekt på etiske problemstillinger knyttet til universell utforming, mangfold og deltakelse. Universitetet i Oslo, Teologisk fakultet* [Ph.D. thesis in theology, University of Oslo]	The thesis examines universal design as a concept and political strategy. The data is from interviews with individuals, pedestrians in the city – with and without disabilities on perceived accessibility and experiences of barriers in the streets. Martha Nussbaum's theory of justice is examined as a proposal to maintain the dignity of all human beings. The thesis applies the perspective in a theological analysis of the concept of God and the view of human beings.
2010	James Odeck, Trine Hagen, Nils Fearnley	'Economic appraisal of universal design in transport: Experiences from Norway', (2010) Research in Transportation Economics, 304-311	The paper considers universal design projects in the field of transport. Though adopting an economic perspective, it provides useful insights on the benefits of universally designed transportation.
2009	Inger Marie Lid	*'Hva kan man oppnå gjennom universell utforming? En undersøkelse av ulike sider ved begrepet'*, ['What can be achieved by universal design? Examination of the concept'] (2009) 2 *FORMakademisk* 17-27	The concept universal design is examined in light of public documents and recent Norwegian legislation. The paper argues that both more theoretical work and a critical assessment, as well as operationalization's are necessary.
2009	Sylvia Söderström	*Ungdom teknologi og funksjonshemming. En studie av IKTs betydning i dagliglivet til ungdommer som har en funksjonsnedsettelse.* [Youth, technology and disability. A study of the role of ICT in the everyday life of youth with disabilities], PhD thesis NTNU, Trondheim, available at <http://www.diva-portal.org/smash/get/diva2:277031/FULLTEXT02> (accessed 02 December 2013)	The thesis investigates interpersonal aspects of what it is like to be a young person with impairments living in a digitalized community. The focus is on what conditions contribute in making ICT socially including or excluding for blind and partially sighted young people and for young people with mobility difficulties. Further the thesis seeks to generate knowledge about the interaction between ICT, identity and social relations for blind and partially sighted young people, and for young people with mobility difficulties. The daily encounters between the young people and the technology, and the technology's role in the young people's daily interpersonal encounters are important issues in the thesis.
2008	Hellum, Anne & Ketscher, Kirsten (eds)	*Diskriminerings- og likestillingsrett.* Universitetsforlaget. Available at <http://www.universitetsforlaget.no/nettbutikk/diskriminerings-og-likestillingsrett.html> (accessed 02 December 2013)	The volume provides an introduction to discrimination and equality law, including discrimination on grounds of age and disability.
2008	Gro Sandkjær Hanssen, Marte Winsvold	'*Hvilken betydning har internett? Om politisk inkludering av innbyggere med funksjonsnedsettelser*' ['Does the Internet make a difference? On political inclusion of disabled persons'] (2008) *Tidsskrift for velferdsforskning* 192-207	The article examines how the opportunity for disabled persons to participate in local politics has changed due to the introduction of the Internet. A study conducted among disabled persons and among the general public shows that the Internet has a weak qualifying effect with regard to access to political information and public debate. Disabled persons search for political information online to the same extent as the rest of the population but make greater use than others of the debate options available on the Internet. An exception is the blind and the visually impaired who find the visual character of the Internet problematic.

| 2007 | Aslak Syse & Marianne Jenum Hotvedt | *'Om diskrimineringsvern i et menneskerettsperspektiv – Med fokus på diskrimineringsgrunnlaget "nedsatt funksjonsevne'* ['Protection from discrimination in a human rights perspective – with a focus on disability'] (2007) 25(2) *Nordisk Tidsskrift for Menneskerettigheter* 119-139 | This article discusses the new Discrimination Act, and the role of the new Ombud and Tribunal are enforcing the legislation, and working proactively towards equality. Since the process towards a broad and strong anti-discrimination legislation in Norway has not come to an end, the article discusses further perspectives. |

Other Sources

Relevant Bodies

- *Likestillings- og diskrimineringsombudet* **(LDO) - Equality and Anti-Discrimination Ombud Office**

   <www.ldo.no> (accessed 30 October 2013)

- *Barne-, ungdoms og familiedirektoratet* **(BUFDIR) - Delta Centre, The Norwegian Directorate for Children, Youth and Family Affairs**

   <http://www.bufetat.no/bufdir/deltasenteret/universell-utforming-ikt/> (accessed 30 October 2013)

- *Direktoratet for forvaltning* og *IKT* **(DIFI) - Norwegian Agency for Public Management and eGovernment**

   <http://www.difi.no/artikkel/2009/11/about-difi> (accessed 30 October 2013)

- *Post og teletilsynet* - **The Norwegian Post and Telecommunications Authority**

   <http://www.npt.no/forbruker/funksjonshemmede/funksjonshemmede/ekom-for-funksjonhemmede> (accessed 30 October 2013)

- Surveys by the Norwegian Post and Telecommunications Authority

   Survey among members of the Norwegian Association of the Blind (N=502) in 2011 about their experiences with telephony and internet services.

   <http://www.npt.no/forbruker/funksjonshemmede/funksjonshemmede/ekom-for-funksjonhemmede/_attachment/2221?_ts=139964f8d3e> (accessed 30 October 2013)

   <http://www.npt.no/forbruker/funksjonshemmede/funksjonshemmede/ekom-for-funksjonhemmede/_attachment/2222?_ts=1399650e1f9> (accessed 30 October 2013)

- *IT Funk - IT for funksjonshemmede - IT* **Funk - ICT for the disabled**

   Forskningsradet - The Norwegian Research Council's RTD-program on ICT for people with disabilities

   <http://www.itfunk.org/docs/english.html> (accessed 30 October 2013)

National Standardisation Bodies Websites

- **Standards Norway (SN)**

   SN is a private and independent member organisation, and is one out of three standardisation bodies in Norway. Standards Norway is responsible for standardisation activities in all areas except the electrotechnical field and the telecommunications field.

   <http://www.standard.no/en/about-us/standards-norway/> (accessed 20 January 2014)

-   **Norwegian Electrotechnical Committee** (NEK)

    The NEC is responsible for standardisation in the electrotechnical area. The Norwegian Electrotechnical Committee adopts and publishes some 300 new standards annually, and is the Norwegian member of CENELEC and IEC.

    <http://www.standard.no/no/Om-oss/NEK/> (accessed 20 January 2014)

-   **Standard Online AS**

    SO is responsible for marketing and sale of standards and related products in Norway. Standard Online is owned by Standards Norway (80 %) and the Norwegian Electrotechnical Committee (20 %).

-   **The Norwegian Post and Telecommunication Authority (PT)**

    PT is responsible for post- and telecommunication standardization in Norway. Its major tasks include the co-ordination of international and European work in this area. PT is the Norwegian national member of ETSI and ITU.
    <www.npt.no> (accessed 20 January 2014)

Relevant National Standards

-   Standard on Universal Design (NS 11001-1/2)

-   Sound conditions in buildings - Sound classes for various types of buildings (NS 8175); 2009

-   Accessible Tourism Destination - Requirements as a basis for a labelling system (NS11010; 2008)

Serbia

Relevant Legislation

Non-Discrimination

- **Law on prevention of discrimination against persons with disabilities** (*Zakon o sprecavanju diskriminacije osoba sa invaliditetom,* 33/2006 Official Gazette)

  Article 33 imposes a duty on local governments to undertake measures to ensure an accessible physical environment for persons with disabilities; Articles 13-16 foresee that services are to be provided to persons with disabilities on equal basis, and with certain adaptations if required; Public facilities are to be generally accessible to persons with disabilities.

- **Law on Prohibition of Discrimination** (*Zakon o zabrani diskriminacije,* 22/2009 Official Gazette)

  Article 17 foresees discrimination in the area of physical accessibility and access to public services.

Built Environment

- **Law on construction and planning** (*Zakon o izgradnji i planiranju*, 2003)

  Article 14 and 41 address physical adaptations and accessibility to buildings of public interest and public property with sanctions for violations.

- **Rules on technical standards of accessibility** (*Pravilnik o tehnickim standardima pristupacnosti* - bylaw, 19/2012 Official Gazette)

Access to ICT

- **Law on public information**, (*Zakon o javnom informisanju,* 43/2003, 61/2005, 71/2009, 89/2010, 41/2011 Official Gazette)

  Article 5.2 foresees special allocation of funds by the local government units for ensuring implementation of rights of 'invalids, handicapped and other people with special needs' in public information system, especially the freedom to receive ideas, information and opinions.

Policy Programmes and Soft Law

- **National Strategy for the development of information society 2005-2020**

  (*Strategija o razvoju informacionog drustva* 55/05, 71/05, 101/07, 65/08, Official Gazette)

  General goals call for full inclusion of social groups with special needs.

- **National Strategy on Prevention of and Protection from Discrimination 2013**

  (*Strategija o sprecavanju i zastiti od diskriminacije*)

  The specific objective 4.5.4.5 calls for implementation of standards in ensuring mostly physical accessibility, with mentions of special use of alphabet and specific approaches in education.

- **National Strategy for Improving the Status of Persons with Disabilities 2006**

(*Strategija o unapredjenju polozaja osoba sa invaliditetom*)

Within general objectives, the Strategy determines access to accessible environment and transportation, information, communication systems and services and development of those standards.

Official Reports

- Government of the Republic of Serbia (2012), *Initial report on the implementation of the convention on the rights of persons with disabilities*, available at <http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx> (accessed 30 November 2013)

Studies on Legislation

Year	Author	Title	Summary and Relevant Content
2013	Sonja Vasic, Rados Keravica, Goran Loncar	*Holistic Report: Monitoring Your Rights*, Centre for Society Orientation, available at <http://www.slideshare.net/slideshow/embed_code/26310162> (accessed 30 November 2013)	The Report offers results from monitoring and analysis in several main sectors of social life of persons with disabilities. Chapter One is dedicated to accessibility of buildings, roads, transportation, information and communication.
2012	Bojan Stanojlović	*Disability Strategies and Policies in The Republic of Serbia* (pp presentation), available at <http://www.disability-europe.net/content/aned/media/Handout%20Bojan%20Stanojlovic%20-%20national%20situation%20in%20Serbia.pdf> (accessed 30 September 2013)	The presentation provides a general overview of Disability Strategies and Policies in The Republic of Serbia. However, no specific information related to accessibility is provided.
2007	Damjan Tatic	*Report on Situation of Persons with Disabilities in Serbia: Analysis of Legislation and Practice,* CIL Serbia, available at <http://www.cilsrbija.org/ebib/200707251930150.Izvestaj%20-%20engleski.pdf> (accessed 30 November 2013)	The Report gives an overall analysis of the main areas of social life in terms of relevant law and practice and the status of persons with disabilities. Chapter 2.11 is dedicated to accessibility of transport, objects and information.

Academic Literature (Legal)

Year	Author	Title (and location of the publication)	Summary and Main Content
2012	Miodrag Pocuc	*'Pristupacnost i dizajn za sve'* ['Accessibility and design for all'] in Prohibition of discrimination against persons with disabilities, compilation of essays, Faculty of Law Belgrade, 125-338	N.a.
2012	Dragica Radosav, Vanja Catic	*'Pristupacnost interneta osobama sa poremecajem razlikovanja boja'* ['Internet accessibility for persons with colour perception deficiency disorder'] (2012) 36(1) *Teme* 277-290	The goal of this paper is to clarify some concepts and expand knowledge about the ways in which web pages could be constructed to be accessible by persons with visual deficiency and colour perception deficiency disorders, or colour-blindness. Taking into consideration that education is a primary factor for the development of society, and that it most often involves using the Internet, authors have shown, in one part of this paper, how it is possible to construct an adapted, e-accessible college Web site.
2011	Vedran Vucic	*'Veb pristupacnost i elektronski formati za pristup informacijama za osobe sa invaliditetom'* ['Web-accessibility and electronic formats for access to information for persons with disabilities'] (2011) Standardization and quality of library services – book of proceedings 279-294	N.a.
2010	Damjan Tatic, Jelena Kotevic	*'Pristupacnost: preduslov za slobodu kretanja osoba sa invaliditetom'* ['Accessibility: A precondition for liberty of movement of persons with disabilities'] (2010) 58(10) *Anali Pravnog fakulteta u Beogradu* 389-399	The Constitution of the Republic of Serbia prohibits discrimination on grounds of physical and intellectual disability and guarantees liberty of movement. The Law on Prevention of Discrimination against Persons with Disabilities of the Republic of Serbia prescribes that denial of access to persons with disabilities to objects of public interest public spaces, public transport and services opened to the public constitute illegal acts of discrimination. The Law on Urban Planning and Construction orders mandatory application of accessibility standards in planning and construction of all new public buildings and housing facilities, and imposes fines to investors that fail to comply with the standards. Efficient implementation of the aforesaid pieces of legislation should ensure full accessibility to physical environment and public transport to the persons with disabilities. However this will take a concentrated, continuous effort of all state and non-governmental actors.
2010	Ivan Stojilovic	Context – Serbia and the EU(pp presentation), International Workshop E-Inclusion of vulnerable groups, Belgrade, 2010, available at <http://www.ian.org.rs/events/clicktoeurope/materials.htm> (accessed 06 December 2013)	N.a.

2010	Dragana Milunovic	*'Informacione tehnologije u bibliotekama za osobe sa invaliditetom'*['Information technologies in libraries for persons with disabilities'] (2010) 129 *Kultura* 182-192	The article addresses developments in contemporary technology at the service of persons with disabilities, as well as possibilities of implementing them in library systems. Some of the new generation communication devices are reviewed in terms of their applicability to the given context.
2009	Zdenka Popovic, Ksenija Stevanovic, Leposava Puzavac	*'Railway Terminals – Accessibility for Persons with Reduced Mobility'*, (2009) Spatium: urban and regional planning, architecture, housing, building, geodesia environment, 1-10, available at <http://www.doiserbia.nb.rs/img/doi/1450-569X/2009/1450-569X0920060P.pdf> (accessed 30 October 2013)	The paper explores conditions for implementation of "Technical Specification for Interoperability – People with Reduced Mobility" on Serbian Railways.
2008	Nenad Radenkovic	*'Brajeva pismo u okvirima prava na pristupacnost'* ['The Braille alphabet regarding the availability right'] (2008) *Glasnik Narodne biblioteke Srbije* 101-107	In the text one presents a comparative analysis of the legal regulations and their application in the world and in Serbia regarding the right to the availability of the Braille alphabet, with a special emphasis to the European Union regulations. One also presents a survey of positive examples from the former Yugoslav countries.
2007	Sofija Korac	*'Accessible Serbia: Legal Reforms and Persons with Disabilities'*, (2007) 21(2) Serbian Studies – Journal of the North American Society for Serbian Studies 201-218	This article focuses on how Serbia's role as a leader in the Balkans, both in terms of regional initiatives related to promotion of disability rights as well as its own local and state frameworks, serves as a model of good practice for its neighbouring countries.

Sweden

Relevant Legislation

Anti-Discrimination

- **Discrimination Act** (*Diskrimineringslag),* Swedish Code of Statues (*Svensk författningssamling, SFS*) 2008:567

  The different anti-discrimination laws (on disability, sexual orientation and ethnicity) were included in one new Discrimination Act. The purpose was to make Swedish discrimination legislation more effective and comprehensive. The Disability Ombudsman was replaced by an Equality Ombudsman with an enlarged remit.

Transport

- **Law on accessible public transport for persons with disabilities** (*Lagen om handikappanpassad kollektivtrafik*), Swedish Code of Statues (*Svensk författningssamling, SFS*) 1979: 558.

  The law stipulates the right to access to public transport for persons with disabilities.

- **Ordinance on accessible public transport for persons with disabilities** (*Förordningen om handikappanpassad lokaltrafik*), Swedish Code of Statues (*Svensk författningssamling, SFS*) 1980:398

  It specifies how accessibility should be achieved, in terms of adjustments, how and when it is judged to be reasonable.

Built Environment

- **Law on financial support for adaptation of housing for persons with disabilities** (*Lagen om bostadsanpassningsbidrag),* Swedish Code of Statues (*Svensk författningssamling, SFS*) 1992:1574.

  The law aims to contribute so that the disabled person can maintain an autonomous life in terms of housing, i.e., by adapting necessary functions of the house/apartment.

- **Planning and building Act** (*Plan och bygglag*), Swedish Code of Statues (*Svensk författningssamling, SFS*) 2010:900.

  The Act lays down the general rules for the physical environment. In built-up areas the environment must be adapted to suit persons with limited motor abilities and orientation capacity. It contains an obligation to remove easily rectified obstacles in public places and on public premises thus affording access for persons with limited abilities of movement and orientation capacity.

- **Ordinance on environmental planning and building** (*Plan och byggförordning*), Swedish Code of Statues (*Svensk författningssamling, SFS*) 2011:338.

  This provides more detailed regulation on the accessibility requirements regarding elevators etc.

Access to ICT

- **The Administrative Court Procedure Act** (*Förvaltningsprocesslagen*), Swedish Code of Statues (*Svensk författningssamling, SFS*) 1971: 291 and The Swedish Code of Judicial Procedure, *SFS* 1942: 740 (*Rättegångsbalken*).

The Acts state that when dealing with persons who do not speak Swedish language or who has a severe hearing impairment or speech impediment, interpreters should be used when necessary. These laws also include wording about translation into and from Braille. The Administrative Procedure Act has no such wording relating to Braille. The laws cover information and communication for the parties, but not accessibility of information for members of a jury.

- **The Administrative Procedure Act** (*Förvaltningslagen*), Swedish Code of Statues (*Svensk författningssamling, SFS*) 1986:223

  The Act states (section 8) that 'when an authority is dealing with someone who does not have command of the Swedish language or who has a severe hearing impairment or speech impediment, the authority should use an interpreter when needed'.

- **The Electronic Communications Act** (*Lagen om elektronisk kommunikation*) Swedish Code of Statues (*Svensk författningssamling, SFS*), 2003:389.

  The Act regulates delivery of electronic and communications services, among these telephone networks and computer communications. The law states that public services must always be accessible on equal terms all over the country.

- **Ordinance SFS 2001:525**

  This ordinance states in section 2 that 'The authorities shall in particular work to ensure that their premises, operations and information are accessible for people with disability'.

Education

- **Educational Act** (*Skollagen*), Swedish Code of Statues (*Svensk författningssamling, SFS*) 2010:800.

  The principle guideline is that the state provides education for all young people at all levels. However, the wording of the Act (for example chapter 10, § 30), allows schools to refuse admission to pupils who require extensive extra resources.

Social services

- **Act concerning Support and Service for Persons with Certain Functional Impairments** (*Lag om särskilt stöd och service till vissa funktionshindrade, LSS*), Swedish Code of Statues (*Svensk författningssamling, SFS*) 1993:387.

  LSS, aims to give disabled people "good living conditions". It targets people with extensive disabilities that cause significant difficulties in daily life, thus creating the need for extensive support and service. The Act offers ten different activities, among them support and advice, personal assistance, companion service and a contact person. If a person entitled to LSS needs personal assistance for more than 20 hours a week, the cost will be met by The Swedish Social Insurance Agency (*Försäkringskassan*) instead of the municipality. The allowance is called assistance allowance in keeping with the Act covering this field, LASS.

- **Assistance Compensation Act** (*Lag om assistansersättning*), Swedish Code of Statues (*Svensk författningssamling, SFS*) 1993:389

  Regulates the financial issues related to personal assistance according to LSS.

- **Social Services Act** (*Socialtjänstlag*), Swedish Code of Statues (*Svensk författningssamling, SFS*) 2001:45.

The supports provided are needs-tested and they aim to provide the person with a "reasonable level of living". Support can be cash benefits in order to maintain a living or services in kind (home help, personal services of different kind).

- **The Disability Policy Ordinance (Responsibility of National Authorities for implementation)** *(Förordning om de statliga myndigheternas ansvar för genomförandet av handikappolitiken)*, Swedish Code of Statues (*Svensk författningssamling, SFS*) 2001:526.

  This ordinance requires national authorities to take steps to ensure that their operations, information and premises are made accessible.

Work environment

- **The Environment Act** (*Arbetsmiljölagen*), Swedish Code of Statues (*Svensk författningssamling, SFS*) 1977:1160.

  The Act is to prevent ill health and accidents at the workplace and to otherwise achieve a good working environment. The employer is obliged to make reasonable accommodations regarding the workload or other suitable adjustments in order to suit the special needs of the employee.

Procurement

- **The Swedish Public Procurement Act** (*Lagen om offentlig upphandling*), Swedish Code of Statues (*Svensk författningssamling, SFS*), 2007: 1091.

  The Act stipulates that when public parties make technical specifications they must consider accessibility for persons with disabilities. The law applies to public procurement of building contracts, goods and services and building concessions. However, the law does not include regulations concerning the procurement of goods and services in connection with information and communication.

Policy Programmes and Soft Law

- **A Strategy for the Implementation of Disability Policy, 2011–2016.**

  In 2011 the Swedish Government presented a strategy, for the implementation of disability policy. It follows the intentions of the UN Convention on the rights of persons with disabilities and covers ten different policy fields. The strategy provides concrete objectives for society's initiatives and how results are to be followed up in nine priority areas, including labour market policy, education policy, social policy and transport policy. Available at <http://www.government.se/content/1/c6/18/35/02/c413de49.pdf> (accessed 04 December 2013)

- **eGovernment Action Plan. A new basis for IT-based organisational development in public administration** (*Handlingsplan för eFörvaltning - Nya grunder för IT-baserad verksamhetsutveckling i offentlig förvaltning*) (Swedish Central Government Offices, 2008).

  Available at <http://www.regeringen.se/content/1/c6/09/65/12/4ffd1319.pdf> (accessed 04 December 2013)

- **Decree and general recommendations regarding elimination of easily removable barriers to buildings and open spaces to which the public is admitted**

The Swedish National Board of Housing, Building and Planning, *BFS 2011:26*, (*Boverkets författningssamling*) and The Swedish National Board of Housing, Building and Planning, *BFS 2003:19*, (*Boverkets författningssamling*).

- **Decree on the Work Environment Authority on workplace design** (*Arbetsplatsens utformning. Arbetsmiljöverkets föreskrifter om arbetsplatsens utformning samt allmänna råd om tillämpningen av föreskrifterna*) AFS 2009

  Regulations stating that workplaces, work premises and personnel facilities must, if needed, be accessible and usable for employees with disabilities.

Official Reports

- Sweden (2011), *Initial Report under the Convention on the Rights of Persons with Disabilities*. Available at <http://www.regeringen.se/sb/d/14014/a/162260> (accessed 04 December 2013)

- Sweden (2011), *Swedish disability movement's alternative report to the UN Committee on the Rights of Persons with Disabilities*. Available at <http://www.hso.se/Material/Projektet-Manskliga-rattigheter/Publications-in-English/> (accessed 04 December 2013)

Studies on Legislation

Year	Author	Title	Summary and Main Content
2013	Lotta Coniavitis Gellerstedt	*Study on European Disability Strategy and EU Implementation of the Convention on the Rights of Persons with Disabilities. National Report on Sweden* (unpublished)	The country report examines the impact of EU measures in national legislation. It contains a chapter on accessibility.
2012	Berth Danermak and Lotta Coniavitis Gellerstedt	*ANED 2012 Task 4 – National Accessibility Report* <http://www.disability-europe.net/>	This country report has been prepared as input for the thematic report on *Maximising the Impact and Effectiveness of Accessibility Measures for Goods and Services: Learning from National Experience*. The purpose of the report is to examine the impact and effectiveness of accessibility laws and standards in EU/EEA countries, and mechanisms of monitoring and enforcement.
2012	Dan Andersson/ Swedish Disability Movement	*Dörrarna stängs innan alla har fått plats.* [Doors close before everybody has a seat], available at <http://www.hso.se/Global/Diskriminering/D%C3%B6rrarna%20st%C3%A4ngs%20innan%20alla%20f%C3%A5tt%20plats.pdf> (accessed 04 December 2013)	The report investigates the loss suffered by society in various fields caused due to the lack of accessibility.
2012	Handisam	*Monitoring disability policy in Sweden.* Handisam, The Swedish Agency for Disability Policy Co-ordination, available at <www.handisam.se> (accessed 04 December 2013)	Handisam is the national authority tasked with creating an integral monitoring system taking reports by the other national authorities concerned as its point of departure. This monitoring of Swedish disability policy forms the basis of Sweden's reporting to the United Nations with reference to the Convention on the Rights of Persons with Disabilities (CRPD). This monitoring amounts to a comprehensive review of the actions taken by national authorities to create better accessibility and participation for persons with disabilities.
2010	The National Board of Health and Welfare, (*Social-styrelsen*)	*Tillgänglighet ur ett funktionshindersperspektiv – En undersökning bland socialkontor och vårdcentraler.* [*Accessibility from a disability perspective. (A Study of social services offices and primary health care centres)*], available at <http://www.socialstyrelsen.se/publikationer2010/tillganglighetur ettfunktionshindersperspektiv> (accessed 04 December 2013)	The report investigated whether people with disabilities may apply for care and support on the same terms as others by means of charting accessibility to social welfare offices and healthcare centres in Sweden.
2009/ 2011	Handisam	*National Human Rights Indicators. Small windows onto a wider context*, Handisam, The Swedish Agency for Disability Policy Co-ordination, available at <http://hmi.dk/media/provisionassistivetechnology.pdf> (accessed 04 December 2013)	Handisam has been commissioned by the Delegation for Human Rights in Sweden to develop national human rights indicators. The development of indicators has been based on a three-tiered model comprising structural, process and outcome indicators. This model has been devised by OHCHR, the Office of the High Commissioner for Human Rights. Based on this model, indicators have been evolved with reference to the following five rights: the right to participate in public affairs, the right to enjoyment of the highest attainable standard of physical and mental health, the

			right to work, the right to education and the right to adequate housing.

Academic Literature (Legal)

Year	Author	Title (and location)	Summary
2012	Elisabet Svensson	*'Bygg ikapp: för ökad tillgänglighet och användbarhet för personer med funktionsnedsättning'* ['Catching up: for increased usability for persons with disabilities'], Stockholm: *Svensk byggtjänst.*	A handbook containing information concerning rules and regulations for increased knowledge about necessary measures to make the environment more accessible. The book contains a number of suggestions how to improve accessibility.
2010	Moa Kindström Dahlin, Pernilla Leviner, Anna Kaldal, Clara Hellner Gumpert	'Swedish legal scholarship concerning protection of vulnerable groups: Therapeutic and proactive dimensions' (2010) 33 International Journal of Law and Psychiatry 398–405	This paper presents a brief overview of the legal theoretical problems that arise in connection with the societal ambition of protecting vulnerable groups.
2007	Katarina Schenker	*'Perspektiv på ökad tillgänglighet inom högre utbildning – med hjälp av digitala verktyg. Malmö: Malmö University'* ['Perspectives on increased accessibility in higher education with the help of digital tools'] (diss.) Available at <www.avhandlingar.se/avhandling/cfe41b0329/> (accessed 04 December 2013)	The thesis explores accessibility via collaborative internet-based education and the possibility to develop a pedagogical and technical system usable for persons with visual impairments and students with reading difficulties.
2004	Oscar Grönvall	*'Tillgänglighet i trafikmiljön – intressekonflikter som barriär?'* ['Accessibility in traffic environments. Conflicts of interest as barrier?'] Lund University: Department of Technology and Society, Lund Institute of Technology Traffic Planning.	Despite the fact that most people seem to agree that society is accessible for persons with disabilities the built environment to a large extent is not accessible. This is analysed in light of conflicts between accessibility interests and other interests. Areas of conflict relate to Lobby, Knowledge, Economy, Structure, Engagement, Technical solutions/Aesthetics, Time and Legislation. Bridging such conflicts is crucial for increased accessibility.
2004	Åsa Gardelli	*'Det handlar om ett värdigt liv»: människor med funktionshinder införlivar IKT i sina vardagliga liv'* ['It's about living a life with dignity: persons with disability incorporating ICT in their daily lives'], Luleå University of Technology.	In depth life course interviews were conducted with persons participating in ICT projects. For some of the IP's ICT became indispensable in daily life matters, while others experienced barriers difficult to overcome and they became non-users. The difference between the two groups tended to increase over time as the project period went on.
2004	Richard Sahlin	*Diskrimineringsskydd för personer med funktionshinder inom utbildningsområdet: En offentligrättslig studie* [Discrimination protection for persons with disabilities in education. A study in public law] Stockholm University (2004), available at <http://www.avhandlingar.se/avhandling/7958d639be/> (accessed 28 November 2013).	The paper examines legal areas within the framework of Public Law, i.e. Legal Theory, Public International Law (Human Rights), Swedish Law (Constitutional Law, Discrimination Law, Educational Law) and American Law (Comparative Law). The paper analyses to what extent these areas explicitly or implicitly protect persons with disabilities against discrimination in educational life. The result shows that the discrimination protection has changed a lot

			recently thanks to the disability movement's successful struggle. The protection, however, is still not fully effective but linked with different kinds of shortages.

Other Sources

National Standardisation Bodies Websites

- **Swedish Standards Institute (SIS)**

  SIS, Swedish Standards Institute is a member-based, non-profit association specialized in national and international standards. The first Swedish standards were established in 1923. Swedish standardization work has always enjoyed broad support, involving representatives from the specific field. The work has always been conducted as a civil law process, and never in the form of a government agency.

  <http://www.sis.se/en/> (accessed 04 December 2013)

- *Svensk Elstandard* **(SEK) - Swedish Elstandard**

  SEK is responsible for standardisation in Sweden in the field of electricity. The organisation also co-ordinates Swedish participation in European and other international standardisation work as a member of the IEC and CENELEC.

  <http://www.elstandard.se/> (accessed 04 December 2013)

- **Informationstekniska standardiseringen - Information Technology Standardization**

- The Swedish government has appointed Information Technology Standardization (ITS), Swedish Elstandard (SEC) and the Swedish Standards Institute (SIS) as Swedish standardization bodies. ITS is responsible for telecommunications**.**

  <http://www.its.se/> (accessed 04 December 2013)

Other Relevant Bodies

- *Handisam* **- The Swedish Agency for Disability Policy Co-ordination.**

  <www.handisam.se> (accessed 04 December 2013)

- *Hjälpmedelsinstitutet* **-The Swedish Institute of Assistive Technology**
  <www.ki.se> (accessed 04 December 2013)

The UK

Relevant Legislation

Non-Discrimination

- **Disability Discrimination Act (2005)**

(Succeeded by the Equality Act (2010))

It places a duty on public bodies to promote disability equality. The Act has implications for provision of and access to goods and services. It introduced the 'General' Disability Equality Duty.

- **The Equality Act (2010)**

This Act replaces the Disability Discrimination Act (2005) and prohibits discrimination against people with disabilities and applies to disabled people in a range of circumstances, covering the provision of goods, facilities and services, the exercise of public functions, premises, work, education, and associations. The Act also has implications for provision of and access to services. Providers must ensure that their service is accessible to people with disabilities as defined in the Equality Act. The Act introduces an 'anticipatory duty', ensuring that providers take positive steps to ensure that disabled people can access services. This goes beyond simply avoiding discrimination. It requires service providers to anticipate the needs of potential disabled customers for reasonable adjustments.

Transport

- **Chronically Sick and Disabled Persons Act (1970)**

(Mostly succeeded by later acts, some sections still apply)

This Act set out provisions to improve access and support for people with disabilities. Local authorities given a duty to assist with: practical support in the home; provision of meals at home or elsewhere such as community centres; provision or assistance to obtain radio, TV, library or other recreational services; provision of recreational and educational activities outside the home; provision of services or help in accessing travel to and from the home to participate in these activities; arranging home adaptations to meet people's needs.

Built Environment

- **Public Service Vehicles Accessibility Regulations (2000)**

Established requirements that public transport be accessible to people with disabilities, and are able to carry people with disabilities.

- **Building Act (1984)**

This act authorizes the Department of Communities and Local Government to regulate the accessibility of the built environment.

- **Approved Document M-Access to and Use of Buildings (2013)**

This document contains guidance on building regulations relating to access and use of buildings. Part M requires reasonable provision be made for people to use and access of building and facilities. Access includes not only entrance to buildings and facilities but also sanitary conveniences.

Access to ICT

- **Communications Act (2003)**

  The Act provided OFCOM with a duty to consider the needs of disabled people when making and implementing regulatory decisions about the provision of communications services. It is designed to ensure the broadest range of people gain 'maximum benefit' from new digital communication technologies (in context of switchover from analogue to digital television).

Policy Programmes and Soft Law

- **The Disability Equality Duty**

  Since December 2006, there has been a legal duty on all public sector organisations to promote equality of opportunity for disabled people (referring to DDA, 2005).

  The DED requires service providers promote disability equality in every aspect of their business including ICT. Businesses are required to publish details of their Disability Equality Scheme, usually a 3 year action plan drawn up in consultation with disabled people. This could include issues such as: Implementing a reasonable adjustment process including ICT reasonable adjustments to ensure equality in employment; ensuring that all on-line public information is accessible.

- **Equality Act 2010: Guidance**

  It contains information and guidance on the Equality Act 2010, including disability discrimination and the public sector equality duty.

  Available at <https://www.gov.uk/equality-act-2010-guidance> and <http://www.legislation.gov.uk/ukpga/2010/15/contents> (accessed 30 October 2013)

- **The Accessibility Action Plan** (Department for Transport, published 12 December 2012)

  Guidelines build on the policy 'Making transport more accessible to all'. The goal is to make transport more accessible by: providing guidance and funding for community and voluntary transport used by disabled and elderly people. It requires by law that bus and coach operators make their vehicles accessible for disabled people, including wheelchair users; requires taxis and private hire vehicles to make their vehicles accessible for disabled people, including wheelchair users and those with guide dogs.

  Available at <https://www.gov.uk/government/policies/making-transport-more-accessible-to-all> and <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/49089/accessibility-action-plan.pdf> (accessed 30 October 2013)

- **Disability Equality Scheme** (Ofcom)

  Follows introduction of DDA General Disability Equality Duty. In the action plan, Ofcom outlines the agreed work on equality for disabled people as it relates to its role as the UK's communications regulator and as an employer. The priorities identified during the involvement process are aligned to Ofcom's aims and activities identified in its Annual Plan to ensure that actions to address disability equality are part of its daily activities. These actions include: Clarifying the way in which the communications industry serves the interests of disabled citizens; Encouraging manufacturers to develop communications equipment which is capable of being used with ease, and without modification, by the widest possible range of individuals, including those with disabilities.

  Available at <http://stakeholders.ofcom.org.uk/consultations/des/> (accessed 30 October 2013)

- **The eAccessibility action plan: making digital content accessible by everyone** (Department for Culture, Media & Sport; published 9 July 2012)
Guidelines build on the policies 'Creating a fairer and more equal society' and Making it easier for the communications and telecoms industries to grow, while protecting the interests of citizens'. Latest updated action plan to support the improvement of public websites, IT equipment and online content to suit the needs of disabled people. The plan aims to contribute to an inclusive digital economy for people with specific needs and covers regulation, accessible consumer technology and digital equipment, website services, accessible content, and awareness and promotion.
Available at <https://www.gov.uk/government/publications/the-eaccessibility-action-plan-making-digital-content-accessible-by-everyone-june-2011>;
<https://www.gov.uk/government/policies/creating-a-fairer-and-more-equal-society>;
<https://www.gov.uk/government/policies/making-it-easier-for-the-communications-and-telecoms-industries-to-grow-while-protecting-the-interests-of-citizens> (accessed 30 October 2013)

- **Accessible Technology Charter**

Charter of the Technology Taskforce dedicated to making sure accessibility and usability is fundamental to technology. The taskforce is comprised of 17 blue-chip companies and government departments concerned with ensuring that employers can recruit and retain disabled people and do business with disabled customers by making ICT accessible, not exclusionary. With a growing emphasis on information and communication technology (ICT) as a key driver for the global economy, public and private sector organisations are increasingly expected to ensure that their ICT help them to meet and serve their employees, customers and stakeholders.

Signatories state that they will ensure disabled and older people can apply for jobs with them, be employed by them, and do business with them, by implementing an Information and Communications Technology strategy which includes commitments regarding accessibility.
Available at <http://technologytaskforce.org> (accessed 30 October 2013)

Official Reports

- United Kingdom (2011), *Initial Report On the UN Convention on the Rights of Persons with Disabilities,* available at <http://odi.dwp.gov.uk/docs/disabled-people-and-legislation/uk-initial-report.pdf;
http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx > (accessed 30 October 2013)

- Equality and Human Rights Commission, *Making Rights a Reality: Implementing the UN Convention on the rights of Persons with Disabilities*, available at <http://www.equalityhumanrights.com/uploaded_files/making_rights_a_reality.pdf> (accessed 30 October 2013)

- Scottish Parliament Equal Opportunities Committee Disability Inquiry, *Removing Barriers and Creating Opportunities*, (Report of the Scottish Parliament's equal opportunities disability inquiry, 28 November 2006), available at <http://archive.scottish.parliament.uk/business/committees/equal/reports-06/eor06-02-Vol01-00.htm (accessed 30 October 2013)

- UK Government, *Equality Bill: Equality Impact Assessment,* (November 2009), available at <http://www.official-documents.gov.uk/document/other/9780108508714/9780108508714.pdf> (accessed 30 October 2013)

- House of Commons Transport Committee**,** *Access to transport for disabled people Fifth Report of Session 2013–14***,** (17 September 2013), available at <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmtran/116/116.pdf> (accessed 30 October 2013)

- Department for Work and Pensions, *Getting in, staying in and getting on: Disability employment support fit for the future***,** (June 2011), available at <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/49779/sayce-report.pdf> (accessed 30 October 2013)

- Department for Work and Pensions, *Fulfilling Potential: Making It Happen***,** (July 2013), available at <http://odi.dwp.gov.uk/docs/fulfilling-potential/making-it-happen.pdf> (accessed 30 October 2013)

- Office for Disability Issues, *Five principles for producing better information for disabled people: Supporting public sector communicators and practitioners*, **(**Feb 2007), available at <http://odi.dwp.gov.uk/docs/wor/imp/ODI_FivePrinciples_2007_full.pdf> (accessed 30 October 2013)

- *eAccessibility Forum & Action Plan, July 2012 Progress Report,* available at <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/77518/eAccessibility_Action_Plan_update_July2012.pdf> (accessed 30 October 2013)

- Chandrika Nath, *POSTnote 411 ICT for Disabled People*, (22 May 2012), available at <http://www.parliament.uk/business/publications/research/briefing-papers/POST-PN-411/postnote-411-ict-for-disabled-people> (accessed 13 January 2014)

- Joint report of Department for Culture, Media and Sport and Department for Business, Innovation and Skills, *Digital Britain, Final Report,* (June 2009), available at <http://webarchive.nationalarchives.gov.uk/20100511084737/http://www.culture.gov.uk/images/publications/digitalbritain-finalreport-jun09.pdf> (accessed 30 October 2013)

Studies on Legislation

Year	Author	Title	Summary and Main Content
2013	Sara Woodin	*Study on European Disability Strategy and EU Implementation of the Convention on the Rights of Persons with Disabilities. National Report on the United Kingdom* (unpublished)	The country report examines the impact of EU measures in national legislation. It contains a chapter on accessibility.

Academic Literature (Legal)

Year	Author	Title (and location)	Summary
2012	Catherine Easton	'Revisiting the law on web-site accessibility in the light of the UK's Equality Act 2010 and the United Nations Convention on the Rights of Persons with Disabilities' (2012) 20(1) International Journal of Law and IT 19	While there have been definitive rulings on the need for the provision of accessible websites in other jurisdictions, a UK court is yet to lay down such a duty in relation to a website. This paper focuses on the Equality Act 2010 which could impact upon the creation of a definitive precedent and analyses website design in the light of recent developments.
2011	Sarah Fraser Butlin	'The UN Convention on the Rights of Persons with Disabilities: Does the Equality Act 2010 Measure up to UK International Commitments?'(2011) 40(4) Industrial Law Journal 428	The theme of this article is that the UNCRPD is an extraordinarily radical Convention, made all the more remarkable because it is an international treaty, thus representing near universal consensus. The CRPD challenges conceptualisations of disability and the current understanding of disability discrimination in the UK as manifested in the Equality Act 2010. If the UK's ratification of the CRPD is taken to its logical conclusion and is used to challenge and transform the law, it should have a ground-breaking effect.
2008	Carol Brennan, and Martin Coppack	'Consumer empowerment: global context, UK strategies and vulnerable consumers', (2008) 32(4) International Journal of Consumer Studies 306-313	Given the global interest and the development of national strategies, it is useful to consider what is meant by the term consumer empowerment. Is there a shared view of consumer empowerment internationally? Does the education of consumers result in empowered consumers? The study found that the language of consumer empowerment is gaining prominence in policy and strategy documents at the highest levels internationally in the Organisation of Economic Cooperation and Development and the European Community, and nationally in the UK.
2008	Anna Lawson	*Disability and Equality Law in Britain: The Role of Reasonable Adjustment* (Hart Publishing, 2008)	Provides an analysis of current and potential role of reasonable adjustment duties in British law. It explores the notion of the anticipatory reasonable adjustment duty and probes the relationship between reasonable adjustment and other concepts, including indirect discrimination and positive discrimination. Drawing on US debates, potential sources of resistance to the duties are exposed and an attempt is made to suggest pre-emptive counter strategies. Attention is also given to legal reform and rationalisation - issues of immense topicality and importance in view of the British move towards a single Equality Act.
2006	Sally Hayward	'Website owners and Part III of the DDA 1995', (2006) 8(2) Electronic Business Law 9	This paper looks at results of the Disability Rights Commission 2004 [see 'official reports', appendix A] report and the current level of compliance with the Disability Discrimination Act 1995.
2005	Anna Lawson and Caroline Gooding	*Disability Rights in Europe: From Theory to Practice* (Hart Publishing, 2005)	This book explores legal strategies which have been adopted, both nationally and internationally, to achieve equality for disabled people and facilitate their inclusion into mainstream society. It examines current developments in anti-discrimination law and assesses the effectiveness and potential of the human rights framework for disabled Europeans. In addition, a number of approaches to the enforcement and promotion of disability rights are considered, including a focus on reasonable adjustment and accessibility.
2005	Stephen Carey,	'Access for all?', (2005) 16(2) *Construction Law* 17-19	The Disability Discrimination Act imposes responsibilities on designers and contractors to

	Melanie Sell		ensure that buildings they are engaged on do not have features which put disabled people at a disadvantage. This paper explores implications of the DDA (1995) on the construction industry.

Other Sources

National Standardisation Bodies Websites

- **British Standards Institution (BSI)**

  The British Standards Institution is the UK National Standards Body and represents the UK's economic and social interests across all European and international standards organizations and in the development of business information solutions for British organizations of all sizes and sectors.

  <http://www.bsigroup.com/> (accessed 30 November 2013)

- **British Standards Institution (BSI) Disabled Experts Reference Group**

  The British Standards Institution created the Disabled Experts Reference Group is a diverse group of persons with disabilities with relevant expertise and interest in disability equality. They provide BSI with insight into how BSI's products and services impact persons with disabilies.

  < http://www.bsigroup.com/en-GB/about-bsi/uk-national-standards-body/how-standards-help-consumers/disabled-experts-reference-group/> (accessed 13 January 2014).

- **The Centre for Accessible Environments**

  The Centre for Accessible Environments (CAE) is the UK's leading authority on inclusive design.

  <http://www.cae.org.uk> (accessed 30 November 2013)

Relevant National Standards

- **BS 8878:2010 - Web accessibility. Code of practice**
  British Standards Institution guidance on web accessibility.
  BS 8878:2010 is the first British standard to outline a framework for web accessibility when designing or commissioning web products. It provides guidance for all sectors on meeting requirements of the Equality Act 2010 which states that web products must be accessible to all. The BS 8878:2010 code of practice applies to all products delivered via a web browser, including websites, web services and web-based applications such as email. The standard also focuses on processes rather than technical or design issues and is recognised by the Government's e-Accessibility Action Plan as a key tool for developing accessible online services. See at
  <http://shop.bsigroup.com/en/ProductDetail/?pid=000000000030180388> (accessed 30 November 2013)

- **BS 8300:2009**

  Design of buildings and their approaches to meet the needs of disabled people. Code of practice.

  This code of practice offers best-practice recommendations for how building design can best meet the requirements of persons with disabilities. The requirements cover a range of disabilities and look at how building design impacts persons with disabilities as residents,

visitors, spectators or employees. The standards cover entrances, interiors, access routes, parking, garaging and setting down points to the building and associated facilities

Other Private Regulations

- British Standards, *The Standards Solution for Government* (2006).

- Alison Grant, *Access Audit Handbook 2013*, (CAE Publishing, 2013)

  The Access Audit Handbook 2013 is an indispensable resource for anyone wishing to audit the accessibility of buildings and services. It guides users through the development of reports in the context of the latest legislation and best practice, and provides practical guidance and a user-friendly framework for conducting access audits.

- Alison Grant, *Designing for Accessibility*, (CAE Publishing, 2012)

  The Centre's best-selling design guide is now published as a joint venture with RIBA Publishing. It is the acknowledged benchmark reference and is used as an access standard for grant providers and other organisations. It includes extensive plans and dimensional data illustrating internal and external features that commonly need attention in public buildings.
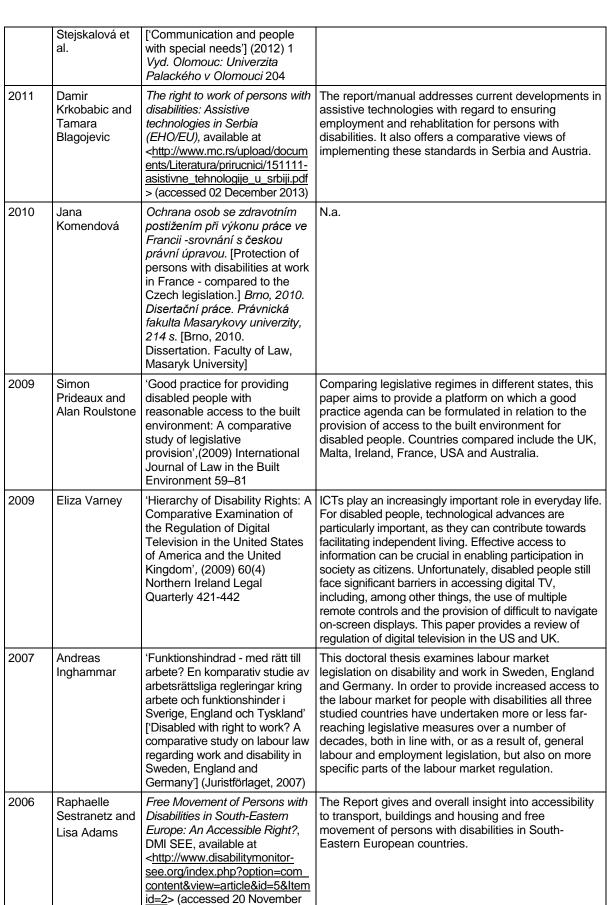
Comparative Legal Studies (English Language)

Year	Author	Title and location	Summary
2013	Anna Lawson and Mark Priestley	'Potential, principle and pragmatism in concurrent multinational monitoring: disability rights in the European Union' (2013) The International Journal of Human Rights 739.	This article looks at limitations of multinational rights monitoring systems. It sets out five principles for successful concurrent monitoring systems. The article also highlights recent tools that could be useful in the EU for concurrent monitoring.
2013	Andrew Power, Janet E. Lord and Allison S. DeFranco	*Active Citizenship and Disability: Implementing the Personalisation of Support* (Cambridge University Press, 2013)	International comparative study of implementation of disability rights law and policy. Explores how principles of self-determination and personalisation are enshrined in the UNCRPD and how different jurisdictions have implemented them. Case studies examine how different jurisdictions have reformed disability law and policy and reconfigured how support is administered and funded to ensure maximum choice and independence is accorded to people with disabilities. Countries include US, UK, Ireland, Canada, France and Sweden.
2013	Arie Rimmerman	*Social Inclusion of People with Disabilities: National and International Perspectives* (Cambridge University Press, 2013)	The first part of this book reviews the domestic and international historical roots and the conceptual base of disability, as well as expressions of social exclusion of people with disabilities that shape efforts to exercise their rights in society. It offers a review of social and legal approaches to social exclusion and inclusion. Part two analyses domestic and international social/legal strategies to promote inclusion for people with disabilities. Countries included are examples from Europe, including the UK, Israel (where the author is based), and the US.
2013	Konstantina Daviki, Claire Marzo, Eliza Narmino and Maria Arvanitidou	*Discrimination Generated by the Intersection of Gender and Disability*, Study requested by the European Parliament's Committee on Women's Rights and Gender Equality, available at <http://www.europarl.europa.eu/studies> (accessed 20 November 2013)	Disabled women are at the intersection of various forms of discrimination on the grounds of gender and disability. This report provides an overview of relevant legislation. It examines the ways this discrimination manifests itself in many domains of the private and public spheres. Although this study does not focus on accessibility, it gives a few hints on the role of accessibile facilities to ensure participation and realisation of disabled women's potential.
2012	Eilionóir Flynn	*From Rhetoric to Action: Implementing the UN Convention on the Rights of Persons with Disabilities* (Cambridge University Press, 2012)	Global comparative study of implementation and monitoring mechanisms for national disability strategies. It comprises a comparative study conducted at international, regional and country levels and highlights critical success factors in implementing disability strategies or action plans worldwide. It explores emerging synergies between what is required to implement principles of international law contained in the UNCRPD and what it is possible to achieve through national policy and systems development.
2012	Sarah D. Phillips	'EU Disability Policy and Implications of EU Accession for Disability Rights in Education and Employment in Bulgaria, Romania, Croatia, and the Former Yugoslav Republic of Macedonia', (2012) 22(4) Journal of Disability Policy Studies 208-219	Effects of EU candidacy and accession on disability rights in education and employment are examined in two new member (Bulgaria and Romania) and two candidate countries (Croatia, and FYR Macedonia). Development of EU disability policy is discussed, especially as that impacts reform in these countries. Concludes with recommendations for how the EU and its bodies and members of disability communities in the four countries can better advance disability rights in education and employment as part of the accession process.
2012	Regec, Vojtěch and Kateřina	*'Komunikace a lidé se specifickými potřebami'*	N.a.

	Stejskalová et al.	['Communication and people with special needs'] (2012) 1 *Vyd. Olomouc: Univerzita Palackého v Olomouci* 204	
2011	Damir Krkobabic and Tamara Blagojevic	*The right to work of persons with disabilities: Assistive technologies in Serbia (EHO/EU),* available at <http://www.mc.rs/upload/documents/Literatura/prirucnici/151111-asistivne_tehnologije_u_srbiji.pdf> (accessed 02 December 2013)	The report/manual addresses current developments in assistive technologies with regard to ensuring employment and rehablitation for persons with disabilities. It also offers a comparative views of implementing these standards in Serbia and Austria.
2010	Jana Komendová	*Ochrana osob se zdravotním postižením při výkonu práce ve Francii -srovnání s českou právní úpravou.* [Protection of persons with disabilities at work in France - compared to the Czech legislation.] *Brno, 2010. Disertační práce. Právnická fakulta Masarykovy univerzity, 214 s.* [Brno, 2010. Dissertation. Faculty of Law, Masaryk University]	N.a.
2009	Simon Prideaux and Alan Roulstone	'Good practice for providing disabled people with reasonable access to the built environment: A comparative study of legislative provision',(2009) International Journal of Law in the Built Environment 59–81	Comparing legislative regimes in different states, this paper aims to provide a platform on which a good practice agenda can be formulated in relation to the provision of access to the built environment for disabled people. Countries compared include the UK, Malta, Ireland, France, USA and Australia.
2009	Eliza Varney	'Hierarchy of Disability Rights: A Comparative Examination of the Regulation of Digital Television in the United States of America and the United Kingdom', (2009) 60(4) Northern Ireland Legal Quarterly 421-442	ICTs play an increasingly important role in everyday life. For disabled people, technological advances are particularly important, as they can contribute towards facilitating independent living. Effective access to information can be crucial in enabling participation in society as citizens. Unfortunately, disabled people still face significant barriers in accessing digital TV, including, among other things, the use of multiple remote controls and the provision of difficult to navigate on-screen displays. This paper provides a review of regulation of digital television in the US and UK.
2007	Andreas Inghammar	'Funktionshindrad - med rätt till arbete? En komparativ studie av arbetsrättsliga regleringar kring arbete och funktionshinder i Sverige, England och Tyskland' ['Disabled with right to work? A comparative study on labour law regarding work and disability in Sweden, England and Germany'] (Juristförlaget, 2007)	This doctoral thesis examines labour market legislation on disability and work in Sweden, England and Germany. In order to provide increased access to the labour market for people with disabilities all three studied countries have undertaken more or less far-reaching legislative measures over a number of decades, both in line with, or as a result of, general labour and employment legislation, but also on more specific parts of the labour market regulation.
2006	Raphaelle Sestranetz and Lisa Adams	*Free Movement of Persons with Disabilities in South-Eastern Europe: An Accessible Right?,* DMI SEE, available at <http://www.disabilitymonitor-see.org/index.php?option=com_content&view=article&id=5&Itemid=2> (accessed 20 November 2013)	The Report gives and overall insight into accessibility to transport, buildings and housing and free movement of persons with disabilities in South-Eastern European countries.

Other Sources and Websites

Official Reports

- **EU High Level Group's Reports**

  These reports give an overview of progress made in ratifying and implementing the UN Convention on the Rights of Persons with Disabilities in the EU and its Member States. Among the reports, <u>the Fifth Report focuses on the implementation of Article 9 UNCRPD (on accessibility)</u>.

    - High Level Group (2009), *Second Disability High Level Group Report on the Implementation of the UN Convention on the Rights of Persons with Disabilities*, available at <<u>http://ec.europa.eu/social/BlobServlet?docId=2790&langId=en</u>> (accessed 30 September 2013)

    - High Level Group (2010), *Third Disability High Level Group Report on the Implementation of the UN Convention on the Rights of Persons with Disabilities*, available at <<u>http://ec.europa.eu/justice/discrimination/files/dhlg_3rd_report_en.pdf</u>> (accessed 30 September 2013)

    - High Level Group (2011), *Fourth Disability High Level Group Report on the Implementation of the UN Convention on the Rights of Persons with Disabilities*, available at <<u>http://ec.europa.eu/justice/discrimination/files/dhlg_4th_report_en.pdf</u>> (accessed 30 September 2013)

    - High Level Group (2012), *Fifth Disability High Level Group Report on the Implementation of the UN Convention on the Rights of Persons with Disabilities*, available at <<u>http://ec.europa.eu/justice/discrimination/files/dhlg_5th_report_en.pdf</u>> (accessed 30 September 2013)

    - High Level Group (2013), *Sixth Disability High Level Group Report on the Implementation of the UN Convention on the Rights of Persons with Disabilities*, available at <<u>http://ec.europa.eu/justice/discrimination/files/dhlg_6th_report_en.pdf</u>> (accessed 30 September 2013)

- **UN Reports and Studies**

    - UN Committee on the Rights of persons with Disabilities (2013), *Draft General Comment on Article 9 of the Convention*, available at <<u>http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx</u>> (accessed 30 September 2013)

    - UN (2007), *From Exclusion to Equality – Realizing the Rights of Persons with Disabilities: Handbook for Parliamentarians on the Convention of the Rights of Persons with Disabilities and its Optional Protocol*, Geneva, United Nations, available at <<u>http://www.un.org/disabilities/default.asp?id=212</u>> (accessed 30 September 2013)

General Reports and Studies

- Deloitte (2013), *Study on the socio-economic impact of new measures to improve accessibility of goods and services for people with disabilities*, (unpublished).

- Consortium managed by HEC (2013), *Synthesis report EU CRPD study (WP1)*, (unpublished).

- Anna Lawson, Mark Priestley, Derek Whayman and Ema Loja (with the assistance of Eilionóir Flynn, Delia Ferri and Suzanne Doyle) for HEC, *European Disability Strategy 2010-2020 –assessment of initial progress on actions,* (unpublished).

- Michael Fembek, Thomas H. Butcher, Ingrid Heindorf and Caroline Wallner-Mikl (2013), *International Study on the Implementation of the UN Convention on the Rights of Persons with Disabilities - ZERO PROJECT REPORT 2013*, available at <http://www.zeroproject.org/wp-content/uploads/2012/12/Zero-Report-2013-GB1.pdf> (accessed 03 December 2013)

- Zero Project (2012), *Findings on Accessibility of the Zero Project*, available at <http://www.zeroproject.org/wp-content/uploads/2012/06/Findings-of-Accessibility-of-the-Zero-Project-June-2012.pdf> (accessed 02 December 2013)

- Anna Lawson (2012), *Maximising the Impact and Effectiveness of Accessibility Measures for Goods and Services: Learning from National Experience'*, (ANED, 2012)

- Janet E. Lord (2010), *Accessibility and Human Rights Fusion in the CRPD: Assessing the Scope and Content of the Accessibility Principle and Duty under the CRPD*, (Paper delivered at the General Day of Discussion on Accessibility, Committee on the Rights of Persons with Disabilities, Geneva, 7 October 2010)

Other Reports/Papers

- Age Active, *Senior Citizens for Europe: A Guide to the EU*, available at <http://www.age-platform.eu/images/stories/EN/activesenior_citizens_for_europe-_a_guide_to_the_eu.pdf> (accessed 02 December 2013)

- Council of Europe (2011), *Impact of European Cultural Routes on SMEs' innovation and competitiveness*, available at <http://www.coe.int/t/dg4/cultureheritage/culture/routes/StudyCR_en.pdf> (accessed 30 September 2013)

- Annamari Laaksonen (2010), *Making Culture Accessible. Access, Participation and Cultural Provisions in the context of Cultural Rights in Europe* (Strasbourg, Council of Europe Publications)

- International association for Public Transport (2006*), Accessibility to Vehicles and Infrastructure for People with Reduced Mobility*, available at <http://www.uitp.org/knowledge/pics/2006/DT-ACCESSIBILITY.pdf> (accessed 20 January 2014)

- G.M. Peter Swann (2010), 'The Economics of Standardisation: An Update', Report for the UK Department of Business, Innovation and Skills, 2010, available at <http://www.bis.gov.uk/assets/biscore/innovation/docs/e/10-1135-economics-of-standardization-update.pdf> (accessed 02 December 2013)

Additional Relevant Academic Literature

(2013)

- Annika Ahtonen and Romain Pardo, 'The Accessibility Act – Using the single market to promote fundamental rights', (2013) European Policy Centre, available at <http://www.epc.eu/documents/uploads/pub_3393_the_accessibility_act.pdf> (accessed 20 November 2013)

- Stelios Charitakis, 'An introduction to the disability strategy 2010-2020, with a focus on accessibility' (2013) *Ars Aequi*

- Catherine Easton, 'Website accessibility and the European Union: citizenship, procurement and the proposed Accessibility Act', (2013) 27(1-2) International Review of Law, Computers & Technology 187 -199

- Julia Hoffman and Aalia Dakuri, 'Disability rights between legal discourses and policy narratives: An Analysis of the European and Canadian Frameworks' (2013) Disability Studies Quarterly, available at <http://dsq-sds.org/article/view/1778/3260> (accessed 30 September 2013)

- Oliver Lewis, 'Nyusti and Takacs v Hungary: decision of the UN Committee on the Rights of Persons with Disabilities', (2013) 4 European Human Rights Law Review 419-424

(2012)

- Nadina Foggetti, 'e-Accesibility definition in the UN Convention on the Rights of Persons with Disabilities: current issues and future perspectives', (2012) 18(2) Computer and Telecommunications Law Review 56-61

(2010)

- Anna Lawson, 'Reasonable Accommodation and Accessibility Obligations: Towards a More Unified European Approach?', (2010) European Anti-discrimination Law Review, Issue 11

(2009)

- Avril Accolla, *Design for all. Il progetto reale e l'individuo,* (Franco Angeli, 2009)

- Rosemary Boyle, 'Disability issues in public procurement', in Sue Arrowsmith and Peter Kunzlik (eds.) *Social and Environmental Policies in EC Procurement Law* (Cambridge University Press, 2009) 320

- Lisa Waddington, 'A Disabled Market: Free Movement of Goods and Services in the EU and Disability Accessibility', (2009) 15(5) European Law Journal 575-598

(2005)

- Anna Lawson, 'The EU Rights Based Approach to Disability: Strategies for Shaping an Inclusive Society', (2005) 6(4) International Journal of Discrimination and the Law *269-287*

Sources on Universal Design

- http://www.universaldesign.ie

  The Centre for Excellence in Universal Design is dedicated to enabling the design of environments that can be accessed, understood and used regardless of age, size and ability

- http://www.ncsu.edu/ncsu/design/cud/pubs_p/docs/poster.pdf

  The website provides the 7 principles of universal design

- http://www.designforalleurope.org/

  EIDD - Design for All Europe is a European network, founded in Dublin, Ireland in 1993 with the name of European Institute for Design and Disability. The aim of EIDD is to encourage active interaction and communication between professionals interested in the theory and practise of Design for All and to build bridges between, on the one hand, these and other members of the design community and, on the other hand, all those other communities where Design for All can make a real difference to the quality of life for everyone.

Appendix I: The Situation in Switzerland

Academic works

Year	Author	Title (and location)	Summary
2013	Copur, Eylem, and Kurt Pärli	'Der hindernisfreie Zugang zu Bildung – Pflichten der Hochschule.' ['Barrier-free access to education – duties of the university'] (2013) *Jusletter* 1-9	The article addresses the right to education and how it is being guaranteed for people with disabilities at Swiss universities. In particular, the authors discuss whether and in what ways universities are required to provide barrier-free access to and participation in educational programmes at the federal and cantonal levels.
2011	Schefer, Markus, and Caroline Hess-Klein	'Die Gleichstellung von Menschen mit Behinderung im Baubereich und im öffentlichen Verkehr.' ['Equality of people with disabilities with regard to the built environment and public transport'] (2011) 130(4) *Zeitschrift für Schweizerisches Recht* 387-416	Discusses the Swiss legal frameworks for the equality and non-discrimination of people with disabilities in the domains of the built environment and public transport.

Reports

Year	Author	Title and location	Summary and Main Content
2012	e-Inclusion – Information and Communi-cation Techno-logies for an Inclusive Society	*National Action Plan for Switzerland 2012-2015*, available at <http://www.einclusion.ch/images/stories/aktionsplan/eInclusion-action-plan-EN-ACC.pdf > (accessed 30 October 2013)	E-inclusion is a network of interested parties that promotes the effective inclusion of persons with disabilities into the information society. To that effect it has drawn up an action plan that covers the following three main substantive areas - Promotion of fair, accessible and discrimination-free access to ICT and to digital content and services, promotion of competent use of ICT, promotion of pluralism, cultural identity and linguistic diversity in the digital sphere.
2011	Federal government	*P028 - Richtlinien des Bundes für die Gestaltung von barrierefreien Internetangeboten* [Guidelines of the Federal Government for the design of barrier-free internet services], available at <http://www.isb.admin.ch/themen/standards/alle/03237/ > (accessed 30 October 2013)	Art. 10 of the Verordnung über die Beseitigung von Benachteiligungen von Menschen mit Behinderungen (BehiV, SR 151.31) [Ordinance pertaining to the Federal Act on the Elimination of Discrimination against People with Disabilities] available at <http://www.admin.ch/opc/de/classified-compilation/20031813/index.html> (accessed 30 October 2013) requires internet services by the Federal Government to be accessible to persons with disabilities. In response to this legal

			requirement the Federal Government issued the present guidelines.
2011	Verein eCH	eCH-0059: Accessibility-Standard 2.0, available at <http://www.ech.ch/vechweb/page?p=dossier&documentNumber=eCH-0059&documentVersion=2.00> (accessed 30 October 2013)	The association eCH develops e-government standards for Switzerland. In order to provide persons with disabilities barrier-free access to online services offered by the public sector of Switzerland, a specific accessibility standard was developed. The standard builds on the P028 guidelines issued by the Federal Government.
2011	*Schweizerische Stiftung zur behindertengerechten Technologienutzung* "Access for all"	*Schweizer Accessibility-Studie 2011* [Swiss accessibility study 2011], available at <http://www.access-for-all.ch/ch/publikationen/accessibility-studie-2011.html> (accessed 30 October 2013)	100 websites from both the public and private sector were tested.
2007	*Schweizerische Stiftung zur behindertengerechten Technologienutzung* "Access for all"	*Schweizer Accessibility-Studie 2007* [Swiss accessibility study 2007], available at <http://www.access-for-all.ch/ch/publikationen/accessibility-studie-2007.html> (accessed 30 October 2013)	The study was published by the *Schweizerische Stiftung zur behindertengerechten Technologienutzung "Access for all"* [Swiss Foundation for Accessible Technology Usage "Access for all"]. The study's aim was to determine the status quo of accessibility of 50 websites maintained by federal and cantonal administrations as well as public sector enterprises.

Additional sources

- *Égalité Handicap*

  Sponsored by an umbrella organisation of Swiss DPOs, Égalité Handicap provides very comprehensive information and links to Swiss laws and regulations as well as court rulings pertaining to the equality of persons with disabilities.

  Laws: available at <http://www.egalite-handicap.ch/erlasse-schweiz.html> (accessed 30 October 2013)

  Court rulings: available at <http://www.egalite-handicap.ch/rechtsprechung_neu.html> (accessed 30 October 2013)

  Counselling cases; newest legal developments: available at <http://www.egalite-handicap.ch/focus_de.html> (accessed 30 October 2013)

- *Eidgenössisches Büro für die Gleichstellung von Menschen mit Behinderungen (EBGB)*- **Federal Bureau for the Equality of People with Disabilities**

  Available at <http://www.edi.admin.ch/ebgb/> (accessed 30 October 2013)

ANNEX II
Annotated Bibliography -Part B

Literature on Accessible Technologies

Dr. Delia Ferri and Ms. Jennifer Kline

with the contribution of the Consortium's Members

Roadmap

Work Package 7 (WP 7) addresses the relationship between the development of technology and regulation of the technology market in order to ensure the accessibility of new products. Task 7.1 reviews and synthesises existing studies on accessible technology and accessibility law and policy in Czech Republic, Germany, Ireland, Italy, Norway, Serbia, Sweden and the UK. This task is presented through an Annotated Bibliography consisting of two main complementary parts, (i.e. parts A and B), each preceded by a roadmap.

The Annotated Bibliography-Part B complements Annotated Bibliography- Part A (which is devoted to accessibility law and policy), and focuses on studies on accessible technology. For the purpose of this bibliography and the analysis carried out in WP 7, 'Accessible Technology' refers to technology that can be used by persons with disabilities and includes 'universally designed products and services', and 'assistive technologies'.

The time frame of the Annotated Bibliography-Part B is 10 years (2004-2013). The Annotated Bibliography- Part B cannot be regarded as exhaustive: rather it contains selected sources, and aims to give a 'big picture' of current scholarship and existing studies on accessible technology. It is intended to be an immediate and easy to read bibliographic tool for scholars and an exercise preliminary to the comparative analysis.

The Annotated Bibliography-Part B is structured as follows.

The first section includes selected **National Studies**. This section lists 'country-related' reports or studies produced by academic networks, think tanks, research groups, and official reports (i.e reports produced by national institutions or agencies) on accessible technology and e-accessibility. This section mainly includes policy or legal studies, which do not have an academic approach, and a few technical studies, which contain relevant data on national legislation and/or provide information on accessible technology in the country considered. For ease of reference, the studies are listed in a table in reverse chronological order and a succinct summary is included.

The second section includes selected 'country-related' **Academic Literature** and lists articles published in journals and contributions in books, or volumes (both edited volumes, and monographs) on accessible technology and e-accessibility with a policy or legal approach. This section includes academic articles or papers, which discuss international law or EU law or have a more technical approach, while including descriptions of national legislation and/or provide information on accessible technology in the country considered. The sources are listed in a table in reverse chronological order and a brief summary is included.

Then, this Annotated Bibliography- Part B lists **Comparative (legal or policy) Studies** on accessible technologies. The studies are listed in a table in reverse chronological order, and a summary of them is provided.

The final part of the Annotated Bibliography-Part B contains miscellaneous sources, which prove relevant in the context of the comparative legal analysis to be carried out within WP 7, although they do not contain country-related information.

Firstly, **Additional Academic Sources** (e.g. books, articles in journals…) are listed that provide a useful insight on accessible technology in general. They are listed in reverse chronological order. These academic sources were important in framing the comparative analysis carried out within WP7 and have proven essential in drawing the analytical framework (Report) of the analysis.

Secondly, under the heading **Other Relevant Sources**, the Annotated Bibliography-Part B lists technical documents related to accessible technology, or studies which, while not providing information on the eight countries under consideration, offer useful information in a European perspective.

Then, under **Selected Relevant Websites**, stakeholders' or service providers' websites have been listed. The criteria used to select the websites are the relevance of the information provide to WP7 research and the fact that the websites contain data on the countries considered.

The following section lists **Relevant Journals**. This Section is not intended to give a complete overview of journals on technology or on law and technology. Rather, we have selected the most relevant publications which contain articles or papers on the accessible technology, analysing it from a technical perspective, or from a legal one.

Finally, we have listed **Selected Research Projects** on accessible technology (mainly EU funded projects). Most of the projects are technical ones, which aim to research and develop actual technologies. A few of them (such as *Robolaw* or *DREAM*) focus on legislation and appear to have commonalities with DISCIT.

National Studies

1. Czech Republic

N.a.

2. Germany

Year	Author	Title and location	Summary
2012	Anne Waldschmidt and Arne Müller	*Barrierefreie Dienstleistungen – Benachteiligungen von behinderten Menschen beim Zugang zu Dienstleistungen privater Unternehmen. Expertise der Universität zu Köln, Humanwissenschaftliche Fakultät, Soziologie und Politik der Rehabilitation, Disability Studies. Herausgegeben von der Antidiskriminierungsstelle des Bundes [Accessible Services – Discrimination against People with Disabilities in the Access to Services by Private Enterprises. Expertise by the University of Cologne, Faculty of Human Sciences, Sociology and Politics of Rehabilitation, Disability Studies]*, *Antidiskriminierungsstelle des Bundes* [Federal Anti-Discrimi-nation Office] (2012) available at <http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Expertise_barrierefreie_Dienstleistungen.pdf?__blob=publicationFile> (accessed 30 October 2013).	This study examines the accessibility of private services and goods by reviewing relevant academic publications and analysing 280 registered cases of disability-related discrimination claims on private markets. Discrimination in the field of media and communication was cited in only 4% of the cases. In 64% of these cases, e-accessibility was deemed problematic. Difficulties primarily concern the access to websites in the private sector since the public sector is already required to establish accessibility by the Accessible Information Technology Regulation (*BITV*, see p. 24 Annotated Bibliography-Part A).
2010	Andrea Berger, Tomas Caspers, Jutta Croll, Jörg Hoffmann, Herbert Kubicek, Ulrike Peter, Diana Ruth-Janneck and Thilo Trump	*Web 2.0/barrierefrei. Eine Studie zur Nutzung von Web 2.0 Anwendungen durch Menschen mit Behinderung [Web 2.0/accessible. A study about the Use of Web 2.0 applications by People with Disabilities]* aktion mensch, (2010) available at <http://publikationen.aktion-mensch.de/barrierefrei/Studie_Web_2.0.pdf> (accessed 30 October 2013).	People with disabilities use the Internet more often than people without disabilities. This is the result from the first comprehensive study on the user behaviour of people with disabilities commissioned by '*Aktion Mensch*' (author's note: German lottery organisation). While the average German citizen spends 5.1 days/week on the net, users with disabilities use the internet around 6.5 days/week. People with disabilities take a pioneering role in the acquisition and use of Web 2.0 applications. More than 600 users with disabilities participated in the online survey and provided detailed information about their user habits. The result confirms that the Internet supports independent living of all groups of people with disabilities. Depending on the

Year	Author	Title and location	Summary
			disability, the internet can help to compensate impairments. Visually impaired and blind use the web as an important information source. Hearing impaired and deaf respondents however, regard the internet primarily as a means of communication and upload videos in sign language. However, complicated registration and complaint procedures still prevent use of the full potential of the internet.
			This is the first study which reveals systematically in which contexts and ways internet users experience barriers. A major obstacle is the so-called Captchas. These are visually distorted number and letter codes, which are required prior to registering at social media platforms or logging in at online banking systems. Language and texts are also difficult for many people with disabilities and cause greater problems than expected. Experience shows that all users prefer a clear and easy language. The study suggests that web designers should always keep accessibility and usability for everyone in mind.
			(translation from a summary of press release of the study, TD)
2005	Niki Slawinski	*Das Internet hören und fühlen. Eine qualitative Studie zur "Barrierefreie Informationstechnik-Verordnung — BITV" am Beispiel von blinden Schülern* [*Hearing and Feeling the Internet. A qualitative Study on the (German) Accessible Information Technology Regulation. Internet Use of Blind Pupils*] (2005) available at <http://www.barrierefreies-webdesign.de/spezial/internet-hoeren-und-fuehlen/gesamtanalyse.htm> (accessed 30 October 2013)	A qualitative study about the use of the Internet by blind pupils. The two central questions are: What are the difficulties that blind pupils experience in the use of the internet? What role does the Accessible Information Technology Regulation (*BITV* – see Annotated Bibliography-Part A) play?
			The study finds that the major difficulties are rather an issue of individual competences and skills than an issue of accessible web design. Most interviewees did not express any complaints about inaccessible websites since they compensate by searching for alternative websites which provide similar information. The study concludes that the Internet is experienced as accessible enough to be used by blind pupils with internet experience.
			Even though e-accessibility is not considered a major obstacle by the persons concerned, the author highlights that it still remains an important issue that needs to be investigated in the future.

3. Ireland

Year	Author	Title and location	Summary
2012	Michael Cunningham, Aisling Dempsey, Fiachra Ó Marcaigh, Siobhan Phillips and Dermot Quirk	*The Lived Experience of People in Ireland using Online Public Services* *Universal Design research and design guidance for public sector websites*, available at <www.universaldesign.ie/web> (accessed 20 january 2014)	The study produces a set of practical, evidence-based guidelines in Universal Design (UD) for website owners and developers in the public sector in Ireland, based on research into the lived experience of people using these sites.
2007	Enable Ireland	*High Tech Assistive Technology,* available at <http://www.enableireland.ie/sites/enableireland.ie/files/imce/user6/EIAR07-LR2.pdf> (accessed 27 November 2013)	The report summarizes the activities of Enable Ireland to foster Assistive Technology.
2007	Ronan Kennedy	'Digital Freedoms for Persons with Disabilities Country Report-Ireland' (Invited paper)	The report revises Irish law and policies on e-accessibility.
2005	Donal Rice	'E-Accessibility Legislation and Initiatives in Ireland' (Support-EAM Conference, Paris, January 2005), available at <http://www.braillenet.org/colloques/policies/rice_paper.html> (accessed 30 October 2013).	The paper describes e-accessibility legislation in Ireland and the role of the National Disability Authority.
2005	Donal Rice	'Legislating for Web 2.0-implications for the revamp of the Irish Disability Act' (Global PhD & Researchers Colloquium on Disability Law and Policy, Galway, April 2010)	N.a.

4. Italy

Year	Author	Title and location	Summary
2013	Fondazione ASPHI Onlus	*Un'Italia digitale per tutti. Proposte della Fondazione ASPHI all'Agenzia per l'Italia digitale [A Digital Italy for everyone. ASPHI Foundation proposals to Agenzia per l'Italia Digitale]* (2013), available at <http://www.handimatica.comwp332it/wp-content/uploads/2012/10/Guelfi-Handimatica-2012-v.5.pdf> (accessed 30 November 2013)	The report proposes some improvements in Italian policies to ensure web accessibility.

2012	Sandro Storelli - Domenico Tosello OBV - Osservatorio Biomedicale Veneto	*Prospettive nell'assistenza Protesica e mercato degli ausili [Perspective on the Prostesis Assistance and Markek of Aids],* available at < http://www.osservatoriobiomedicaleveneto.it/upload/documentazione/23/prospettivexweb.pdf> (accessed 01 December 2013)	The report provides an updated and in-depth overview of the market of assistive devices (in particular medical devices) in Italy and analyses the relevant legislation in light of the CRPD.
2009	D. D'Aloisi, S. Ragazzini (eds.)	*E-Inclusion: accessibilità nella società dell'informazione [E-inclusion: accessibility in information society]* (2009), available at <http://www.fub.it/sites/default/files/attachments/2012/07/n%20263.pdf> (accessed 30 November 2013)	This study analyses some key issues for e-inclusion in Italy.
2008	Fondazione ASPHI Onlus, Politecnico di Milano	*Osservatorio: ICT accessibile e disabilità [Monitoring Unit: Accessible ICT and disability]* (2008), available at <http://www.osservatori.net/ict_accessibile_e_disabilita/rapporti/rapporto/journal_content/56_INSTANCE_0HsI/10402/374230> (accessed 30 November 2013)	This report examines the opportunities and the impact of ICT technologies for people with disabilities, in some main areas (web sites accessibility, mobile technologies, accessible ICT and people with disabilities employment).
2007	Francesco Levantini, Franco Carminati, Gabriele Peroni	*Cosa ti rende speciale? Progetto Mobile Wireless Accessibility di IBM Italia. Progetto realizzato in collaborazione con ASPHI, Nokia, Cisco* (2007), available at <http://www-935.ibm.com/services/it/its/pdf/mwa_progetto_it.pdf> (accessed 20 November 2013)	This report describes a pilot project on e-accessibility in Italy.
2006	CNIPA	*Rapporto 2005: Commissione Interministeriale Permanente per l'impiego delle ICT a favore delle categorie deboli o svantaggiate [2005 Report: Permanent Interministerial Commitee for ICT use in aid of disadvantaged persons]* (2006), available at <http://www.digitpa.gov.it/sites/default/files/Cnipa%20-%20Quaderno%2020%20per%20web.pdf> (accessed 01 December 2013)	The report provides an overview of the use of ICT to include *inter alia* people with disabilities.
n.a.	Steven Sintini (CNIPA)	'Legislation on eAccessibility: the Italian approach' available at <http://www.epractice.eu/files/media/media1907.pdf > (accessed 30 October 2013)	This paper analyses the birth and the development of the culture of eAccessibility in Italy and the positive effects that Law No. 4/2004 had on the process of eInclusion.

5. Norway

Year	Author	Title and location	Summary
2012	Riitta Hellman	*Sosiale medier for noen eller for alle? [Social media for some or everybody?]* Stiftelsen SOR [Foundation SOR] (2012) available at <http://sites.web123.no/sor/pop.cfm?FuseAction=Doc&pAction=View&pDocumentId=4207> (accessed 27 November 2013)	The report covers the concerns that parents of children with intellectual disabilities and staff have about disturbing and inappropriate content available on the web. The author recommends more information about data protection to persons with intellectual disabilities and their relatives, better access to social media and to create closed groups/ forums on social media for persons with intellectual disabilities.
2010	Till Halbach, Riitta Hellman, Gro Marit Rødevand and Ivar Solheim	*Utformingsveileder: Kognitiv tilgjengelighet av nettsider og nettsteder[Design Guidelines: Cognitive accessibility of webpages and websites] Norsk Regnesentral og Karde AS på oppdrag fra Helsedirektoratet/Deltasenteret* [Research Foundation Norwegian Computing Centre and Consulting Company Karde AS], available at <http://iktforalle.no/tilgjengelige-nettsider/> (accessed 27 November 2013)	The guidelines are useful for everybody who create web-content or webpages. The guidelines cover planning, development and testing of the pages, and provide recommendations, suggest possible solutions and examples of data coding relevant for cognitively accessible webpages.
2007	Rune Halvorsen and Christian Andersen	*Konsekvensanalyse av tilgjengelighetskrav til IKT i forslag til ny diskriminerings- og tilgjengelighetslov [Impact of accessibility requirements for ICT in the proposed new discrimination and accessibility]* for *Fornyings- og administrasjonsdepartementet* [Ministry of Government Administration and Reform] (2007) available at <http://www.regjeringen.no/upload/AID/publikasjoner/horing/2007/universell_ikt/konsekvensanalyse_universell_ikt.pdf > (accessed 27 November 2013).	This document is an impact assessment of the introduction of requirements to e-accessibility in the forthcoming discrimination and accessibility act. It suggests draft definitions of ICT, deadlines for compliance, monitoring and enforcement mechanisms and standards development to support the legislation.
2006	Rudolph Brynn, Anders Eriksen and Roar Vogdal	*Status for tilgjengelighet i Norge-IKT, transport, bygninger og uteområder [Status for accessibility in Norway. ICT, transport, buildings and outdoor areas] Nasjonalt dokumentasjonssenter for personer med nedsatt funksjonsevne og Statens råd for funksjonshemmede v/sekretariatet for Arbeids- og inkluderingsdepartement* [National Centre for Documentation on Disability, he National Council on Disability and Secretariat of Labour and Social Inclusion] (2006)	This report documents the need for newer and better statistics, research and data collection around accessibility. The report stated that accessibility data should be broken down into different types of disabilities. The report also called for longitudinal in order to be able to monitor the development over time.

2006	Norwegian Ministry of Government Administration and Reform	*Eit informasjonssamfunn for alle Stortingsmelding nr. 17 [An information society for all, Communication to Parliament Report No. 17*] (2006-2007) available at <http://www.regjeringen.no/Rpub/STM/20062007/017/PDFS/STM200620070017000DDDPDFS.pdf> (accessed 27 November 2013)	This report includes a chapter on ICT. It states that, "The aim of the Government is that all technology development in ICT and media should build on the principle of universal design." In this report the Government proposes to assess the consequences of including accessibility requirements to ICT in the forthcoming act.
2006	Directorate of Social Affairs and Health	*Full deltakelse for alle – utviklingstrekk 2001-2006* *[Full participation for all – development trends]* (2006) available at <http://www.universell-utforming.miljo.no/Bibliotek/universell-utforming-generelt/full-deltakelse-for-alle-del-2-> (accessed 27 November 2013)	This report highlights the gap between the national policy objectives and the de facto achievements in accessibility of ICT. The report argues that ICT is an essential area to ensure accessibility. The report also recommends stronger legislation and deadlines for universal design.
2005	*Lovutvalget* [Law Commission]	*Likeverd og tilgjengelighet [Equality and accessibility]* (2005) 8 NOU, available at <http://www.regjeringen.no/Rpub/NOU/20052005/008/PDFS/NOU200520050008000DDDPDFS.pdf> (accessed 27 November 2013)	This document presents a draft for a discrimination and accessibility act which eventually led to the 2009 act. The report sets out the existing law and policies in the Nordic countries, as well other selected countries in Europe and worldwide. The majority of the countries' policy recommendations suggest not to include ICT in the act.

6. Serbia

Year	Author	Title and location	Summary
2013	Ljubica Gajević, Vidan Danković, Miloš Milovanovic	Orijentir-Interactive City Guide for All, Centre for Society Orientation, available at <http://www.corp.at/archive/CORP2013_135.pdf> (accessed 06 December 2013)	This report shows the potential of using a digital tool that gives information about physical accessibility of the environment and public buildings and recommends that public agencies use this tool.

7. Sweden

Year	Author	Title and location	Summary
2013	Sveriges kommuner och landsting, SKL	*Tillgänglighetsdatabasen (TB) - Bra för alla, nödvändig för några [The accessibility data base- Good for all, necessary for some] Sveriges kommuner och landsting* [Sweden's Municipalities and Regions] (2013) available at <http://webbutik.skl.se/bilder/artiklar/pdf/5313.pdf> (accessed 27 November 2013)	This report shows the potential of using a digital tool that gives information about physical accessibility of the environment and public buildings and recommends that public agencies use this tool.
2011	Åke Dahlberg	*Profitable assistive devices. Cost-benefit assessment of assistive devices for persons with psychiatric disabilities, Hjälpmedelsinstitutet* [Swedish Institute of Assistive Technology] (2011), available at <http://www.hi.se/Global/dokument/publikationer/2011/11322-profitable-assistive-devices.pdf> (accessed 28 November 2013).	At the beginning of 2009, the Swedish Institute of Assistive Technology (SIAT) was commissioned by the government to disseminate knowledge and develop assistive devices for persons with psycho-social disabilities. This report defines the cost-benefit of assistive ICT-based devices.
2011	Sveriges kommuner och landsting, SKL	*Strategi for eSamhället [Strategy for the eSociety], Sveriges kommuner och landsting* [Sweden's Municipalities and Regions] (2011) available at <http://www.skl.se/vi_arbetar_med/e-samhallet/strategi-for-esamhallet> (accessed 27 November 2013). (Note: SKL is the umbrella organization for the 290 Swedish municipalities and regional health county organizations, Eng.; Swedish Association of Local Authorities and Regions)	This is a report that outlines a strategy for how ICT could be developed and used in public administration in various fields in the local municipalities across the country.
2011	Sveriges kommuner och landsting, SKL	*Handlingsplan 2011-2012- Kommunal IT-samverkan i vård och omsorg [Action plan for local municipalities concerning ICT in health and social care] Sveriges kommuner och landsting* [Sweden's Municipalities and Regions] (2011), available at <http://webbutik.skl.se/sv/artiklar/handlingsplan-2011-2012-kommunal-it-samverkan-i-vard-och-omsorg.html> (accessed 27 November 2013)	This report outlines a strategy for more use of e-services in health and social care. It advocates for the patient as well as the staff and decision-makers to have access to e-services.

8. The UK

Year	Author	Title and location	Summary
2013	Ofcom	*Disabled consumers ownership of communications services: A Consumer Experience report*, Ofcom (2013) available at <http://stakeholders.ofcom.org.uk/market-data-research/other/telecoms-research/tce-disabled-13/> (accessed 27 November 2013).	This report provides Ofcom's analysis of disabled consumers' household ownership of, and access to, communications services, across Great Britain.
	Disability Rights Commission and British Standards Institution	*PAS 78: A guide to good practice in commissioning accessible websites,* available at <http://www.equalityhumanrights.com/footer/accessibility-statement/general-web-accessibility-guidance> (accessed 27 November 2013)	This publication, produced by the provided guidance to organisations in how to go about commissioning an accessible website from a design agency. It describes what is expected from websites to comply with the UK Disability Discrimination Act 1995 (DDA), making websites accessible to and usable by disabled people. This has now been superseded by BS 8878 (above).
2011	Office of Fair Trading	*Mobility Aids. A Market Study,* Office of Fair Trading (2011) available at <http://www.oft.gov.uk/shared_oft/market-studies/oft1374> (accessed 30 October 2013)	The report key findings in relation to each of the three issues we examined in the market study. Where we have identified areas in which the sector may not be working well for consumers, we outline what action the OFT will take, or has already taken, and propose recommendations to address the problems identified.
2009	Payments Council	*Consumer research with 'older old' consumers and those living with cognitive, physical and sensory disabilities*, Payments Council (2012) available at <http://www.paymentscouncil.org.uk/files/payments_council/payments_council_-_policis_and_toynbee_hall_older_old_and_disability_report_24.10.12_final.pdf> (accessed 27 November 2013)	This report is an in-depth study of consumers aged over 80 and people with cognitive, sensory and physical disabilities looking at the barriers they face in accessing and using payment systems. Explores the proliferation of new technologies in payment systems.
2010	Consumer Focus	*Equipment for older and disabled people: an analysis of the market,* Consumer Focus (2010) available at <http://www.consumerfocus.org.uk/files/2010/11/Equipment-for-older-and-disabled-people-an-analysis-of-the-market.pdf > (accessed 30 October 2013)	This report is an exploratory study looking at the market for equipment and services designed primarily to enable independence for older people and disabled people in particular. The market comprises a number of sectors covering a very wide range of equipment and products (mainly technological products).

2009	Consumer Expert Group	*Report into the use of the Internet by disabled people: barriers and solution,* Consumer Expert Group (2009), available at <http://webarchive.nationalarchives.gov.uk/+/http:/www.culture.gov.uk/images/publications/CEGreport-internet-and-disabled-access2009.pdf > (accessed 28 November 2013)	This report covers the issues facing disabled people using the Internet by the Consumer Expert Group.
2008	Jane Seale, E.A Draffan and Mike Wald.	*Exploring disabled learners' experiences of e-learning,* University of Southampton (December 2008), available at <http://www.jisc.ac.uk/media/documents/programmes/elearningcapital/lexdis_projectreport_dec08final.pdf> (accessed 28 November 2013)	This report is a study of e-learning experiences of learners with disabilities so as to increase understanding of the many complex issues and interactions introduced by learners with disabilities' requirements for accessible e-learning, compatible assistive technologies and effective learning support.
2004	Disability Rights Commission (DRC)	*Web access and inclusion for disabled people: a formal investigation of the Disability Rights Commission* (April 2004) available at <http://www-hcid.soi.city.ac.uk/research/DRC_Report.pdf > (accessed 28 November 2013)	This report sets out the findings of the DRC investigation into website accessibility for disabled people, focusing on publicly accessible sites under part 3 of the Disability Discrimination Act 1995.

Relevant Academic Literature (National perspective and Legal approach)

1. Czech Republic

N.a.

2. Germany

Year	Author	Title and location	Summary
2013	Peter Piasecki, Kai Sundermeier, and Eva Wieber	*'E-Learning in der Logistikausbildung: BMBF Verbundvorhaben: ELoQ - zukunftsorientiertes Konzept zur Qualifizierung von Menschen mit Behinderungen in der Logistik mittels barrierefreier Bildungstechnologie'* ['*E-Learning in the Apprenticeship of Logistics. ELOQ – future oriented Concept for qualifying People with Disabilities in Logistics by Use of accessible Education Technology'*] Teilprojekt (2013).	ELoQ is the acronym for 'e-learning-based logistics qualification' and sums up the main goal of the project: realizing vocational education in the field of logistics for adolescents with disabilities through e-learning-based activities. Different LMS and authoring tools will be evaluated for their accessibility. (information drawn from <http://www.projekt-eloq.de/info-in-english> (accessed 28 November 2013))
2013	Friederike Kerkmann	'Web Accessibility' (2013) 36 (5) Informatik-Spektrum 455	N.a.
2011	Karsten Warnke	'Grundlagen barrierefreier Informationstechnik' ['Fundamental Principles of Accessible Information Technology'] (2011) 50 Behindertenrecht Fachzeitschrift für Fragen der Rehabilitation [Disability law journal for issues of rehabilitation] 199.	The article provides an overview of existing legislation on accessible information technology, including laws that set accessible information technology as a precondition for inclusive employment conditions. It concludes that employers should inform themselves about their duties and possibilities to establish accessible workplaces.

3. Ireland

Year	Author	Title and location	Summary
2006	Denis Kelleher and Karen Murray	*Information Technology Law in Ireland* (Tottel, 2006)	The book provides an overview of IT law in Ireland. Although not specifically referring to accessibility, it offers a useful insight on Irish legislation.
2006	Gerard Quinn	'Achieving eAccessibility: The Role of Equality Legislation and other Measures' (European Workshop: The Potential Offered	N.a.

		by the Equality Approach, Brussels, 2006)	

4. Italy

Year	Author	Title and location	Summary
2013	Paolo Addis, Michela Aquilano, Filippo Cavallo and Elettra Stradella	*Invecchiamento, disabilità e autonomia tra diritto e diritti. Il ruolo delle technologie assistive* [*Ageing, Disability and Autonomy between law and rights. The role of assistive technologies*] (Pisa University Press, 2013)	The volume discusses the role of assistive technology law for elderly people and people with disabilities.
2013	Ornella De Santis	*Disabilità, accessibilità e inclusione [Disability, Accessibility and Inclusion]* (Quaderni della Didattica, Università Suor Orsola Benincasa, 2013)	The volume discusses accessibility (including accessible technology) regarding people with disabilities.
2009	Renzo Andrich Giovanni Pilati	'Le tecnologie assistive nel progetto di autonomia delle persone con disabilità: suggerimenti e buone prassi' [Assistive Tchnology in the authonomy project of persosn with disabilities: suggestions and best practices] (2009) Rivista Studi Zancan	The article considers Italian best practice regarding assistive technology.
2008	Maria Concetta De Vivo	*L'accessibilità dei siti web, un problema non solo tecnico ma anche giuridico [Web sites accessibility, not just a technical problem, but also a legal issue],* (2008), 1-2, Informatica e Diritto, 289 available at <http://www.ittig.cnr.it/EditoriaServizi/AttivitaEditoriale/InformaticaEDiritto/IeD2008_1-2_DeVivo.pdf> (accessed 01 December 2013)	This article discusses the accessibility of web sites and provides a critical overview of the application of Law 4/2004 on public websites.
2007	Alessandro Trojani	*Hmultimedia, Disabilità e multimedialità [Hmultimedia. Disability and multimedia]* (Edizioni Ets, 2007)	The volume discusses the use of assistive ICT and e-accessibility and their positive effects in terms of the inclusion of people with disabilities.
2005	Serenella Besio	*Le tecnologie assistive per l'inclusione scolastica degli alunni con disabilità [Assistive Technologies for educational inclusion of pupil with disabilities]* (Pensa Multimedia, 2005)	The book provides an overview of assistive technologies devoted to educational inclusion. Although the text has a technical (rather than legal) approach, it provides interesting insights on Italian accessibility policy in the educational context.
2005	Federico Eramo	'La Legge 9 gennaio 2004, n. 4, sull'accesso dei soggetti disabili agli strumenti informatici: prime osservazioni' *['Law of 9 January 2004 on web accessibility for*	The article provides a commentary on the Italian Law on Web-accessibility

| | | *persons with disabilities: A first appraisal'* , (2005) 4 Famiglia e Diritto 439 [acceded via Pluris-CEDAM] | |

5. Norway

Year	Author	Title and location	Summary
2013	Morten Tollefsen	*Web og universell utforming [Web and universal design]*, (Universitetsforlaget [University Press], 2013).	Text book for students and web developers about universal design. Although this is not a legal text it contains several insights on Norwegian relevant law and international standards
2011	Frode Eika Sandnes	*Universell utforming av IKT-systemer: Brukergrensesnitt for alle [The Universal design of ICT systems: User interface for all]* (Universitetsforlaget, 2011)	Text book for bachelor of arts students in computer science on universal design of ICT systems. Although this is not a legal text it contains several insights on the relevant Norwegian law and on international standards.

6. Serbia

Year	Author	Title and location	Summary
2012	Mirjana Lazor, Mirjana Isakov and Nevena Ivkovic	*Asistivna tehnologija u skoli* [Assistive new technologies in schools], Educational Centre Milan Petrovic, available at <http://www.scribd.com/doc/114736284/2/Kori%C5%A1%C4%87enje-asistivne-tehnologije> (accessed 06 December 2013)	The report/manual compiles experience in using new technologies in the primary and secondary education of children with intellectual disabilities. It also offers instruction in obtaining further knowledge on the implementation of assistive technologies in the educational context.
2011	Damir Krkobabic and Tamara Blagojevic	*The right to work of persons with disabilities: Assistive technologies in Serbia (EHO/EU),* available at <http://www.mc.rs/upload/documents/Literatura/prirucnici/151111asistivne_tehnologije_u_srbiji.pdf> (accessed 06 December 2013)	The report/manual addresses current developments in assistive technologies with regard to ensuring employment and rehabilitation for persons with disabilities. It also offers comparative views of implementing these standards in Serbia and Austria.
2011	Vesna Radovanovicand Jasmina Karic	*Assistive technologies for deaf and hard of hearing: Communication devices in Belgrade school of defectology* (2011) 3 476-475	This paper presents communication devices for deaf and hard of hearing including education and rehabilitation settings.
2010	Andrejic Sladjana	*Prilagodjavanje elektronskih sadrzaja osobama sa ostecenim vidom* [Adapting electronic content to persons with visual impairments], pp presentation, Faculty of Organisation Sciences Belgrade, available at <www.digitalnaagenda.gov.rs%2FFileSystem%2FSiteDocuments%2Faktuelnosti%2FPrilagodjavanje%2520ES%2520osobama%2520OV_SladjanaAndrejic.ppt&ei=1fiUUtn-IYPFyQOw9oGAAg&usg=AFQjCN	The presentation includes results of a mid-term research project on efficiency of visual aids in education/work of persons with visual impairments.

2010	Dragana Milunovic	'*Informacione tehnologije u bibliotekama za osobe sa invaliditetom'* [Information technologies in libraries for persons with disabilities] (2010) 129 Kultura, 182-192	The article addresses developments in contemporary technology at the service of persons with disabilities, as well as possibilities of implementing them in library systems. Some of the new generation communication devices are reviewed in terms of their applicability to the given context.
2011	Vedran Vucic	'*Veb pristupacnost i elektronski formati za pristup informacijama za osobe sa invaliditetom'* [Web-accessibility and electronic formats for access to information for persons with disabilities] (2011) Standardization and quality of library services – book of proceedings 279-294	N.a.
2011	Nikola Markovic	*Towards Information Society – Serbian Perspective* (in Serbian), pp presentation, International Workshop on e-inclusion of vulnerable groups in Serbia, available at <http://www.ian.org.rs/events/clicktoeurope/materials.htm> (accessed 06 December 2013)	The presentation gives an overview of Serbia's road towards an information society.
2011	Zarko Sunderic	*Digital Inclusion as an Instrument for Social Inclusion and Poverty Reduction* (in Serbian), pp presentation, International Workshop on e-inclusion of vulnerable groups in Serbia, available at <http://www.ian.org.rs/events/clicktoeurope/materials.htm> (accessed 06 December 2013)	The presentation gives an overview of the results of studies in the area of poverty reduction and social inclusion through new technologies and digital inclusion of the most vulnerable groups, including persons with disabilities in Serbia.
2011	Ivan Stojilovic	*Programs for e-skills and employability improvement for vunerable groups in Serbia*, pp presentation, International Workshop on e-inclusion of vulnerable groups in Serbia, available at <http://www.ian.org.rs/events/clicktoeurope/materials.htm> (accessed 06 December 2013)	The presentation addresses certain NGO initiatives that aim to increase e-literacy and digital inclusion of vulnerable groups in Serbia.
2010	Luka Joksimovic	*Neophodnost asistivnih racunarskih tehnologija u ucenju i radu osoba ostecenog vida* [Necessity of assistive computer technologies in education and work of persons with	N.a.

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		visual impairments] pp presentation, International Workshop on ICT assistive technologies Belgrade, 2010, available at <http://www.ian.org.rs/events/clickto europe/materials.htm> (accessed 06 December 2013)	
2010	Vlado Delic	*Voice technologies as basis for development of aids for persons with disabilities,* pp presentation, International Workshop on ICT assistive technologies Belgrade, 2010, available at <http://www.ian.org.rs/events/clickto europe/materials.htm> (accessed 06 December 2013)	N.a.
2010	Ivan Branisavlj eic	*Accessibility of web content,* pp presentation, International Workshop on ICT assistive technologies Belgrade, 2010, available at <http://www.ian.org.rs/events/clickt oeurope/materials.htm> (accessed 06 December 2013)	N.a.
2010	Dragan Miljojcic	*Application of new technologies in education of the blind, with special reference to education of blind children,* pp presentation, International Workshop on ICT assistive technologies Belgrade, 2010, available at <http://www.ian.org.rs/events/clickt oeurope/materials.htm> (accessed 06 December 2013)	N.a.

7. Sweden

Year	Author	Title and location	Summary
2011	Elin Olander	*Design as Reflection* (Doctorate of Philosophy in Industrial Design thesis, Lund University, 2011), available at <http://www.vardalinstitutet.se/sites/default/files/vardal/forskning/publications/12062.pdf> (accessed 28 November 2013).	The thesis describes how young adult users with disabilities emotionally experience their assistive devices. It also explores how users handle the situation of being forced to use an involuntarily chosen product which they do not like and how design may contribute to solve conflicts between the identity of an unwanted product and the desired identity of the user.
2009	Peter Anderber, Elin Olander, Bodil Jönsson, and Lena Sperling,	*Enabling design* (CRC Press Taylor & Francis Group, 2009)	The chapter examines how to incorporate the effects of daily activities and their biomechanical consequences into the design of ergonomic interventions. The chapter advocates for universal design and looks at how these concepts can be integrated into a practical solution.
2009	Per-Olof Hedvall	The Activity Diamond. Modelling an Enhanced Accessibility. (Doctorate of Engineering thesis, Lund University, 2009) available at <http://www.arkiv.certec.lth.se/doc/theactivitydiamond/PeO_Hedvall_PhD_Thesis_The_Activity_Diamond_091104.pdf> (accessed 28 November 2013)	The purpose of the research is to enhance the field of accessibility to include a multitude of perspectives. Based on cultural-historical activity theory (CHAT), the research analyses how human, artifactual and natural factors impact an individual's possibilities to act in concrete situations that are part of a systemic whole.
2009	Ulf Melin	'The emperor´s new clothes?-Analysing the Swedish action plan for e-government' (2009) 2 International Journal of Public Information Systems 97	This paper analyses the National Action Plan for the Swedish eGovernment, launched in 2008. The plan as such represents an overall top-down approach to e-government, providing a framework within which to develop e-government. The customer/client needs are expressed explicitly in the action plan, in several contexts and combined with internal efficiency efforts in a balanced way.
2009	Mikael Lind, Olov Östberg and Per Johannisson	'Acting Out the Swedish e-Government Action Plan-Mind and Mend the Gaps' (2009) 5 International Journal of Public Information Systems 37, available at <http://www.ijpis.net/ojs/index.php/IJPIS/article/view/61> (accessed 28 November 2013)	This report looks at the problems faced in the attempted paradigm shift: (i) unrealistic time scale, (ii) governance is not possible without an enterprise architecture, (iii) modelling of the needs of the end user cannot be left solely to individual agencies, (iv) clusters and federations must be defined by means of federation level agreements in addition to service level agreements, (v) low adherence level to EU's directives regarding e.g. Services and Public Information Re-usage will be rewarded with low eGov EU ranking, and (vi) few mandatory standards and profiles for Swedish agencies and no Swedish

			National Interoperability Framework on the horizon.
2008	Robert F Erlandson	*Universal and accessible design for products, services and processes* (CRC Press, Taylor and Francis Group 2008)	The goal of this book is to present universal and accessible design to the U.S. design community. Universal design and accessible design are often used interchangeably. While universal design and accessible design share a common core of design principles and strategies, they differ in that accessible design is legally mandated whereas universal design is not. The legal mandates and design guidelines associated with accessible design require that designs be compliant subject to legal penalties.
2007	Rita Ehrenfors and Rosa Gujonsdottir	*Design for all –Users- Pilot study and requirement specifications for an external memory aid*, *Hjälpmedelsinstitutet* [Swedish Institute of Assistive Technology] (2007), available at <http://www.hi.se/Global/dokument/publikationer/2007/07360-pdf-design-for-all-users.pdf> (accessed 28 November 2013)	The aim of this study was to find ways to include people with cognitive disabilities and impaired memory in the product design process. The study looks at the development and testing of a model for how individuals with and without such disabilities might participate.
2005	Dan Högberg	*Ergonomics integrations and user diversity in product design*. (Doctorate of Engineering thesis, Loughborough University, 2005), available at <https://dspace.lboro.ac.uk/dspace-jspui/handle/2134/7772> (accessed 28 November 2013)	The first part of the paper investigates how people working within product development organisations communicate with and about users of their products. The second part studies the factors that affect the integration of ergonomics in product design. The third part reviews computer aided ergonomics as a means for integration of ergonomics in product design. The fourth part looks at how human simulation tools can aid designers' consideration of human diversity to accommodate users of diverse anthropometric characteristics.

8. The UK

Year	Author	Title and location	Summary
2010	Katie Ellis and Mike Kent	'Tweeters take responsibility for an accessible web 2.0' (2010) 7(1) Fast Capitalism, available at <http://researchrepository.murdoch.edu.au/9372/1/tweeters_take_responsibility.pdf> (accessed November 2013)	This source includes reports on a study which used Twitter to explore the intersecting areas of critical disability studies, political mobilization and online social networking. It employs the Twitter platform "Accessible Twitter" as a case study to explore the importance of innovation and accessibility in Web 2.0.
2010	Joanne M. Kuzma	'Accessibility design issues with UK e-government sites' (2010) 27(2) Government Information Quarterly 141	This paper reports on a study of accessibility problems within the e-government sector, focussing specifically on the websites of 130 UK members of Parliament.
2009	Anna Lawson	'Law & policy challenges for achieving an accessible information society in the EU: Lessons from Britain' (Conference of NCoE Welfare REASSESS, Oslo, May 2009) available at<http://www.nova.no/asset/3724/1/3724_1.pdf> (accessed 2 December 2013)	The aim of this paper is to contribute to discussions of progress within the EU toward the development of a fully inclusive and accessible information society by reflecting on some of the strategies adopted in the United Kingdom.
2004	Martin Sloan	'Web access and disability: an update', (2004) 5 Electronic Business Law, 12	This paper looks at advances in the area of web accessibility over a period of 18 months. It considers challenges that could arise for web development in light of potential test cases under the DDA 1995.

Comparative (Legal/Policy) Studies

Year	Author	Title and location	Summary
2013	Eliza Varney	*Disability and Information Technology: A Comparative Study in Media Regulation* (Cambridge University Press, 2013)	Comparative study of Canada, EU, UK, and US. Focuses on ICT regulation and calls for a regulatory approach based on a framework of values such as equality and dignity. Identifies common challenges encountered in the jurisdictions examined and points toward the rights-based approach advanced by the UNCRPD as a benchmark in protecting the rights of persons with disabilities to have equal access to information.
2013	Renzo Andrich, Niels-Erik Mathiassen, Evert-Jan, Hoogerwerf, and Gert Jan Gelderblom.	'Service delivery systems for assistive technology in Europe: An AAATE/EASTIN position paper', (2013) 25(3) Technology & Disability 27	The purpose of this paper is to indicate a framework for exploiting the potential role of assistive technology (AT) in supporting care and participation of people with disabilities and elderly people through appropriate service delivery systems (SDS). The paper is based on the findings of the AAATE/EASTIN workshop 'Service Delivery Systems on Assistive Technology in Europe' (held in Copenhagen on May 21-22, 2012, under the patronage of the Danish EU Presidency), on the roadmaps indicated by the previous HEART Study published in 1995 by the European Commission, and on a consensus process within the Board of the AAATE (Association for Advancement of Assistive Technology in Europe) and the EASTIN Association (European Assistive Technology Information Network).
2013	Lutz Kubitschke, Kevin Cullen, Ciaran Dolphin, Susanna Laurin and Andreas Cederbom	*Study on Assessing and Promoting E-Accessibility Final Report*	This study was done for the European Commission DG Communications Networks, Content & Technology and looks at e-accessibility promotion and policies in all EU27 countries as well as a few third countries. The report focuses on e-accessibility in web, telecoms and TV.
2013	Anthony Giannoumis	*Regulating Web Content: the nexus of legislation and performance standards in the United Kingdom and Norway* (Paper elaborated within the DREAM Project)	Despite different historical traditions, previous research demonstrates a convergence between regulatory approaches in the United Kingdom and Norway. To understand this convergence, this article examines how different policy traditions influence the legal obligations of performance standards regulating web content for use by persons with disabilities.

2012	Kevin Cullen, Donal McAnaney, Ciaran Dolphin, Sarah Delaney and Philomena Stapleton	*Research on the provision of Assistive Technology in Ireland and other countries to support independent living across the life cycle* (Work Research Centre, Dublin) available at <http://www.nda.ie/cntmgmtnew.nsf/0/797AD755B56A82A580257A4D0031A2B6?OpenDocument> (accessed 29 November 2013)	This study addressed the provision of Assistive Technology (AT) to support independent living across the life cycle. Its scope covered delivery of AT in educational, workplace and home settings, addressing the needs of students and workers with disabilities as well as people with disabilities and older people living at home. The main focus was to examine the systems of provision of AT in Ireland and in a number of other jurisdictions with relatively well-developed systems. Based on this, the study aimed to provide guidance for the future development of the Irish system in ways that would reflect established or emerging good practice in the field.
2012	G3ict	*Making mobile phones and services accessible for persons with disabilities: A joint report of ITU and G3ict- The global initiative for inclusive* ICTs International telecommunication Union (2012) available at <http://www.itu.int/ITU-D/sis/PwDs/Documents/Mobile_Report.pdf> (accessed 29 November 2013)	This paper compiles and analyses different ways in which mainstream accessible mobile phone technologies and services are already implemented around the world by various stakeholders. Includes a wealth of practical information and case studies which can serve as a foundation to promoting accessible mobile phones and mobile assistive technologies.
2011	Deloitte and Abilitynet	*The Internal Market for assistive ICT. Draft Final report for the European Commission*	The analysis covers the market and the legal frameworks and implementation of support schemes (referred to as Service Delivery Models) for assistive ICT in nine EU Member States (Germany, Spain, France, Italy, UK, Netherlands, Sweden, Denmark and Latvia). The market is analysed from a supply and demand side perspective. This has been done through a mixture of desk research and over 110 in depth interviews with key actors at national and European level as well as targeted case studies and scenario analysis. Based on a SWOT analyses the main strengths, weaknesses, opportunities and threats of the assistive ICT provision in the EU are presented. In addition, this study presents seven different case studies that explore some of the key drivers to improve the situation of assistive ICT provision. Based on the identified trends and drivers the study sets out four scenarios that explore how the situation might evolve from a market that can be currently characterised as a 'supply push' market towards a more consumer oriented scenario of a 'demand-pull' market.

2011	Technosite	*Monitoring eAccessibility in Europe: 2011 Annual Report*, (European Commission, 2011), available at <http://www.eaccessibility-monitoring.eu> (accessed 27 November 2013)	The annual report of the Monitoring eAccessibility in Europe study systematises the most important information on the legislative and non-legislative developments carried out directly or indirectly in the eAccessibility field; the activities to implement such legislation; and the related activities or measures, as well as the current level of eAccessibility in a set of ICTs.
2010	Empirica and WRC	*ICT & Ageing. European Study on Users, Markets and Technologies* (Report prepared by Empirica and WRC on behalf of the European Commission, Directorate General for Information Society and Media-Brussels, 2010)	This study examines the current status of implementation of ICTs to support ageing well across a spectrum of European and other countries and to identify factors that facilitate or present barriers to the development of this field.
2010	Melissa Pailthorp	*Case study of improvement of e-skills in Europe – comparative study* (English), pp presentation, International Workshop E-Inclusion of vulnerable groups, Belgrade, 2010, available at <http://www.ian.org.rs/events/clickto europe/materials.htm> (accessed 06 December 2013)	N.a.
2010	Michael Rößner	*Partizipation, Exklusion und Inklusion von jugendlichen Mediennutzern im Internet: Zur lebensweltlichen Relevanz der barrierearmen Zugänglichkeit. Eine empirische Studie [Participation, Exclusion and Inclusion of adolescent onliners: Lifeworld relevance on web accessibility. An empiric study]* (2010), available at <http://tobias-lib.uni-tuebingen.de/volltexte/2011/5582/pdf/DissRoessner.pdf> (accessed 30 October)	These report analyses young trainees with mental disabilities contrasted against grammar school pupils. One aim of the research is to analyse the subjective views and interpretations of the two groups regarding "web accessibility and usability. Other aims of the research are to reflect the implicit and explicit processes of exclusion existing in Internet usage of young users, and getting an evaluation of relevance of accessibility guidelines. This work is a comparative study based on 'qualitative design'. The methods used for collecting data are 'focus groups' for preliminary study and 'problem focused interviews' for main study. There is also a discussion of the background of the 'grounded theory' in use of the 'thematic encoding' system. English summary by the author of the study, drawn from <http://tobias-lib.uni-tuebingen.de/volltexte/2011/5582/> (accessed 30 October)
2010	Donal Rice	'Comparative approaches to current legislation on e-Accessibility in Europe' (4th European eAccessibility Forum-E-Accessibility of Public Services in Europe, Paris, 2010) available at <http://inova.snv.jussieu.fr/evenements/colloques/colloques/article.php?c=62&l=en&a=187#contenu_article> (accessed 03 December 2013)	N.a.

2009	Jennifer Stack et al.	*Analysing and federating the European assistive technology ICT industry. Final Report* (EC Publications, 2009)	The global objective of the study has been to gain information as to the state of the EU AT ICT industry and develop conclusions and recommendations to what steps can be taken to improve the competitiveness of the companies which form this industry.
2008	Senior Watch	*Assessment of the Senior Market for ICT Progress and Developments* (Brussels, 2008)	The SeniorWatch 2007 study aims at following up developments in the ICT markets for older people, as they can be observed since 2002 when the first SeniorWatch study was conducted. In conceptual regard, the analysis relates to three different ICT utilisation contexts that have particular relevance to the aging population.
2007	Nordic Centre for Rehabili-tation Technology	*Provision of Assistive Technology in the Nordic Countries,* Nordic Cooperation on Disability Issues (2007) available at <http://hmi.dk/media/provisionassistivetechnology.pdf> (accessed 29 November 2013)	The introductory chapter discusses the challenges the Nordic countries face in the field of assistive technology and participation. Then, the systems for provision of assistive technology in the five Nordic countries-Denmark, Finland, Iceland, Norway and Sweden are described. Provision of assistive technology has many similarities in these countries, most important that it is financed with public means, whereas the distribution of costs on a local, regional and national level is different. The report aims to make the national descriptions as comparable as possible.
2007	MeAC	*Assessment of the Status of eAccessibility in Europe*, (October 2007), available at <http://www.eaccessibility-progress.eu/> (accessed 28 November 2013)	This is the executive summary of the report from a study on eAccessibility in Europe. Provides a comprehensive benchmarking of the eAccessibility situation in the EU Member States and three non-European comparison countries.
2006	Iosif Klironomos, Margherita Antona, Ioannis Badekis and Constantine Stephanidis	'Promoting Design for All and e-Accessibility in Europe', (2006) 5 Universal Access in the Information Society, 105	This paper presents the current state of affairs of EdeAN (European Design for All E-accessibility Network), outlines a roadmap for future initiatives, and brings forward a set of suggestions and recommendations regarding the activities of the network. This is all done with the aim to support the creation of a fully inclusive European Information Society.
2004	Knut Fossestol	*Stairway to Heaven? ICT POLICY, Disability and Employment in Denmark, The Netherlands, UK and Norway,* available at <www.afi-wri.no/stream_file.asp?iEntityId=2626> (accessed 03 December 2013)	The report compares ICT strategies, employment and disability in Denmark, The Netherlands, UK and Norway.
2003	Deloitte	*Access to Assistive Technology in the European Union. Report for the European Commission,* available at <http://www.acessibilidade.net/at/access_AT_EU.pdf> (accessed 30 October 2013)	This study covers the current state of regulation and the organisation of the delivery and procurement of assistive devices in 8 Member States of the European Union: Denmark, France, Germany, Italy, the Netherlands, Spain, Sweden, and the United Kingdom. The study also covers the status on antidiscrimination legislation and specific regulation of Assistive Technology at the workplace.

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Selected Relevant Websites

- <http://atcoalition.org/>

  The Accessible Technology Coalition (ATC) is designed to make access to AT easy and available to everyone.

- <http://accessibilityassociation.org/>

  The International Association of Accessibility Professionals is open to professionals, individuals, students and organizations with an interest in accessibility. The mission of the organization is to "define, promote and improve" accessibility through networking, education and certification.

- <http://a11yproject.com/>

  The Accessibility Project describes itself as "a community driven effort to make web accessibility easier."

- <http://www.atis4all.eu/>

  ATIS4all is a European Thematic Network which main objective seeks to facilitate access to the accessibility device and service (e.g. ICT solution, environment constraints, user device, language, etc.). ATIS4all contains Web 2.0 participation tools in order to encourage online discussion exchange of knowledge and expertise.

- <http://www.eastin.eu/it-IT/searches/products/index>

  The EASTIN database is a network of resources related to assistive technologies and combines the assistive technology resource databases of six European countries including Italy (SIVA), Denmark (HMIBASEN), Germany (REHADAT), Great Britain (DLFDATA), Spain (CEAPAT) and The Netherlands (Hulpmiddelen Wijzer)

- <http://www.ictparliament.org>

  Launched by the United Nations Department of Economic and Social Affairs (UNDESA) in cooperation with the Inter-parliamentary Union (IPU) on the occasion of the World Summit of the Information Society (WSIS) in Tunis in November 2005, the Global Centre for Information and Communication Technologies in Parliament responds to the common desire to build inclusive information society. The Global Centre for ICT in Parliament acts as a clearing house for information, research, innovation, technology and technical assistance, and promotes a structured dialogue among parliaments, centres of excellence, international organizations, the civil society, the private sector and the donor community, with the purpose to enhance the sharing of experiences, the identification of best practices and the implementation of appropriate solutions. The websites lists legislation on e-accessibility and studies and reports.

Selected Relevant Journals

- *Journal of Assistive, Rehabilitative & Therapeutic Technologies*

  This is an international multidisciplinary journal providing a forum for the exchange of research on the latest advances in assistive, rehabilitative and therapeutic technologies and applications. Although this is 'technical' (non-legal) publication, it offers an extremely relevant perspective and provides a useful understanding on what actually is assistive technology (see <http://www.assistiverehabtechnology.net/index.php/jartt>, accessed 06 December 2013).

- *AAATE Journal on Technology and Disability*

  AATE Journal on Technology and Disability '[c]ommunicates knowledge about the field of assistive technology devices and services, within the context of the lives of end users - persons with disabilities and their family members. While the topics are technical in nature, the articles are written for broad comprehension despite the reader's education or training, thus offering to the lawyer a good overview of the main problems related to assistive technology (see <http://www.iospress.nl/journal/technology-and-disability/>, accessed 06 December 2013).

- *Digital Technology Law Journal*

  DTLJ publishes papers on legal issues relevant to digital technology (including the Internet, software, E-commerce, databases, multimedia and virtual reality). The journal focuses primarily on intellectual property law (see <http://pandora.nla.gov.au/tep/10324>, accessed 06 December 2013).

- *International Journal of Law and Information Technology*

  The *International Journal of Law and Information Technology* provides cutting edge and comprehensive analysis of Information Technology, communications and cyberspace law as well as the issues arising from applying Information and Communications Technologies (ICT) to legal practice (see <http://ijlit.oxfordjournals.org/>, accessed 06 December 2013).

- *Law, Innovation and Technology*

  LIT looks at ICTs, biotechnologies, nanotechnologies, neurotechnologies, robotics and AT from perspectives of lawyers, ethicists and policy makers (see <http://www.hartjournals.co.uk/lit/>, accessed 06 December 2013).

- *Berkeley Technology Law Journal*

  This journal covers emerging issues of law in the areas of intellectual property, high-tech and biotech, and contains articles on accessible technology (see at <http://btlj.org/>, accessed 06 December 2013).

Selected Relevant Research Projects

- **AsTeRICS (Assistive Technology Rapid Integration & Construction Set)**

  The AsTeRICS project will provide a flexible and affordable construction set for building assistive functionalities which can be highly adapted to the changing needs of each individual. The scalable and extensible system allows integration of new functions without major changes. AsTeRICS opens access for people with severe motor disabilities to a standard desktop computer but also to embedded devices and mobile services, which have not offered highly specialised user interfaces before. See more at <http://www.asterics.eu/index.php?id=35> (accessed 05 December 2013).

- **Cloud4all**

  Cloud4all is funded by the 7th Framework Programme of the EU that advances Global Public Inclusive Infrastructure. The objectives of Cloud4all are: simple instant accessibility for all, anywhere any device access, better connections between supply and demand and affordable method to offer diversity. The project uses cloud technology to create and build upon built in accessibility of products or services and recommends third party solutions relevant to the user's needs and preferences. <http://cloud4all.info/> (accessed 13 January 2014).

- **DREAM (Disability Rights Expanding Accessible Markets)**

  DREAM is an EU Marie Curie Intitial Training Network funded training network for early stage researchers. The goal of DREAM is to train and educate the next generation of disability policy researchers and entrepreneurs in order to assist EU member states in their CRPD implementation. See <http://disabilityrightsresearch.com> (accessed 13 January 2014).

- **Dreaming - For user-friendly tele-monitoring systems**

  The Dreaming project (Elderly Friendly Alarm Handling and Monitoring) carried out randomised control trials across six pilot sites to assess the impact of tele-monitoring on the health and quality of life of older people with chronic conditions. See more at <http://www.age-platform.eu/age-policy-work/health/lastest-news/1611-age-report-on-the-conclusions-and-recommendations-of-the-dreaming-advisory-board-on-the-acceptance-added-value-and-challenges-of-telemonitoring-> (accessed 03 December 2013).

- **Home Sweet Home (Health Monitoring and Social Integration Environment for Supporting Wide Extension of Independent Life at Home)**

  Home Sweet Home tests a comprehensive home assistance service in Belgium, Ireland, Italy and Spain, where the project holds pilot sites. Since 2010, the AGE Platform has managed the project. See more at <http://www.homesweethome-project.be/> (accessed 03 December 2013).

- **Veritas embeds the Design for All principle**

  Veritas (Virtual and augmented Environments and Realistic user Interactions to achieve embedded Accessibility designs) develops simulation-based and virtual reality tools to test the accessibility of assistive technologies and product design in order to ensure that future products and services are being systematically designed for all. See more at <http://www.age-platform.eu/all-projects/973-veritas> (accessed 03 December 2013).

- **Access+ for eAccessibility**

  eAccess+ (The eAccessibility thematic network) aims at promoting web- and e-accessibility in all relevant events and at developing a portal of information on e-accessibility. See more at <http://hub.eaccessplus.eu.> (accessed 05 December 2013).

- **CommonWell**

  The project was started in 2008 with the aim to address the lack of integration between healthcare and social care services with the use of ICT based solutions. See more at <http://ec.europa.eu/digital-agenda/en/news/eu-funded-project-commonwell-how-integrate-health-and-social-care-ict> (accessed 05 December 2013).

- **Robolaw**

  The main objective of the research in this project is to investigate the ways in which emerging technologies in the field of (bio-) robotics (e.g. bionics, neural interfaces and nanotechnologies) have a bearing on the content, meaning and setting of the law. In the RoboLaw project the ways in which regulation (both in terms of soft and hard law) may be affected by, and even in need of adjustment in light of, advances in robotics, with a special focus on human enhancement will be researched. To do so the current state-of-the-art of legislation and regulation pertaining to robotics will be analysed, and the areas of regulation that are in need of adjustment or revision due to the advent of emerging robotics technologies will be identified. Moreover, the interrelations between technical, legal and moral norms in this field will be studied, in order to define what could be the best balance between them, and to promote a technically feasible, yet also ethically and legally sound basis for future robotics.