



The European Accessibility Act (EAA): What does it mean for UK higher education providers?

8th November 2024

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Workshop report

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An **Accessible Digital Futures** event, hosted by JISC in their London offices.

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Key Findings

UK higher education institutions and vendors are aware that the European Accessibility Act (EAA)¹ is coming into effect in June 2025 but have little clarity on what this might mean for those with ties to the EU:

- More clarity is sought regarding the scope and reach of the EAA, especially where UK higher education institutions have EU campuses or offer distant learning; in relation to admissions and recruitment; and access to, use and sale of educational tools, such as e-books and e-journals.
- EAA compliance can be used to strengthen the UK higher education sectors' USP vis-à-vis international students and may give the sector a marketing advantage internationally.
- Questions remain regarding how the EAA will be enforced in the UK: for instance, will UK operators be subject to regulatory oversight and fines in the EU? Or will the Act lead to a ban on market access?
- Guidelines are needed regarding the implementation of the Act for those who would like to comply, including clear explanations of liability for all the parties throughout the supply chain.

Workshop participants identified several actions the sector, government, regulators, and other stakeholders could take to prepare the UK for the EAA:

- Senior management at UK higher education institutions must have awareness and buy-in to ensure that their institutions are EAA ready.
- Industry bodies, such as the Office for Students and Jisc, and government departments and regulators should issue guidelines and advice for the sector on how they can be EAA ready.
- The sector can benefit from a structured knowledge exchange between institutions, vendors, and other stakeholders. There is an appetite for international collaboration.

¹ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (<https://eur-lex.europa.eu/eli/dir/2019/882/oj/eng>). See also this article by John Kelly at Jisc: <https://accessibility.jiscinvolve.org/wp/2024/08/19/european-accessibility-act-eaa-what-does-it-mean-for-uk-further-and-higher-education/>

Introduction

On 8 November 2024, Jisc and Glenlead Centre hosted a workshop on the European Accessibility Act (EAA) as part of the Accessible Digital Futures (ADF) project.² The workshop was attended by 29 participants from higher education, industry, and policy and research organisations from across the UK.

The purpose of the workshop was to identify questions and concerns regarding the EAA and how it may impact UK institutions and vendors.

The workshop featured presentations by:

- Dr Sarah Lewthwaite from the University of Southampton with reflections on the accessibility policy trajectory³
- John Kelly from Jisc on what we know so far about the EAA
- Huw Alexander from textBOX who shared how publishers are actively preparing for EAA compliance with significant efforts on making e-books accessible
- Kate Sonka from Teach Access (USA) talked about global co-operation for accessibility in the USA and emphasised the need for teaching accessibility to faculty.⁴

Why the EAA Matters

The EEA was adopted to ensure that the EU's mandatory accessible requirements are interpreted in the same way across the Union ('harmonisation').⁵

The EAA is a general directive and applies to all economic operators in all sectors, including education. UK higher education institutions which either have campuses in the EU or recruit students from the EU, and vendors of products, tools, and services to the EU, are likely to fall within its scope. As a direct effect of the EAA, commercial digital products and services offered and delivered by UK higher education institutions in the EU must meet accessibility standards.

Thus, **adjusting to the EAA is important for the UK higher education sector's international market.** Adopting to the EAA:

- will enhance institutions' ability to provide accessibility to staff and students;
- will help ensure the institutions can continue to work with the EU;
- may aid institutions' ability to attract international student; and
- may be cost-efficient and in the long-term produce saving as it may simplify procurement processes.

² <https://www.jisc.ac.uk/innovation/projects/accessible-digital-futures#project-team>

³ For contact/Collaboration Sarah Lewthwaite s.e.lewthwaite@soton.ac.uk and Andy Coverdale a.coverdale@soton.ac.uk. UKRI Teaching Accessibility project <http://teachingaccessibility.ac.uk>. Lewthwaite & James (2020) [Accessible at last?: what do new European digital accessibility laws mean for disabled people in the UK?](#) Disability and Society.

⁴ Check out their homepage: teachaccess.org, especially: [Curriculum Repository](#), [self-paced courses](#), [Accessibility Technology Skills Gap](#)

⁵ Public Procurement Directives 2014/24/E and 2014/25/EU.

Background

To understand the objectives of the EAA, it is useful to set out a few observations on its background:

First, the EAA was instituted to remedy a market failure. Lack of harmonised rules regarding accessibility requirements meant that vendors struggled to comply with different interpretations of the rules in different Member States. According to the consultancy firm Deloitte, the lack of harmonised accessibility rules made it difficult for SMEs and new market entrants to engage in cross-border trade.⁶

Consequently, users were not offered products that met their accessibility requirements, which had a negative effect on them as consumers and as economic agents in that it limited their educational and work opportunities.

The impetus for the EAA must therefore be understood in the context of the European Disability Strategy 2010-2020⁷: “Full economic and social participation of people with disabilities is essential if the EU’s Europe 2020 strategy is to succeed in creating smart, sustainable and inclusive growth. Building a society that includes everyone also brings market opportunities and fosters innovation.”⁸ A key objective of harmonising the rules was the aim was to lower barriers to cross-border trade and increase competition.⁹

Second, the normative mooring for the EAA can be found in international and EU’s rights frameworks. The EAA is underpinned by several Articles of the Charter of Fundamental Rights of the European Union (most notably Article 26 on the right to integration of persons with disabilities),¹⁰ and the United Nations’ Convention on the Rights of Person with Disabilities.¹¹

While the EAA is based in the legal definition of disabilities, the concept of accessibility is deliberately broad. Indeed, Deloitte found that when approaching accessibility, the emphasis is less on a focus on ‘medical disabilities’ but rather on a broader tent conceptualisation that included social and environmental barriers.¹² The EAA is thus intended to ensure that products and services meet the requirements of as many users as possible.

⁶ Deloitte, *Study on the socio-economic impact of new measures to improve accessibility of goods and services for people with disabilities* (Final Report 2021) (<https://www.deloitte.com/mt/en/services/consulting/perspectives/mt-web-accessibility-standards-and-compliance.html>).

⁷ Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions: European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe* (SEC(2010) 1323; SEC(2010) 1324) (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0636>). See also the European Disability Strategy 2021-2030: https://employment-social-affairs.ec.europa.eu/policies-and-activities/social-protection-social-inclusion/persons-disabilities/union-equality-strategy-rights-persons-disabilities-2021-2030_en.

⁸ Commission, *Impact Assessment Accompanying the document Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulation and administrative provisions of the Member States regarding accessibility requirements for products and services* (SWD(2015) 264 final) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=SWD:2015:0264:FIN>).

⁹ *ibid*

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT>.

¹¹ <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>.

¹² Deloitte (supra note 6). See also Velislava Hillman, Yujeong Hwang, Simon Walker, and Peter Wilson, *AIED and EDTech Procurement: Challenges for Policy and Governance* (LSE Social Policy Working Party, October 2024) (<https://www.lse.ac.uk/social-policy/Assets/Documents/PDF/working-paper-series/WPS-10-24.pdf>); Mark

Merging the objective of remedying a market failure with a broad rights-based definition of accessible needs has led the EU to take a universal design approach ('design for all') in the obligations it imposes on economic actors under the EAA. Importantly, the EAA contains several mitigating provisions designed to prevent the obligations from being so onerous that they would stifle competition and economic activity.

Some Key Observations About the EAA

The EAA comes into effect on 28 June 2025. Some economic operators are given until 28 June 2030 ('transition period') to phase out products and services which were contracted before the EAA.

As an EU directive (as opposed to a regulation), the EAA will require each Member State to institute its provision in domestic law. One set of questions therefore concern the **potential for divergent interpretations of the rules within the EU** (despite the intention to harmonise the law) once the national legislators and regulators issue their guidelines.

Persons with Disabilities

The definition of persons with disabilities is set out in Article 3: "persons with disabilities' means persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."

That the definition is wide is further emphasised in Article 14(7) which states that "... the Commission shall take into account not only the potential benefits for persons with disabilities, but also those for persons with functional limitations." There is no further elucidation on the difference between 'persons with disabilities' and 'persons with functional limitations', but one can infer that the inclusion of the latter is to ensure that no Member State adopts a narrow definition that would exclude some users.

What is Covered

Article 4 sets out the accessibility requirements which must be read with the specifications of Section I of Annex I. Article 2 lists numerous technologies, products, and services to which the EAA applies, thereby demonstrating that the directive is meant to have a near comprehensive scope. Relevant here to UK education providers is that e-books, website content, and mobile applications are required to meet accessibility standards.

Articles 7, 9, 10, and 13 set out the obligations placed on manufacturers, importers, distributors, and service providers respectively. Article 14 defines the fundamental alteration of products or services, or disproportionate burden that would exempt an economic operator from its obligations under the EEA. Details on what could constitute a disproportionate burden can be found in Annex II.

Priestley, *National accessibility requirements and standards for products and services in the European single market: overview and examples* (University of Leeds, January 2023) (<https://essl.leeds.ac.uk/sociology-research-impact-engagement/doc/mainstreaming-disability-equality-european-union>).

Monitoring and Enforcement

The EAA is designed to be enforced by regulators and market surveillance authorities in the EU. Following Brexit, the UK will not institute a designated monitoring and enforcement mechanism to give effect to new EU law such as the EAA.

While it would not be appropriate for the UK to enforce foreign law, there may be scope for the Department of Education, regulator, or other UK authority to issue guidelines and advice to UK stakeholders to enable voluntary conformity with the EAA. This could be considered a sensible and proportionate measure given the significance of the EU market to the UK higher education sector.

Workshop Discussion

The workshop discussion, loosely guided by a set of pre-prepared questions (Annex I), confirmed that the sector is aware and indeed has a desire to comply with the EAA, but needs more clarity of what this will entail and the potential consequences. The discussion can be summarised as follows:

- More clarity is sought regarding the scope and reach of the EAA, especially where UK higher education institutions have EU campuses or offer distant learning; in relation to admissions and recruitment; and access to, use and sale of educational tools, such as e-books and e-journals.
- Impact of the EAA on ancillary activities such as UK higher education institutions' ability to participate in programmes such as Horizon needs to be clarified and the role the EAA may have in attracting international students to the UK.
- Questions remain regarding how the EAA will be enforced in the UK: for instance, will UK operators be subject to regulatory oversight and fines in the EU? Or will the Act lead to a ban on EU market access?
- Guidelines are needed regarding the implementation of the Act for those who would like to comply, including clear explanations of liability for all the parties throughout the supply chain.

Workshop participants asked about the impact of the EAA on international students and distant learning. Furthermore, questions included: what happens when UK higher education institutions have campuses in the EU, and what would be the enforcement mechanisms and penalties for EAA compliance failure? What about materials sent online? What about third-party liability?

Workshop participants highlighted that these questions were hard to address given the opacity of procurement processes and lack of standardised assessments of edtech products and technical specifications. Workshop participants also raised several questions which highlighted uncertainties of regulatory monitoring and oversight.

Workshop participants also highlighted the difficulty in anticipating and assessing needs when students and staff were reluctant to disclose their accessibility requirements.

From the discussion, it emerged that some institutions and vendors – particularly those who are large or market leaders – are better prepared for the EAA than smaller operators. The UK sector, as a whole, would benefit from the sharing of expertise with one another and ensure a unified interpretation of compliance across the sector, which further could help the EU to see UK businesses as trustworthy and reliable.

Workshop participants expressed frustration with weak institutional governance and lack of 'ownership' of accessibility conformity and compliance processes. It is unclear how procurement, academic, legal, and IT departments should and could work together to give effect to the EAA. As a solution, several participants noted the need for senior managerial buy-in to ensure that accessibility was an institutional priority. Workshop participants also wanted to take into account accessibility compliance to a greater degree when choosing providers. To this end, incentives for providers, beyond bottom line pricing, should be instituted across the sector.

Several workshop participants referenced the Italian digital accessibility law, the **Stanca Act** (Law 4/2004).¹³ Indeed, there was an expressed appetite and interest for more international collaboration regarding accessibility law, regulation, and standardised frameworks.

Way Forward

The workshop participants suggested several avenues for action. These included the adoption of a shared industry framework for accessible digital technologies, backed by awards or kitemarks, competitions, conferences, and shared community practices. There was also a call to integrate the framework into the Teaching Excellent Framework (TEF) and Knowledge Exchange Framework (KEF).

Workshop participants also acknowledged that robust enforcement mechanisms could help incentivise institutional interest and commitment to adopt measures that would support EAA compliance. For example, participants sought commitments from research funders to make accessibility a mandatory criterion for funding. Accessibility could also be included in other policies such as Research Councils' Research Ethics Guidelines.

Workshop participants suggested that the Office of Students could be an ally and that dialogue was important to communicate the importance of accessibility in digital technologies to institutions and other stakeholders. The potential for accessibility to be a USP for the UK higher education sector was discussed, particularly how accessibility may be seen as part of personalisation. Suggestions were made that Jisc could perhaps help to ensure EAA compliance through its licensing division.

Despite the many suggestions for action, there were also concerns that EAA compliance would require human resources and funding that is currently not available. It also requires institutional maturity, and there is a risk that smaller institutions will be left behind.

Concrete Next Steps

- Senior leaders should be invited to discuss institutional strategies and priorities for the EAA
- Government, regulator(s), and institutions should be encouraged to adopt clear and coordinated guidance
- Institutions and the sector should investigate the estimated costs of compliance compared with the potential lack of revenue if the UK sector was closed off from the EU market due to failure to adopt the EAA. These calculations could help inform government and institutional priorities and policies.
- Further workshop and knowledge exchange activities, including opportunities for international collaboration under the auspices of the ADF project

¹³ <https://www.tpgi.com/understanding-the-standca-act-italys-digital-accessibility-law/>.

Annex 1: Workshop Questions¹⁴

Scope/Governance (A)

<ul style="list-style-type: none"> To what extent does your institution engage in international commercial activities, and what strategies or partnerships are in place to support this?
<ul style="list-style-type: none"> How do you anticipate the European Accessibility Act (EAA) will affect your university's strategies for ensuring their digital platforms and services comply with accessibility standards, particularly in terms of sustaining partnerships and attracting students from Europe?
<ul style="list-style-type: none"> What quality assistance measures are currently in place to oversee compliance for overseas commercial activities at your institution? Is there a designated single point of contact responsible for this oversight, and who holds this role?
<ul style="list-style-type: none"> Is sector specific guidance needed for UK institutions on the operation of the EAA?
<ul style="list-style-type: none"> Is your institution's international office responsible for overseeing compliance with the European Accessibility Act (EAA)? If not, which department/directorate or individual holds this responsibility?

Purchasing/ Procurement / Benefits for users?

<ul style="list-style-type: none"> Do you believe your institution's procurement policies are adaptable enough to align with the requirements of the EU Accessibility Act?
<ul style="list-style-type: none"> Commercial product and service providers that operate in the education market here in the UK are likely to be complying with the EAA accessibility standards (in the EU). How can your institution ensure that your users benefit?
<ul style="list-style-type: none"> Does your university already have a strategy in place, or do you perceive any advantages in voluntary aligning with EU Accessibility Act requirements?
<ul style="list-style-type: none"> If a product meets the European Accessibility act (EAA) standards, would your institution be more inclined to choose it for your users over a competitor's product that does not meet these standards?
<ul style="list-style-type: none"> What potential benefits could UK institutions gain from adopting products designed to meet EU Accessibility Act standards, particularly as a knock-on effect of enhanced compliance?

¹⁴ Prepared by Hannah Lawrence from Jisc.