S.I. No. 636/2023 - European Union (Accessibility Requirements of Products and Services) Regulations 2023

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I, RODERIC O'GORMAN, Minister for Children, Equality, Disability, Integration and Youth, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019[1] , hereby make the following regulations:

Part 1

PRELIMINARY

Citation and commencement

1. (1) These Regulations may be cited as the European Union (Accessibility Requirements of Products and Services) Regulations 2023.

(2) These Regulations shall come into operation on 28 June 2025.

Interpretation

2. (1) In these Regulations –

"air passenger transport services" means commercial passenger air services, as defined in Article 2(l) of Regulation (EC) No. 1107/2006 of the European Parliament and of the Council of 5 July 2006[2] , on departure from, on transit through, or on arrival at an airport, when the airport is situated in the territory of a Member State, including flights departing from an airport situated in a third country to an airport situated in the territory of a Member State where the services are operated by Union air carriers;

"applicable accessibility requirements" means –

(a) in relation to a product, the accessibility requirements with which the product is required, under paragraph (2) of Regulation 5, to comply, and

(b) in relation to a service, the accessibility requirements with which the service is required, under paragraph (3) of Regulation 5, to comply;

"assessment" shall be construed in accordance with Regulation 15(2)(a);

"assistive technology" means any item, piece of equipment, service or product system including software that is used to increase, maintain, substitute or improve functional capabilities of persons with disabilities or for alleviation and compensation of impairments, activity limitations or participation restrictions;

"audiovisual media services" means audiovisual media services as defined in Article 1(1)(a) of Directive 2010/13/EU, as amended by Article 1(1)(a) of Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018[3] ;

"authorised representative" means a person appointed to be an authorised representative in accordance with Regulation 9;

"bus passenger transport services" means services covered by Article 2(1) and (2) of Regulation (EU) No. 181/2011 of the European Parliament and of the Council of 16 February 2011[4] ;

"CE marking" means a marking by which a manufacturer indicates that a product is in conformity with the applicable requirements specified in Union harmonisation legislation providing for its affixing;

"Commission" means the European Commission;

"competent national authority" means –

(a) in relation to the State, a relevant authority, and

(b) in relation to another Member State, an authority that is designated by that Member State as the authority responsible for, as applicable –

(i) in the case of a product, carrying out the obligations of a market surveillance authority under the Directive, or

(ii) in the case of a service, checking compliance of services with the requirements of the Directive;

"compliance authority" means a body that is designated under Regulation 4(2) as a compliance authority in relation to a service to which these Regulations apply;

"consumer" means any natural person who, for purposes which are outside his or her trade, business, craft or profession –

(a) purchases a product, or

(b) is a recipient of a service,

to which these Regulations apply;

"consumer banking services" means the provision to consumers of the following banking and financial services:

(a) credit agreements covered by Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008[5] or Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014[6] ;

(b) services as defined in points 1, 2, 4 and 5 in Section A and points 1, 2, 4 and 5 in Section B of Annex I to Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014[7] ;

(c) payment services as defined in Article 4(3) of Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015[8] ;

(d) services linked to the payment account as defined in Article 2(6) of Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014[9] ;

(e) electronic money as defined in Article 2(2) of Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009[10] ;

"consumer general purpose computer hardware system" means the combination of hardware which forms a complete computer, characterised by its multipurpose nature, its ability to perform, with the appropriate software, most common computing tasks requested by consumers and intended to be operated by consumers, including personal computers, in particular desktops, notebooks, smartphones and tablets;

"consumer terminal equipment with interactive computing capability, used for accessing audiovisual media services" means any equipment the main purpose of which is to provide access to audiovisual media services;

"direction" means a direction given under these Regulations by a relevant authority;

"Directive" means Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019[1] ;

"Directive 2010/13/EU" means Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010[11] ;

"Directive 2012/34/EU" means Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 [12] ;

"distributor" means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;

"e-book and dedicated software" means a service, consisting of the provision of digital files that convey an electronic version of a book, that can be accessed, navigated, read and used and the software including mobile device-based services including mobile applications dedicated to the accessing, navigation, reading and use of those digital files, but does not include software covered under the definition of "e-reader";

"e-commerce services" means services provided at a distance, through websites and mobile device-based services by electronic means and at the individual request of a consumer with a view to concluding a consumer contract;

"economic operator" means –

(a) in relation to a product, the manufacturer, the authorised representative, the importer or the distributor, or

(b) in relation to a service, the service provider;

"electronic communications service" has the meaning it has in the Regulations of 2022;

"electronic ticketing services" means any system in which passenger transport tickets are purchased including online using a device with interactive computing capability, and delivered to the purchaser in electronic form, to enable them to be printed in paper form or displayed using a mobile device with interactive computing capability when travelling;

"electronic tickets" means any system in which an entitlement to travel, in the form of single or multiple travel tickets, travel subscriptions or travel credit, is stored electronically on a physical transport pass or other device, instead of being printed on a paper ticket;

"emergency communication" has the meaning it has in the Regulations of 2022;

"e-reader" means dedicated equipment, including both hardware and software, used to access, navigate, read and use e-book files;

"EU declaration of conformity" means a declaration of conformity (including a single EU declaration of conformity) drawn up in accordance with the requirements of Regulation 17;

"harmonised standard" means a harmonised standard as defined in Article 2(1)(c) of Regulation (EU) No. 1025/2012;

"importer" means any natural or legal person established within the Union who places a product from a third country on the Union market;

"interactive computing capability" means functionality supporting human-device interaction allowing for processing and transmission of data, voice or video or any combination thereof;

"make available on the market" means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;

"mandate" shall be construed in accordance with Regulation 9(1);

"manufacturer" means any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its name or trade mark;

"market surveillance authority" means the body designated under Regulation 4(1) as the market surveillance authority in relation to products to which these Regulations apply;

"microenterprise" means an enterprise which employs fewer than 10 persons and which has an annual turnover not exceeding €2 million or an annual balance sheet total not exceeding €2 million;

"Minister" means the Minister for Children, Equality, Disability, Integration and Youth;

"most appropriate PSAP" has the meaning it has in the Regulations of 2022;

"operating system" means software, which, *inter alia*, handles the interface to peripheral hardware, schedules tasks, allocates storage, and presents a default interface to the user when no application program is running including a graphical user interface, regardless of whether such software is an integral part of consumer general purpose computer hardware, or constitutes free-standing software intended to be run on consumer general purpose computer hardware, but excluding an operating system loader, basic input/output system, or other firmware required at boot time or when installing the operating system;

"payment terminal" means a device the main purpose of which is to allow payments to be made by using payment instruments as defined in Article 4(14) of Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015[13] at a physical point of sale but not in a virtual environment;

"person with disabilities" means a person who has long-term physical, mental, intellectual or sensory impairments, which, in interaction with various barriers, may hinder the person's full and effective participation in society on an equal basis with others;

"place on the market" means the first making available of a product on the Union market;

"product" means, subject to Regulation 31(14), a substance, preparation, or good produced through a manufacturing process, other than food, feed, living plants and animals, products of human origin and products of plants and animals relating directly to their future reproduction;

"public body" means –

(a) a board, authority or other body, other than a company under the Companies Act 2014 , established by or under statute,

(b) a company under the Companies Act 2014 in which all the shares are held –

(i) by or on behalf of a Minister of the Government, or

(ii) by directors appointed by a Minister of the Government, or

(c) a company under the Companies Act 2014 in which all the shares are held by a board, authority or body referred to in subparagraph (a) or by a company referred to in subparagraph (b);

"public safety answering point" or "PSAP" has the meaning it has in the Regulations of 2022;

"rail passenger transport services" means all rail passenger services as referred to in Article 2(1) of Regulation (EU) 2021/782;

"real time text" means a form of text conversation in point to point situations or in multipoint conferencing where the text being entered is sent in such a way that the communication is perceived by the user as being continuous on a character-by-character basis;

"regional transport services" means regional services as defined in Article 3(7) of Directive 2012/34/EU, but, for the purposes of these Regulations, includes only the following modes of transport:

(a) rail;

(b) bus and coach;

(c) metro;

(d) tram;

(e) trolley bus;

"Regulation (EC) No. 765/2008" means Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008[14] ;

"Regulation (EU) No. 1025/2012" means Regulation (EU) No. 1025/2012 of the European Parliament and of the Council of 25 October 2012[15] ;

"Regulation (EU) 2019/1020" means Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019[16] ;

"Regulation (EU) 2021/782" means Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021[17] ;

"Regulations of 2022" means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);

"relevant authority" means any of the following:

(a) the market surveillance authority;

(b) a compliance authority;

"relevant compliance authority" means, in relation to a service to which these Regulations apply, the body that is, under Regulation 4(2), the compliance authority in relation to that service;

"service" means a service as defined in Article 4(1) of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006[18] ;

"service provider" means any natural or legal person who provides a service on the Union market or makes offers to provide such a service to consumers in the Union;

"services providing access to audiovisual media services" means services transmitted by electronic communications networks which are used to identify, select, receive information on, and view audiovisual media services and any provided features, such as subtitles for the deaf and hard of hearing, audio description, spoken subtitles and sign language interpretation, which result from the implementation of measures to make services accessible as referred to in Article 7 of Directive 2010/13/EU, and includes electronic programme guides (EPGs);

"small and medium-sized enterprises" or "SMEs" means enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding €50 million, or an annual balance sheet total not exceeding €43 million, but excludes microenterprises;

"technical specification" means a technical specification as defined in Article 2(4) of Regulation (EU) No. 1025/2012 that provides a means to comply with the accessibility requirements applicable to a product or service;

"total conversation service" has the meaning it has in the Regulations of 2022;

"Union" means the European Union within the meaning the European Communities Act 1972 (No. 27 of 1972);

"urban and suburban transport services" means urban and suburban services as defined in Article 3(6) of Directive 2012/34/EU, but, for the purposes of these Regulations, only includes the following modes of transport:

(a) rail;

(b) bus and coach;

(c) metro;

(d) tram;

(e) trolley bus;

"waterborne passenger transport services" means passenger services covered by Article 2(1) of Regulation (EU) No. 1177/2010 of 24 November 2010[19] , with the exception of services referred to in Article 2(2) thereof;

"withdrawal" means any measure aimed at preventing a product in the supply chain from being made available on the market.

(2) A word or expression that is used in these Regulations and is also used in the Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Directive.

(3) In these Regulations, a reference to an Article is a reference to an Article of the Directive.

(4) Without prejudice to the generality of the definition of "service provider", a publisher or other economic operator involved in the distribution of e-books and dedicated software shall, in relation to e-books and dedicated software, be considered to be a service provider.

Part 2

GENERAL

Scope of Regulations

3. (1) These Regulations apply to the following products placed on the market on or after 28 June 2025:

(a) consumer general purpose computer hardware systems and operating systems for those hardware systems;

(b) the following self-service terminals:

(i) payment terminals;

(ii) the following self-service terminals dedicated to the provision of services covered by these Regulations:

(I) automated teller machines;

(II) ticketing machines;

(III) check-in machines;

(IV) interactive self-service terminals providing information, excluding terminals installed as integrated parts of vehicles, aircrafts, ships or rolling stock;

(c) consumer terminal equipment with interactive computing capability, used for electronic communications services;

(d) consumer terminal equipment with interactive computing capability, used for accessing audiovisual media services;

(e) e-readers.

(2) Without prejudice to Regulation 38, these Regulations apply to the following services provided to consumers on or after 28 June 2025:

(a) electronic communications services, other than transmission services used for the provision of machine-to-machine services;

(b) services providing access to audiovisual media services;

(c) the following elements of air passenger transport services, bus passenger transport services, rail passenger transport services and waterborne passenger transport services, other than the transport services to which subparagraph (d) applies:

(i) websites;

(ii) mobile device-based services including mobile applications;

(iii) electronic tickets and electronic ticketing services;

(iv) subject to paragraph (6), delivery of transport service information, including real-time travel information;

(v) interactive self-service terminals located within the territory of the Union, other than those installed as integrated parts of vehicles, aircrafts, ships and rolling stock used in the provision of any part of such passenger transport services;

(d) the following elements of urban and suburban transport services and regional transport services:

(i) interactive self-service terminals located within the territory of the Union, other than those installed as integrated parts of vehicles and rolling stock used in the provision of any part of such passenger transport services;

(e) consumer banking services;

(f) e-books and dedicated software;

(g) e-commerce services.

(3) These Regulations apply to answering emergency communications to the single European emergency number ‘112’ on or after 28 June 2025.

(4) These Regulations do not apply to the following content of websites and mobile applications:

(a) pre-recorded time-based media published before 28 June 2025;

(b) office file formats published before 28 June 2025;

(c) online maps and mapping services, if essential information is provided in an accessible digital manner for maps intended for navigational use;

(d) third-party content that is neither funded, developed by, or under the control of, the economic operator concerned;

(e) content of websites and mobile applications qualifying as archives, meaning that they only contain content that is not updated or edited on or after 28 June 2025.

(5) These Regulations shall be without prejudice to the European Union (Marrakesh Treaty) Regulations 2018 (S.I. No. 412 of 2018) and Regulation (EU) 2017/1563 of the European Parliament and of the Council of 13 September 2017[20] .

(6) Paragraph (2)(c)(iv), insofar as it applies to information screens, shall apply only in relation to interactive screens located within the territory of the Union.

Market Surveillance Authority and Compliance Authorities

4. (1) The Competition and Consumer Protection Commission shall, for the purpose of the Directive and these Regulations, be the market surveillance authority in the State in respect of products to which these Regulations apply.

(2) The following bodies shall, for the purpose of the Directive and these Regulations, be a compliance authority in the State in respect of services to which these Regulations apply:

(a) in relation to the services specified in subparagraph (a) of Regulation 3(2), the Commission for Communications Regulation;

(b) in relation to the services specified in subparagraph (b) of Regulation 3(2), Coimisiún na Meán;

(c) in relation to the services specified in subparagraph (c) of Regulation 3(2) in so far as they relate to air passenger transport services, the Irish Aviation Authority;

(d) in relation to the services specified in subparagraphs (c) and (d) of Regulation 3(2) in so far as they relate to bus passenger transport services, rail passenger transport services and waterborne transport services, the National Transport Authority;

(e) in relation to the services specified in subparagraph (e) of Regulation 3(2), the Central Bank of Ireland;

(f) in relation to the services specified in subparagraph (f) of Regulation 3(2), the Competition and Consumer Protection Commission;

(g) in relation to the services specified in subparagraph (g) of Regulation 3(2), the Competition and Consumer Protection Commission;

(h) in relation to the services specified in Regulation 3(3), the Commission for Communications Regulation.

(3) A compliance authority, in relation to a service for which it is, under paragraph (2), the compliance authority, shall be responsible for checking compliance of the service with the requirements laid down in these Regulations.

(4) The National Disability Authority shall, for the purpose of assisting the relevant authority concerned in performing its functions under these Regulations, advise a relevant authority on matters related to the accessibility requirements under the Directive and these Regulations.

(5) A relevant authority shall, on the request of the Minister, and where necessary and proportionate for the purpose of enabling the Minister to ensure the adequate and effective implementation of these Regulations, furnish the Minister with information relating to the performance by the relevant authority of its functions under these Regulations.

(6) In this Regulation –

"Act of 2018" means the Data Protection Act 2018 (No. 7 of 2018);

"Article 10 data" means personal data referred to in Article 10 of the General Data Protection Regulation;

"General Data Protection Regulation" means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016[21] on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC;

"information" includes personal data, special categories of personal data and Article 10 data;

"personal data" has the same meaning as it has in the General Data Protection Regulation;

"special categories of personal data" has the same meaning as it has in the Act of 2018.

Part 3

ACCESSIBILITY REQUIREMENTS AND FREE MOVEMENT

Accessibility requirements

5. (1) Subject to Regulation 15, economic operators shall only –

(a) place on the market products, or

(b) provide services,

that comply with the accessibility requirements specified in this Regulation in relation to the products or service concerned.

(2) Products –

(a) shall comply with the accessibility requirements specified in Part 1 of Schedule 1, and

(b) other than self-service terminals, shall comply with the accessibility requirements specified in Part 2 of Schedule 1.

(3) Subject to paragraph (4), services –

(a) other than urban and suburban transport services and regional transport services, shall comply with the accessibility requirements specified in Part 3 of Schedule 1, and

(b) shall comply with the accessibility requirements specified in Part 4 of Schedule 1.

(4) Paragraph (3) and Regulation 14 shall not apply to a service provided by a microenterprise.

(5) The answering of emergency communications to the single European emergency number '112' by the most appropriate PSAP shall comply with the specific accessibility requirements specified in Part 5 of Schedule 1.

(6) The market surveillance authority shall, for the purpose of facilitating the application of these Regulations, provide guidelines and tools to microenterprises.

(7) The market surveillance authority, in developing the tools referred to in paragraph (6) –

(a) shall consult with relevant stakeholders, and

(b) may, where it considers it necessary to do so, request the assistance of the National Disability Authority or a compliance authority.

(8) The National Disability Authority or the compliance authority concerned shall comply with a request made to it under paragraph (7)(b).

Existing Union law in field of passenger transport

6. (1) A service that complies with the requirements relating to the provision of accessible information and of information on accessibility laid down in an instrument specified in paragraph (3) shall be deemed to comply with the corresponding requirements of these Regulations.

(2) Where these Regulations provide for a requirement additional to those provided for an instrument specified in paragraph (3), those requirements shall apply in full.

(3) The instruments referred to in paragraphs (1) and (2) are the following:

(a) Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004[22] ;

(b) Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006[23] ;

(c) Regulation (EU) 2021/782;

(d) Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010[24] ;

(e) Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011[25] ;

(f) the European Communities (Interoperability of the Rail System) Regulations 2011 (S.I. No. 419 of 2011).

Free movement

7. Nothing in these Regulations shall impede, for reasons related to accessibility requirements, the making available on the market of a product or the provision of a service in the State, where such product or service complies with the applicable accessibility requirements.

Part 4

OBLIGATIONS OF ECONOMIC OPERATORS DEALING WITH PRODUCTS

Obligations of manufacturers

8. (1) A manufacturer shall ensure that a product placed on the market by the manufacturer has been designed and manufactured in accordance with the applicable accessibility requirements.

(2) Before placing a product on the market, a manufacturer shall –

(a) draw up the technical documentation in accordance with paragraph 2 of Schedule 2,

(b) carry out the conformity assessment procedure specified in Schedule 2, or have that procedure carried out,

(c) where compliance of the product with the applicable accessibility requirements has been demonstrated by the procedure referred to in subparagraph (b) –

(i) draw up an EU declaration of conformity, and

(ii) affix the CE marking,

(d) ensure that the product bears a type, batch or serial number or other element allowing its identification, or, where the size or nature of the product does not allow it, that the required information is provided on the product's packaging or in a document accompanying the product,

(e) indicate on the product or, where that is not possible, on its packaging or in a document accompanying the product –

(i) the manufacturer's name,

(ii) the manufacturer's registered trade name or registered trade mark, and

(iii) the manufacturer's address, which shall be in a language easily understood by end-users and the market surveillance authority and shall indicate a single point at which the manufacturer can be contacted,

(f) ensure that the product is accompanied by instructions and safety information, which shall be in the Irish and English languages or in the English language, and

(g) ensure that the instructions and information referred to in subparagraph (f), as well as any labelling, are clear, understandable and intelligible.

(3) A manufacturer shall ensure that procedures are in place for series production to remain in conformity with these Regulations, having regard to changes in product design or characteristics and changes in the harmonised standards, or in technical specifications, by reference to which conformity of a product is declared.

(4) A manufacturer who has placed a product on the market shall –

(a) keep the technical documentation and the EU declaration of conformity referred to in paragraph (2) for a period of 5 years after the product has been placed on the market,

(b) where the manufacturer considers or has reason to believe that the product is not in conformity with these Regulations –

(i) immediately take the corrective measures necessary to bring the product into conformity, or

(ii) if appropriate, withdraw the product,

(c) where a product does not comply with the applicable accessibility requirements, immediately inform the competent national authorities of the Member States in which the manufacturer made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken,

(d) keep a register of products which do not comply with the applicable accessibility requirements and of the related complaints,

(e) further to a request in a notice given to the manufacturer by the market surveillance authority, giving reasons for the request, provide it, in a language which can be easily understood by the authority, with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the product, and

(f) cooperate with the market surveillance authority, at its request, on any action taken to eliminate the non-compliance with the applicable accessibility requirements, in particular bringing the product into compliance with the applicable accessibility requirements.

(5) Where the manufacturer concerned fails to comply, within such time as is specified in the request, with a request under paragraph (4)(e), the market surveillance authority may give the manufacturer a direction requiring the manufacturer to, within such period and in such manner as is specified in the direction and as the market surveillance authority considers reasonable, provide the information or documentation concerned.

Authorised representatives

9. (1) A manufacturer may, by a written mandate (in these Regulations referred to as a "mandate"), appoint a natural or legal person established within the Union to be an authorised representative to act on its behalf.

(2) Subject to paragraph (3), an authorised representative shall perform only the tasks specified in the mandate received from the manufacturer.

(3) A mandate shall not include the obligations specified in paragraphs (1) and (2)(a) of Regulation 8.

(4) A mandate shall permit the authorised representative to do at least the following in respect of a product covered by the mandate:

(a) keep the EU declaration of conformity and the technical documentation at the disposal of the market surveillance authority for a period of 5 years from the date upon which the product has been placed on the market;

(b) further to a request in a notice given to the authorised representative by the market surveillance authority, giving reasons for the request, provide the market surveillance authority with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the product;

(c) cooperate with the market surveillance authority, at its request, on any action taken to eliminate the non-compliance with the applicable accessibility requirements of the product.

(5) Where the authorised representative concerned fails to comply, within such time as is specified in the request, with a request under paragraph (4)(b), the market surveillance authority may give the authorised representative a direction requiring the authorised representative to, within such period and in such manner as is specified in the direction and as the market surveillance authority considers reasonable, provide the information or documentation concerned.

Obligations of importers

10. (1) An importer shall place on the market only products that comply with the applicable accessibility requirements.

(2) Before placing a product on the market, an importer shall ensure that –

(a) the manufacturer has drawn up the technical documentation in accordance with paragraph 2 of Schedule 2,

(b) the manufacturer has carried out the conformity assessment procedure specified in Schedule 2 or has had that procedure carried out,

(c) the product bears the CE marking,

(d) the product is accompanied by the documents required under Regulation 8,

(e) the manufacturer has complied with the requirements specified in subparagraphs (d) and (e) of Regulation 8(2),

(f) the following particulars are indicated on the product or, where that is not possible, on its packaging or in a document accompanying the product:

(i) the importer's name;

(ii) the importer's registered trade name or registered trade mark;

(iii) the importer's address, which shall be in a language easily understood by end-users and the market surveillance authority, and

(g) the product is accompanied by instructions and safety information, which meet the requirements specified in subparagraphs (f) and (g) of Regulation 8(2).

(3) Where, before a product is placed on the market, an importer considers or has reason to believe that the product is not in conformity with the applicable accessibility requirements, the importer shall not place the product on the market until it has been brought into conformity.

(4) Where, a product referred to in paragraph (3) does not comply with the applicable accessibility requirements, the importer shall inform the manufacturer concerned and the market surveillance authority to that effect.

(5) An importer shall ensure that, while a product is under the responsibility of the importer, the storage of the product or the conditions under which it is transported do not jeopardise its compliance with the applicable accessibility requirements.

(6) An importer who has placed a product on the market shall –

(a) for a period of 5 years after the product has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authority and ensure that the technical documentation referred to in paragraph (2)(a) can be made available to those authorities upon request,

(b) where the importer considers or has reason to believe that the product is not in conformity with these Regulations –

(i) immediately take the corrective measures necessary to bring that product into conformity, or

(ii) if appropriate, withdraw that product,

(c) where the product does not comply with the applicable accessibility requirements, the importer shall immediately inform the competent national authorities of the Member States in which the importer made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken,

(d) keep a register of products that do not comply with the applicable accessibility requirements and of the related complaints,

(e) further to a request in a notice given to the importer by the market surveillance authority, giving reasons for the request, provide the market surveillance authority, in a language which can be easily understood by the authority, with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the product, and

(f) cooperate with the market surveillance authority, at its request, on any action taken to eliminate the non-compliance of the product with the applicable accessibility requirements.

(7) Where the importer concerned fails to comply within such time as is specified in the request with a request under paragraph (6)(e), the market surveillance authority may give the importer a direction requiring the importer to, within such period and in such manner as is specified in the direction and as the market surveillance authority considers reasonable, provide the information or documentation concerned.

Obligations of distributors

11. (1) A distributor shall act with due care in relation to the requirements of these Regulations when making a product available on the market.

(2) Before making a product available on the market, a distributor shall verify that –

(a) the product bears the CE marking,

(b) the product is accompanied by the documents specified in Regulation 8,

(c) the product is accompanied by instructions and safety information, in a language which can be easily understood by consumers and other end-users, and

(d) the manufacturer and the importer have complied with the requirements specified in subparagraphs (d) and (e) of Regulation 8(2) and subparagraph (f) of Regulation 10(2) respectively.

(3) Where, before a product is made available on the market, a distributor considers or has reason to believe that the product is not in conformity with the applicable accessibility requirements, the distributor shall not make that product available on the market until it has been brought into conformity.

(4) Where a product referred to in paragraph (3) does not comply with the applicable accessibility requirements, the distributor shall inform the manufacturer or the importer concerned and the market surveillance authority to that effect.

(5) A distributor shall ensure that, while a product is under the responsibility of the distributor, the storage of the product or the conditions under which it is transported do not jeopardise its compliance with the applicable accessibility requirements.

(6) A distributor who has made a product available on the market shall –

(a) where the distributor considers or has reason to believe that the product is not in conformity with these Regulations –

(i) take the corrective measures necessary to bring that product into conformity, or

(ii) if appropriate, withdraw that product,

(b) where the product does not comply with the applicable accessibility requirements, immediately inform the competent national authorities of the Member States in which the distributor made that product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken,

(c) further to a request in a notice given to the distributor by the market surveillance authority, giving reasons for the request, provide the market surveillance authority with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the product, and

(d) cooperate with the market surveillance authority, at its request, on any action taken to eliminate the non-compliance of the product with the applicable accessibility requirements.

(7) Where the distributor concerned fails to comply, within such time as is specified in the request, with a request under paragraph (6)(c), the market surveillance authority may give the distributor a direction requiring the distributor to, within such period and in such manner as is specified in the direction and as the market surveillance authority considers reasonable, provide the information or documentation concerned.

Cases where obligations of manufacturer apply to importer or distributor

12. (1) Where any of the circumstances specified in paragraph (2) apply, the importer or distributor concerned shall be –

(a) considered to be a manufacturer for the purposes of these Regulations, and

(b) shall be subject to the obligations of a manufacturer under Regulation 8, subject to the following modifications:

(i) a reference in that Regulation to a manufacturer shall be construed as a reference, as the case may be, to an importer or distributor;

(ii) any other necessary modifications.

(2) The circumstances referred to in paragraph (1) are the following:

(a) the importer or the distributor concerned –

(i) in the case of the importer, places a product on the market under the importer's name or trade mark, or

(ii) in the case of the distributor, places a product or the market under the distributor's name or trade mark;

(b) the importer or distributor modifies a product already placed on the market in such a way that compliance with the requirements of these Regulations may be affected.

Identification of economic operators

13. (1) Upon receipt of a request from the market surveillance authority, an economic operator referred to in Regulations 8 to 11 (in this Regulation referred to as the "first economic operator") shall identify the following to the market surveillance authority:

(a) any other economic operator who has supplied the first economic operator with a product;

(b) any other economic operator to whom the first economic operator has supplied a product.

(2) An economic operator referred to in Regulations 8 to 11 shall ensure that the economic operator is able to present the information specified in paragraph (1) for a period of 5 years after the economic operator has been supplied with, or has supplied, the product.

(3) Where the first economic operator concerned fails to comply, within such time as is specified in the request, with a request under paragraph (1), the market surveillance authority may give the first economic operator a direction requiring the first economic operator to, within such period and in such manner as is specified in the direction and as the market surveillance authority considers reasonable, provide the information concerned.

Part 5

OBLIGATIONS OF SERVICE PROVIDERS

Obligations of service providers

14. (1) A service provider shall ensure that a service provided by the service provider is designed and provided in accordance with the applicable accessibility requirements.

(2) Before providing a service, a service provider shall –

(a) prepare the necessary information in accordance with Schedule 3, which, without prejudice to the generality of the Schedule, shall explain how the service meets the applicable accessibility requirements,

(b) make the information specified in subparagraph (a) available to the public in writing and in oral format, including in a manner that is accessible to persons with disabilities, and

(c) keep the information specified in subparagraph (a) for as long as the service is in operation.

(3) Without prejudice to Regulation 18, a service provider shall –

(a) ensure that procedures are in place so that the provision of a service remains in conformity with the applicable accessibility requirements, and

(b) adequately take into account changes in –

(i) the characteristics of the provision of the service,

(ii) applicable accessibility requirements, and

(iii) the harmonised standards or technical specifications by reference to which a service is declared to meet the applicable accessibility requirements.

(4) A service provider shall –

(a) where the service is not in conformity with the applicable accessibility requirements, take the corrective measures necessary to bring that service into conformity,

(b) where the service is not compliant with the applicable accessibility requirements, immediately inform the competent national authorities of the Member States in which that service is provided to that effect, and give details, in particular, of the non-compliance and of the corrective measures taken,

(c) further to a request in a notice given to the service provider by the relevant compliance authority, giving reasons for the request, provide the relevant compliance authority with all information, in paper or electronic form, necessary to demonstrate the conformity of the service with the applicable accessibility requirements, and

(d) cooperate with the relevant compliance authority, at its request, on any action taken to bring the service into compliance with the applicable accessibility requirements.

(5) Where the service provider concerned fails to comply within such time as is specified in the request with a request under paragraph (4)(c), the relevant compliance authority may give the service provider a direction requiring the service provider to, within such period and in such manner as is specified in the direction and as the relevant compliance authority considers reasonable, provide the information concerned.

Part 6

FUNDAMENTAL ALTERATION OF PRODUCTS OR SERVICES AND DISPROPORTIONATE BURDEN TO ECONOMIC OPERATORS

Fundamental alteration and disproportionate burden

15. (1) Subject to paragraphs (2) and (8), the applicable accessibility requirements shall apply only to the extent that compliance with those requirements does not –

(a) require a significant change in a product or service concerned that results in the fundamental alteration of its basic nature, or

(b) result in a disproportionate burden on the economic operator concerned.

(2) An economic operator may rely on paragraph (1) only where –

(a) the economic operator carries out an assessment (in these Regulations referred to as an "assessment") of whether clause (i) or (ii) of subparagraph (b) applies, and

(b) the result of the assessment is that compliance with the applicable accessibility requirements would, as applicable –

(i) introduce a fundamental alteration of the basic nature of the product or service concerned, or

(ii) impose a disproportionate burden on the economic operator concerned.

(3) An assessment of whether clause (ii) of paragraph (2)(b) applies shall be based on the relevant criteria specified in Schedule 4.

(4) Subject to paragraph (5), an economic operator who relies on paragraph (1) shall –

(a) document the assessment carried out under paragraph (2),

(b) retain a written record of the relevant results of the assessment for a period of 5 years after –

(i) in the case of a product, the date on which the product was last made available on the market, or

(ii) in the case of a service, the date on which the service was last provided, and

(c) further to a request from any of the following authorities, provide that authority with a copy of the assessment:

(i) where the assessment relates to a product, the market surveillance authority;

(ii) where the assessment relates to a service, the relevant compliance authority.

(5) Subject to paragraph (6), paragraph (4) shall not apply to a microenterprise that deals with products.

(6) Where the market surveillance authority so requests, a microenterprise referred to in paragraph (5) that relies on paragraph (1) shall provide the authority with the facts relevant to the assessment concerned.

(7) Where a service provider relies on subparagraph (b) of paragraph (1), the service provider shall, in relation to each category or type of service that the service provider provides, renew the assessment carried out under paragraph (2) of whether clause (ii) of paragraph (2)(b) applies in relation to the service –

(a) where –

(i) the service offered is altered, or

(ii) requested to do so by the relevant compliance authority, and

(b) in any event, at least every 5 years.

(8) An economic operator shall not be entitled to rely on subparagraph (b) of paragraph (1) where the economic operator receives funding from sources other than the economic operator's own resources, whether public or private, that is provided for the purpose of improving accessibility.

(9) Subject to paragraph (10), an economic operator that –

(a) places a product on the market or provides a service in the State, and

(b) relies on paragraph (1) in respect of the product or service,

shall provide information to that effect to –

(i) in the case of a product, the market surveillance authority, or

(ii) in the case of a service, the relevant compliance authority.

(10) Paragraph (9) shall not apply to microenterprises.

(11) Where the economic operator concerned fails to comply, within such time as is specified in the request, with a request under paragraph (4)(c), or (6), the relevant authority concerned may give the economic operator a direction requiring the economic operator to, within such period and in such manner as is specified in the direction and as the relevant authority considers reasonable, provide the information or documentation concerned.

Part 7

HARMONISED STANDARDS AND TECHNICAL SPECIFICATIONS OF PRODUCTS AND SERVICES

Presumption of conformity

16. (1) Products and services, which are in conformity with harmonised standards (or parts of harmonised standards), references to which standards have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the applicable accessibility requirements in so far as those standards (or parts of those standards) cover those requirements.

(2) Products and services, which are in conformity with technical specifications (or parts of technical specifications) shall be presumed to be in conformity with the applicable accessibility requirements in so far as those specifications (or parts of those specifications) cover those requirements.

Part 8

CONFORMITY OF PRODUCTS AND CE MARKING

EU declaration of conformity of products

17. (1) A manufacturer of a product, when drawing up an EU declaration of conformity under Regulation 8(2)(c)(i) in respect of the product, shall ensure that the declaration –

(a) states that the fulfilment of the applicable accessibility requirements has been demonstrated,

(b) where, as an exception, Regulation 15 has been relied upon, states the accessibility requirements that are subject to the exception,

(c) has the model structure specified in Schedule 5,

(d) contains the elements specified in Schedule 2,

(e) is continuously updated, and

(f) when the product is placed or made available on the market in the State, is translated into both the Irish and English languages or the English language only.

(2) A manufacturer of a product that is subject to more than one Union act requiring an EU declaration of conformity, when drawing up an EU declaration of conformity in respect of the product, shall draw up a single EU declaration of conformity relating to the product (in this Regulation referred to as a "single EU declaration of conformity") in respect of all such Union acts.

(3) A single EU declaration of conformity shall identify the Union acts concerned including their publication references.

(4) An obligation of a manufacturer of a product referred to in paragraphs (1) to (3) may be performed by an authorised representative of such a manufacturer who is acting on behalf, and under the responsibility of the manufacturer, where the obligation concerned is specified in the mandate referred to in Regulation 9.

(5) A manufacturer of a product who draws up an EU declaration of conformity in accordance with this Regulation, or on whose behalf such a declaration is drawn up by an authorised representative to whom paragraph (4) applies, assumes responsibility for the compliance of the product concerned with the requirements specified in these Regulations.

(6) The requirements specified in these Regulations in relation to technical documentation shall not operate to impose an undue burden on an economic operator that is a microenterprise or small and medium-sized enterprises.

CE Marking

18. The CE marking shall be subject to the general principles specified in Article 30 of Regulation (EC) No. 765/2008.

Rules and Conditions for affixing CE Marking

19. (1) A manufacturer of a product, shall, in accordance with this Regulation, affix the CE marking to the product before it is placed on the market.

(2) The CE marking shall be affixed –

(a) visibly, legibly and indelibly to the product or its data plate, or

(b) where compliance with subparagraph (a) is not possible, or warranted, on account of the nature of the product, to the packaging and to the accompanying documents.

(3) A person shall not affix to a product a sign, marking or inscription that is likely to mislead third parties as to the meaning or form of the CE marking.

(4) A person shall not affix to a product a marking if it is likely to impair the visibility, legibility or meaning of the CE marking.

(5) An obligation of a manufacturer of a product referred to in this Regulation may be performed by an authorised representative of such a manufacturer who is acting on behalf, and under the responsibility of the manufacturer, where the obligation concerned is specified in the mandate referred to in Regulation 9.

Part 9

MARKET SURVEILLANCE OF PRODUCTS AND UNION SAFEGUARD PROCEDURE

Market surveillance of products

20. (1) For the purposes of Article 19 and the application to products of the relevant provisions, the market surveillance authority shall, in relation to the products to which these Regulations apply –

(a) be the market surveillance authority, within the meaning of Regulation (EU) 2019/1020, in the State for the purposes of the relevant provisions and in relation to that application,

(b) perform the functions assigned to a market surveillance authority by the relevant provisions and in relation to that application, and

(c) perform the functions specified in Article 34(4) of Regulation (EU) 2019/1020 in relation to that application.

(2) When carrying out market surveillance of products, the market surveillance authority shall, when the economic operator has relied on Regulation 15 –

(a) check that the assessment has been conducted by the economic operator,

(b) review that assessment and its results, including the correct use of the criteria specified in Schedule 4, and

(c) check compliance with the applicable accessibility requirements.

(3) Subject to paragraph (4), the market surveillance authority shall ensure that information held by it concerning the compliance of economic operators with the applicable accessibility requirements and the assessment, is made available to consumers upon request and in an accessible format.

(4) Paragraph (3) shall not apply in respect of information that cannot be provided for reasons of confidentiality, professional and commercial secrecy or the protection of personal data, as provided for in Article 17 of Regulation (EU) 2019/1020.

(5) In this Regulation, "relevant provisions" means the provisions of Regulation (EU) 2019/1020 specified in the correlation table in Annex III to that Regulation, to which references to Articles 15(3), Articles 16 to 19, Article 21, Articles 23 to 28 and Article 29(2) and (3) of Regulation (EC) No. 765/2008 are to be construed as being pursuant to Article 39(2) of Regulation (EU) 2019/1020.

Procedure at national level for dealing with products not complying with applicable accessibility requirements

21. (1) Where the market surveillance authority has sufficient reason to believe that a product to which these Regulations apply does not comply with the applicable accessibility requirements, it shall carry out an evaluation in relation to the product concerned covering all requirements laid down in these Regulations.

(2) The relevant economic operator shall fully cooperate with the market surveillance authority for the purpose of an evaluation carried out under paragraph (1).

(3) Where, in the course of an evaluation carried out under paragraph (1), the market surveillance authority finds that the product does not comply with the requirements laid down in these Regulations, it shall, without delay, give the economic operator a direction requiring the economic operator to, within such period as is specified in the direction and as the market surveillance authority considers reasonable, take all appropriate corrective action to bring the product into compliance with those requirements.

(4) Where an economic operator who is the subject of a direction under paragraph (3) fails to take adequate corrective action within the period specified in the direction, the market surveillance authority shall give the economic operator a direction requiring the economic operator to, within such period as is specified in the direction and as the market surveillance authority considers reasonable, withdraw the product from the market.

(5) Where the market surveillance authority considers that non-compliance is not restricted to the State, it shall, without delay, inform the Commission and the other Member States of the results of the evaluation and of the actions which it has required the economic operator to take.

(6) An economic operator to whom paragraph (3) applies shall ensure that all appropriate corrective action is taken in respect of all the products concerned that the economic operator has made available on the market throughout the Union.

(7) Where the economic operator does not take adequate corrective action within the period specified in a direction under paragraph (4), the market surveillance authority shall, without delay, take all appropriate provisional measures to –

(a) prohibit or restrict the product concerned being made available on the market in the State, or

(b) withdraw the product from that market.

(8) Where the market surveillance authority takes a provisional measure under paragraph (7), it shall, without delay, inform the Commission and the other Member States of the measure.

(9) The information provided by the market surveillance authority under paragraph (8) shall –

(a) include all available details,

(b) without prejudice to the generality of subparagraph (a), include details of –

(i) the data necessary for the identification of the non-compliant product,

(ii) the origin of the product,

(iii) the nature of the non-compliance alleged and the accessibility requirements with which the product does not comply,

(iv) the nature and duration of the national measures taken, and

(v) the arguments put forward by the relevant economic operator,

and

(c) indicate whether the non-compliance is due to either –

(i) the failure of the product to meet the applicable accessibility requirements, or

(ii) the shortcomings in the harmonised standards or in the technical specifications referred to in Regulation 16.

(10) Where a Member State other than the State initiates the procedure under Article 20, the market surveillance authority shall without delay inform the Commission and the other Member States of –

(a) any measures taken by the market surveillance authority in respect of the product concerned,

(b) any additional information at the disposal of the market surveillance authority relating to the non-compliance of the product concerned, and

(c) where the market surveillance authority disagrees with the measure taken by the Member State concerned, the objections of the market surveillance authority.

(11) Where, within three months of the market surveillance authority informing, under paragraph (8), the Commission and other Member States of a provisional measure taken, no objection has been raised by either a Member State or the Commission in respect of the measure, the measure shall be deemed to be justified.

(12) Where, pursuant to paragraph (7) of Article 20, a measure taken by a Member State other than the State is deemed justified, the market surveillance authority shall, for the purposes of that paragraph and without delay, take such measures as it considers appropriate in respect of the product, which may include –

(a) prohibiting or restricting the product concerned being made available on the market in the State, or

(b) withdrawing the product from that market.

(13) Where the market surveillance authority takes a provisional measure under paragraph (7) or a measure under paragraph (12), it shall as soon as practicable give notice to the economic operator informing the economic operator of the measure concerned and of the effect of Regulation 28.

Union safeguard procedure

22. (1) Where, pursuant to Article 21, a national measure of a Member State other than the State is considered to be justified, the market surveillance authority shall –

(a) take the necessary measures to ensure that the non-compliant product is withdrawn from the market in the State, and

(b) inform the Commission accordingly.

(2) Where the market surveillance authority takes a measure under paragraph (1)(a), it shall as soon as practicable give notice to the economic operator informing the economic operator of the measure concerned and of the effect of Regulation 28.

(3) Where, pursuant to Article 21, a measure taken by the market surveillance authority is considered to be unjustified, the market surveillance authority shall withdraw that measure.

(4) Where paragraph (1) of Article 21 applies, the market surveillance authority shall consult with the Commission for the purposes of that paragraph.

Formal non-compliance

23. (1) Without prejudice to Regulation 21, where the market surveillance authority makes one of the findings specified in paragraph (2), it shall give the relevant economic operator a direction requiring it to, within such period as is specified in the direction and as the market surveillance authority considers reasonable, take such measures as are specified in the direction to end the non-compliance concerned.

(2) The findings referred to in paragraph (1) are the following:

(a) the CE marking has been affixed in violation of Article 30 of Regulation (EC) No. 765/2008 or of Regulation 19;

(b) the CE marking has not been affixed;

(c) the EU declaration of conformity has not been drawn up;

(d) the EU declaration of conformity has not been drawn up correctly;

(e) technical documentation is either not available or not complete;

(f) the information referred to in Regulation 8(2)(e) or Regulation 10(2)(f) is absent, false or incomplete;

(g) any other administrative requirement provided for in Regulation 8 or Regulation 10 is not fulfilled.

(3) Where the relevant economic operator does not comply with a direction given under paragraph (1) within the period specified in the direction, the market surveillance authority may, in respect of the non-compliance, take all appropriate measures to –

(a) restrict or prohibit the product from being made available on the market in the State, or

(b) withdraw the product from the market in the State.

(4) Where the market surveillance authority takes a measure specified in paragraph (3), the authority shall as soon as practicable give notice to the economic operator informing the economic operator of the measure concerned and of the effect of Regulation 28.

Part 10

COMPLIANCE OF SERVICES

Compliance of services

24. (1) The relevant compliance authority in relation to a service shall, in respect of that service, perform the following functions:

(a) checking the compliance of the service concerned with the requirements specified in these Regulations, including the assessment;

(b) following up complaints or reports on issues relating to non-compliance of the service concerned with the applicable accessibility requirements;

(c) verifying that the economic operator concerned has taken the necessary corrective action.

(2) When performing its functions under paragraph (1)(a), a relevant compliance authority shall, where the economic operator has relied on Regulation 15 –

(a) check that the assessment has been conducted by the economic operator,

(b) review that assessment and its results, including the correct use of the criteria specified in Schedule 4, and

(c) check compliance with the applicable accessibility requirements.

(3) An economic operator shall fully cooperate with the relevant compliance authority in the performance by the authority of its functions under paragraph (1).

(4) Where, in the course of performing its functions under paragraph (1), the relevant compliance authority finds that the service concerned does not comply with the requirements specified in these Regulations, it shall, without delay, give the economic operator a direction requiring the economic operator to, within such period as is specified in the direction and as the relevant compliance authority considers reasonable, take all appropriate corrective action to bring the service into compliance with those requirements.

(5) A relevant compliance authority shall –

(a) make available to the public information concerning its existence, responsibilities, identity, work and decisions, and

(b) on request, make the information specified in subparagraph (a) available in an accessible format.

(6) A relevant compliance authority shall –

(a) periodically review the procedures that apply to the performance by it of its functions under these Regulations, and

(b) on completion of a review under subparagraph (a), prepare a report containing the findings of the review including, where applicable, recommendations in relation to the updating of the procedures.

Part 11

ACCESSIBILITY REQUIREMENTS IN OTHER UNION ACTS

Accessibility under other Union acts

25. (1) The accessibility requirements specified in Schedule 1 shall, in relation to the products and services referred to in Regulation 3, constitute mandatory accessibility requirements for the purposes of Regulation 42(5) of the European Union (Award of Public Authority Contracts) Regulations 2016 (S.I. No. 284 of 2016) and Regulation 67(5) of the European Union (Award of Contracts by Utility Undertakings) Regulations 2016 (S.I. No. 286 of 2016).

(2) Any product or service, the features, elements or functions of which comply with the accessibility requirements specified in Schedule 1 in accordance with Part 6 thereof, shall be presumed to fulfil the relevant obligations specified in Union acts, other than the Directive, as regards accessibility, for those features, elements or functions, unless otherwise provided in those other acts.

Harmonised standards and technical specifications for other Union acts

26. Conformity with harmonised standards and technical specifications, or parts thereof, that are adopted in accordance with Article 15 shall create a presumption of compliance with Regulation 25 in so far as those standards and technical specifications, or parts thereof, meet the accessibility requirements of these Regulations.

Part 12

ENFORCEMENT

Directions

27. (1) A relevant authority, in giving a direction to an economic operator under these Regulations, shall do so in accordance with this Regulation.

(2) A relevant authority, where it proposes to give a direction to an economic operator, shall, before giving the direction, give notice of the proposal to the economic operator, which notice shall include –

(a) a statement in summary form of the proposal and the reasons for it, and

(b) a statement that the economic operator may, within 14 days of receipt of the notice, make representations in writing to the authority in relation to the proposal, and of the effect of paragraph (3).

(3) The relevant authority referred to in paragraph (2), in deciding whether to give the direction concerned to the economic operator, shall consider any representations made by the economic operator in accordance with paragraph (2)(b).

(4) A direction under paragraph (1) shall –

(a) be in writing,

(b) be served upon the economic operator in accordance with Regulation 40,

(c) include a statement of the reason for the giving of the direction, which shall identify the requirement laid down in the Regulations that, in the opinion of the relevant authority, is not being complied with,

(d) specify –

(i) the date on which the direction takes effect,

(ii) the action required to be taken by the economic operator, and

(iii) the period within which the action shall be taken,

(e) inform the economic operator of –

(i) his or her obligation to confirm compliance with the direction in accordance with paragraph (6),

(ii) his or her right to appeal the direction under Regulation 28,

(iii) the effect of Regulation 29, and

(iv) the effect of Regulation 32(3), and

(f) be signed and dated by the relevant authority.

(5) Without prejudice to the generality of paragraph (4)(d), a direction may require that the action required to be taken be taken –

(a) where the relevant authority is of the opinion that this is necessary because of the urgency of the matter, immediately,

(b) from a specified date,

(c) by a specified date, or

(d) between specified dates.

(6) An economic operator to whom a direction has been given shall, within the period specified in the direction, comply with the direction.

(7) An economic operator to whom a direction has been given shall, as soon as practicable after complying with the direction, and in any case not later than 7 days after the end of the period specified in the direction, notify the relevant authority concerned in writing of such compliance.

(8) The relevant authority shall, within one month of receiving a notification under paragraph (7), and where satisfied that the direction has been complied with, give notice to the economic operator concerned confirming such compliance.

(9) The relevant authority may, where it considers it appropriate to do so, by notice in writing to the economic operator to whom the direction was given, withdraw a direction in whole or in part.

(10) This Regulation shall not operate to prevent or restrict –

(a) the entitlement of any person to bring proceedings for the purpose of securing compliance with these Regulations, Regulation (EC) No. 765/2008 or Regulation (EU) 2019/1020, or

(b) the bringing or prosecuting of any proceedings for an offence under these Regulations.

Appeal against a direction or measure

28. (1) An economic operator who is the subject of a direction given, or a measure taken, under these Regulations may, in accordance with this Regulation, appeal the direction or measure to the District Court.

(2) An appeal under this Regulation shall be made by written notice, which shall contain a statement of the grounds on which the appeal is made and which shall be lodged with the appropriate office of the District Court not later than 14 days from the date on which the direction concerned was given or the notice of the measure was served.

(3) An economic operator who appeals in accordance with paragraph (2) or makes an application under paragraph (4) shall, at the same time, notify the relevant authority that gave the direction or took the measure the subject of the appeal and the relevant authority shall be entitled to appear, be heard and adduce evidence at the hearing of the appeal or the application, as the case may be.

(4) The bringing of an appeal shall not have the effect of suspending the operation of the direction or measure the subject of the appeal but the District Court to which the appeal has been made, may, on application to it by the appellant, suspend its operation until the appeal is determined or withdrawn.

(5) On the hearing of an appeal, the District Court may confirm, vary or revoke the direction or measure the subject of the appeal.

(6) The jurisdiction conferred on the District Court by this Regulation may be exercised by a judge of the District Court for the time being assigned to the District Court district in which –

(a) (i) where the direction or measure the subject of the appeal relates to a product, the product was made available on the market, or

(ii) where the direction or measure the subject of the appeal relates to a service, the service was provided,

or

(b) the economic operator concerned ordinarily resides or carries on any business, trade or profession.

(7) In this Regulation, "measure" means a provisional measure under Regulation 21(7) or a measure under Regulation 21(12), Regulation 22(1)(a) or Regulation 23(3).

Relevant authority may seek order for compliance with direction

29. (1) Where an economic operator to whom a direction has been given does not comply, or has failed to comply, with the direction, the relevant authority that gave the direction may, in accordance with this Regulation, apply to the Circuit Court for an order under this Regulation directing such compliance.

(2) A relevant authority, where it proposes to make an application under this Regulation, shall, before making such an application, give notice of the proposal to the economic operator, which notice shall include –

(a) a statement in summary form of the proposal and the reasons for it, and

(b) a statement that the economic operator may, within 14 days of receipt of the notice, make representations in writing to the authority in relation to the proposal, and of the effect of paragraph (3).

(3) The relevant authority referred to in paragraph (2) shall –

(a) in deciding whether to make an application under this Regulation, consider any representations made by the economic operator in accordance with paragraph (2)(b), and

(b) where such representations have been made, shall not make an application earlier than 14 days after it has received them.

(4) An application under this Regulation shall be on notice to the economic operator concerned and the economic operator shall be entitled to appear, be heard and adduce evidence at the hearing of the application.

(5) The court to which an application under this Regulation is made may make such order as it sees fit, and without prejudice to the generality of the foregoing, such an order may do one or more of the following:

(a) include a declaration that the economic operator concerned has failed to comply with the direction or with a part of it;

(b) require the economic operator to comply with the direction, or part of it, in such manner and within such period as the court may specify;

(c) impose such other conditions upon the economic operator as the court considers appropriate.

(6) An application under this Regulation shall be made to the judge of the Circuit Court for the circuit in which –

(a) (i) where the direction the subject of the application relates to a product, the product concerned was made available on the market, or

(ii) where the direction the subject of the application relates to a service, the service concerned was provided,

or

(b) the economic operator concerned ordinarily resides or carries on any business, trade or profession.

(7) The Circuit Court shall have jurisdiction to hear and determine an application under this Regulation which it is satisfied it is appropriate for it to deal with as a court of local and limited jurisdiction and, for the purpose of the court's satisfying itself of that matter, the matters to which it shall have regard include –

(a) the nature, gravity, scale and duration of the non-compliance,

(b) whether an order under this Regulation would result in the imposition of a disproportionate burden on the economic operator concerned, and

(c) the number of persons affected.

(8) If, in relation to an application under this Regulation to the Circuit Court, that court becomes of the opinion, during the hearing of the application, that it is not appropriate for the Circuit Court to deal with the application, it may, if it so thinks fit, transfer the application to the High Court.

(9) Paragraph (8) is without prejudice to the jurisdiction of the Circuit Court to determine an application under this Regulation which, at the time of the making of the application, it was satisfied it had jurisdiction to deal with.

(10) Where an application is transferred under paragraph (8) to the High Court, the High Court shall be deemed to have made any order of a procedural nature that was made by the court from which it is so transferred in the proceedings in relation to the application.

Consumer may seek order for compliance with Regulations

30. (1) A consumer who believes that an economic operator has failed or is failing to comply with one or more requirements laid down in these Regulations may apply to the Circuit Court for an order under this Regulation directing such compliance.

(2) An application under this Regulation shall be on notice to the following persons, who shall be entitled to appear, be heard and adduce evidence at the hearing of the application –

(a) the economic operator against whom the order is sought, and

(b) where the alleged non-compliance relates to –

(i) a product, the market surveillance authority, and

(ii) a service, the relevant compliance authority.

(3) The court to which an application under this Regulation is made may make such order as it sees fit, and without prejudice to the generality of the foregoing, such an order may do one or more of the following:

(a) include a declaration that the economic operator concerned has failed to comply with a requirement laid down in these Regulations;

(b) require the economic operator to comply with a requirement laid down in these Regulations, in such manner and within such period as the court may specify;

(c) impose such other conditions upon the economic operator as the court considers appropriate.

(4) Subject to paragraph (5), an application under this Regulation shall be made to the judge of the Circuit Court for the circuit in which the consumer making the application ordinarily resides or carries on any business, trade or profession.

(5) Where the consumer making an application under this Regulation does not ordinarily reside or carry on any business, trade or profession in the State, the Circuit Court for the purposes of paragraph (4) shall be the Circuit Court for the Dublin Circuit.

(6) The Circuit Court shall have jurisdiction to hear and determine an application under this Regulation which it is satisfied it is appropriate for it to deal with as a court of local and limited jurisdiction and, for the purpose of the court's satisfying itself of that matter, the matters to which it shall have regard include –

(a) the nature, gravity, scale and duration of the non-compliance,

(b) whether an order under this Regulation would result in the imposition of a disproportionate burden on the economic operator concerned, and

(c) the number of persons affected.

(7) If, in relation to an application under this Regulation to the Circuit Court, that court becomes of the opinion, during the hearing of the application, that it is not appropriate for the Circuit Court to deal with the application, it may, if it so thinks fit, transfer the application to the High Court.

(8) Paragraph (7) is without prejudice to the jurisdiction of the Circuit Court to determine an application under this Regulation which, at the time of the making of the application, it was satisfied it had jurisdiction to deal with.

(9) Where an application is transferred under paragraph (7) to the High Court, the High Court shall be deemed to have made any order of a procedural nature that was made by the court from which it is so transferred in the proceedings in relation to the application.

(10) A public body or private association, organisation or other legal entity that has a legitimate interest in ensuring that these Regulations are complied with, may, with the approval of the person, engage on behalf of or in support of a consumer who makes an application under this Regulation.

Authorised officers

31. (1) A relevant authority may appoint such and so many persons as it thinks fit to be authorised officers for the purposes of ensuring compliance with these Regulations.

(2) An authorised officer shall be furnished with a warrant of his or her appointment and, when exercising any power conferred on him or her under these Regulations shall, if requested by any person thereby affected, produce the warrant or a copy of it to that person for inspection.

(3) The relevant authority that appoints an authorised officer under paragraph (1) may terminate the appointment whether or not the appointment was for a fixed period.

(4) An appointment of an authorised officer ceases –

(a) if it is terminated under paragraph (3),

(b) if it is for a fixed period, on the expiry of that period, or

(c) if the person appointed is a member of staff of the relevant authority, upon the person ceasing to be such a member of staff.

(5) An authorised officer may for the purpose of ensuring that these Regulations are being complied with and where necessary and justified do one or more of the following:

(a) subject to paragraphs (8) and (9), at all reasonable times enter any premises or place at which there are reasonable grounds to believe that any activity, trade or business relating to the manufacture, import or distribution of a product to which these Regulations apply, or the provision of a service to which these Regulations apply, is or has been carried on, or records relating to such activity, trade or business are kept, and search and inspect the premises or place and any products, records or services found therein;

(b) secure for later inspection any premises or place or part of it in which such products or records are kept or services have been provided, or where there are reasonable grounds for believing that such products or records are kept or that such services are provided;

(c) require any person in charge of or employed in such premises or place to produce to the officer such books, documents or records (and in the case of such information in a non-legible form to reproduce it in a permanent legible form) that are in the person's power or control or to give to the officer such information as the officer may reasonably require in relation to any entries in such records;

(d) inspect and take copies of or extracts from any such books, documents or records (including in the case of information in non-legible form a copy of or extract from such information in a permanent legible form) or require that such a copy be provided;

(e) require a person at a premises or place referred to in subparagraph (a) by whom or on whose behalf a computer is or has been used to produce or store records or any person having control of, or otherwise concerned with the operation of the computer, to afford the authorised officer access thereto and such reasonable assistance as the authorised officer may require;

(f) remove and detain, where the officer has reasonable cause to suspect that there has been a contravention of these Regulations, the product or records for such period as may be reasonable for further examination or until the conclusion of any legal proceedings;

(g) require that records at a premises or place referred to in subparagraph (a) be maintained for such period as the authorised officer reasonably considers to be necessary;

(h) require by notice, at a time and place specified in the notice, any person (including the person in charge) to give the authorised officer any information that the authorised officer may reasonably require in relation to a product or service, or any activity, process, procedure, matter or thing at, or carried on at, such place or premises, and to produce to the authorised officer any records that are in that person's power, possession or control;

(i) as regards any product or record the officer finds at or in a premises or place, take any measurements or photographs or make any tape, electrical or other recordings that the authorised officer considers necessary and require any person in charge of the premises or place, or any person who appears to the officer to be in possession of relevant products, to supply without payment, for test, examination or analysis sufficient samples thereof;

(j) in relation to any product found at a premises or place in accordance with subparagraph (i), take possession of it and detain it for so long as is necessary for all or any of the following purposes, namely to –

(i) examine or arrange for the examination of it and do to it anything which he or she has power to do under subparagraph (i),

(ii) ensure that it is not tampered with before the examination of it is completed, and

(iii) ensure that it is available for use as evidence in any proceedings;

(k) require any person to afford the officer such facilities and assistance within the person's control or responsibilities as are reasonably necessary to enable the officer to exercise any of the powers conferred on an authorised officer under this Regulation.

(6) Where under the power conferred by paragraph (5)(i) an authorised officer takes possession of any product found at or in any premises, the officer shall, if it is practicable for him or her to do so, take a sample thereof and give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.

(7) A statement or admission made by a person pursuant to a requirement under paragraph (5)(h) shall not be admissible in proceedings brought against that person for an offence (other than under paragraph (13)).

(8) An authorised officer shall not, other than with the consent of the occupier, enter a private dwelling unless he or she has obtained a warrant from the District Court under paragraph (11) authorising such entry.

(9) Where an authorised officer in the exercise of the officer's powers under this Regulation is prevented from entering any premises, an application may be made to the District Court under paragraph (11) for a warrant authorising such entry.

(10) An authorised officer, where he or she considers it necessary, may be accompanied by a member of the Garda Síochána when performing any powers conferred on an authorised officer under this Regulation.

(11) If a judge of the District Court is satisfied on the sworn information of an authorised officer that there are reasonable grounds for suspecting that there is information required by an authorised officer under this Regulation held on any premises or any part of any premises or there are products which an authorised officer requires to inspect for the purposes of these Regulations or that such inspection is likely to disclose evidence of a contravention of these Regulations, the judge may issue a warrant authorising an authorised officer, whether alone or accompanied by other authorised officers or members of the Garda Síochána, at any time or times within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter, if need be by reasonable force, the premises and exercise all or any of the powers conferred on an authorised officer under this Regulation.

(12) An application under paragraph (11) shall be made to the judge of the District Court in whose District Court District in which the premises or place, as the case may be, referred to in paragraph (5) is situate.

(13) A person shall not –

(a) obstruct or interfere with an authorised officer in the exercise of the officer's powers under this Regulation,

(b) without reasonable excuse fail to comply with a request from an authorised officer under this Regulation, or

(c) make a statement to such officer which the person knows is false or misleading.

(14) In this Regulation, "product" includes any article or substance used in the manufacture, processing or preparation of the product.

Offences: Penalties

32. (1) A person who fails to comply with Regulation 5(1), paragraph (4) or (9) of Regulation 15, Regulation 17, Regulation 21(2) or Regulation 24(3) commits an offence.

(2) A person who –

(a) fails to comply with paragraph (1), (2), (3) or (4) of Regulation 19, or

(b) affixes to a product a CE marking which is not in conformity with the requirements of these Regulations,

commits an offence.

(3) A person who –

(a) fails to comply, within the period specified in the direction, with a direction given under these Regulations, or

(b) without reasonable excuse, fails to comply with an order under Regulation 29 or 30,

commits an offence.

(4) A person who contravenes a requirement of paragraph (13) of Regulation 31 commits an offence.

(5) A person who, in purported compliance with a requirement under these Regulations, furnishes information to a relevant authority that the person knows or ought reasonably to know to be false or misleading in a material respect commits an offence.

(6) A person who commits an offence under these Regulations shall be liable –

(a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months or to both, or

(b) on conviction on indictment to a fine not exceeding €60,000 or to imprisonment for a term not exceeding 18 months or to both.

(7) A court, in imposing a penalty under paragraph (6), shall, so far as applicable, have regard to the following:

(a) the extent, including the seriousness, of the failure to comply with these Regulations;

(b) the number of units of products or services to which the failure to comply related;

(c) the number of persons affected by the failure to comply.

Liability for offences by body corporate

33. (1) Where an offence under these Regulations is committed by a body corporate and is proven to have been so committed with the consent, connivance or approval of, or to be attributable to any wilful neglect on the part of, any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, commits an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

Defence of due diligence

34. In proceedings for an offence under these Regulations, it shall be a defence for the person charged to prove that he or she exercised due diligence and took all reasonable precautions to avoid the commission of the offence.

Prosecution of summary offences

35. (1) Summary proceedings for an offence under these Regulations may be brought and prosecuted summarily by –

(a) the Competition and Consumer Protection Commission in relation to an offence relating to a function that is exercisable by that Commission,

(b) the Commission for Communications Regulation in relation to an offence relating to a function that is exercisable by that Commission,

(c) the Central Bank of Ireland in relation to an offence relating to a function that is exercisable by the Bank,

(d) the National Transport Authority in relation to an offence relating to a function that is exercisable by that Authority,

(e) the Irish Aviation Authority in relation to an offence relating to a function that is exercisable by that Authority, or

(f) Coimisiún na Meán in relation to an offence relating to a function that is exercisable by that Commission.

(2) A reference in paragraph (1) to a function exercisable by a body is a reference to a function exercisable by the body under these Regulations.

Public procurement procedures

36. Regulations 29, 30 and 32 shall not apply to procurement procedures that are subject to the European Union (Award of Public Authority Contracts) Regulations 2016 (S.I. No. 284 of 2016) or the European Union (Award of Contracts by Utility Undertakings) Regulations 2016 (S.I. No. 286 of 2016).

Part 13

MISCELLANEOUS

Provisions relating to Articles 26 and 28

37. (1) The Minister shall, for the purposes of paragraph (4) of Article 26, nominate such person, being a person whom he or she considers to be suitably qualified to perform the functions concerned, to perform the functions of an expert under that paragraph.

(2) The Minister shall, for the purposes of Article 28, nominate such persons, being persons referred to in that Article, as he or she considers appropriate to participate in the working group established under that Article.

(3) In nominating a person under paragraph (2), the Minister shall have regard to whether the person has the necessary experience and expertise to contribute to the discharge by the group of its functions under the Directive.

Transitional measures

38. (1) (a) Without prejudice to paragraph (2), a service provider may, for the period beginning on the date on which these Regulations apply and ending on 28 June 2030, continue to provide their services using products which were lawfully used by them to provide similar services before 28 June 2030.

(b) Service contracts agreed before 28 June 2025 may continue without alteration until they expire, but no longer than 5 years from that date.

(2) Self-service terminals lawfully used by service providers for the provision of services before 28 June 2025 may continue to be used in the provision of similar services until the end of their economically useful life, but no longer than 20 years after their entry into use.

Report and review

39. A relevant authority shall –

(a) maintain such data and information as it considers reasonably necessary for the purposes of compliance by it with paragraph (b), and

(b) at such intervals as the Minister may direct, and at any other time on the request of the Minister, provide the Minister with such information as the Minister may direct for the purpose of compliance by the Minister with paragraph (3) of Article 33.

Service of documents

40. (1) A notice, direction or other document required or authorised under these Regulations to be served on or given to a person shall be addressed to the person concerned by name, and may be served on or given to the person in one of the following ways:

(a) by delivering it to the person, or to an employee, servant or agent of the person;

(b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;

(c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been provided, to that address;

(d) by electronic means, in a case in which the person has given notice in writing to the person serving or giving the notice, direction or document concerned of the first mentioned person's consent to the notice, direction or document (or notices, directions or documents of a class to which the notice, direction or document belongs) being served on, or given to, the person in that manner.

(2) For the purpose of this Regulation, a company formed and registered under the Companies Act 2014 or an existing company within the meaning of that Act is deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.

Complaints

41. (1) Without prejudice to the generality of these Regulations, the functions of a relevant authority under these Regulations shall include the consideration, in accordance with this Regulation, of complaints that a product, service or economic operator has not complied, or is not in compliance, with a requirement laid down in these Regulations.

(2) The function under paragraph (1) shall be performed –

(a) where the complaint relates to a product, by the market surveillance authority, and

(b) where the complaint relates to a service, by the relevant compliance authority.

(3) On receipt of a complaint to which paragraph (1) applies, the relevant authority concerned –

(a) shall, without delay, provide the person who has made the complaint (in this Regulation referred to as the "complainant") in writing with an acknowledgement of such receipt, and

(b) may request the complainant in writing to provide further written particulars of the complaint for the purpose of its consideration of the complaint.

(4) Subject to paragraph (5), the relevant authority concerned shall, within a reasonable period of time, inform the complainant in writing of the outcome of its consideration of a complaint.

(5) The relevant authority concerned may decide not to consider a complaint (or to discontinue such consideration) where it believes on reasonable grounds that –

(a) the complaint is frivolous or vexatious or was not made in good faith,

(b) the subject matter of the complaint is trivial, or

(c) the complainant has failed to respond to a request for further particulars of the complaint fully or within the time specified by the relevant authority under paragraph (3).

(6) Where paragraph (5) applies, the relevant authority shall, within a reasonable period of time, inform the complainant in writing of its decision and the reasons for the decision.

SCHEDULE 1

Accessibility Requirements for Products and Services

Part 1

General accessibility requirements related to all products covered by these Regulations in accordance with Regulation 3(1)

Products must be designed and produced in such a way as to maximise their foreseeable use by persons with disabilities and shall be accompanied where possible in or on the product by accessible information on their functioning and on their accessibility features.

1. The following requirements apply in relation to the provision of information:

(a) the information on the use of the product provided on the product itself (labelling, instructions and warning) shall be –

(i) made available via more than one sensory channel,

(ii) presented in an understandable way,

(iii) presented to users in ways they can perceive, and

(iv) presented in fonts of adequate size and suitable shape, taking into account foreseeable conditions of use, and using sufficient contrast, as well as adjustable spacing between letters, lines and paragraphs;

(b) the instructions for use of a product, where not provided on the product itself but made available through the use of the product or through other means such as a website, including the accessibility functions of the product, how to activate them and their interoperability with assistive solutions shall be publicly available when the product is placed on the market and shall –

(i) be made available via more than one sensory channel,

(ii) be presented in an understandable way,

(iii) be presented to users in ways they can perceive,

(iv) be presented in fonts of adequate size and suitable shape, taking into account foreseeable conditions of use and using sufficient contrast, as well as adjustable spacing between letters, lines and paragraphs,

(v) with regard to content, be made available in text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel,

(vi) be accompanied by an alternative presentation of any non-textual content,

(vii) include a description of the user interface of the product (handling, control and feedback, input and output), which –

(I) is provided in accordance with paragraph 2, and

(II) shall indicate for each of the subparagraphs in paragraph 2 whether the product provides those features,

(viii) include a description of the functionality of the product which –

(I) is provided by functions aiming to address the needs of persons with disabilities in accordance with paragraph 2, and

(II) shall indicate for each of the subparagraphs in paragraph 2 whether the product provides those features, and

(ix) include a description of the software and hardware interfacing of the product with assistive devices, which description shall include a list of the assistive devices that have been tested together with the product.

2. User interface and functionality design:

The product, including its user interface, shall contain features, elements and functions that allow persons with disabilities to access, perceive, operate, understand and control the product by ensuring that –

(a) when the product provides for communication, including interpersonal communication, operation, information, control and orientation, it shall do so via more than one sensory channel, including providing alternatives to visual, auditory, speech and tactile elements,

(b) when the product uses speech, it shall provide alternatives to speech and vocal input for communication, operation control and orientation,

(c) when the product uses visual elements, it shall provide for flexible magnification, brightness and contrast for communication, information and operation, as well as ensure interoperability with programmes and assistive devices to navigate the interface,

(d) when the product uses colour to convey information, indicate an action, require a response or identify elements, it shall provide an alternative to colour,

(e) when the product uses audible signals to convey information, indicate an action, require a response or identify elements, it shall provide an alternative to audible signals,

(f) when the product uses visual elements, it shall provide for flexible ways of improving vision clarity,

(g) when the product uses audio, it shall provide for user control of volume and speed, and enhanced audio features including audio clarity and the reduction of interfering audio signals from surrounding products,

(h) when the product requires manual operation and control, it shall provide for sequential control and alternatives to fine motor control, avoiding the need for simultaneous controls for manipulation, and shall use tactile discernible parts,

(i) the product shall –

(i) avoid modes of operation requiring extensive reach and great strength,

(ii) avoid triggering photosensitive seizures,

(iii) protect the user's privacy when he or she uses the accessibility features,

(iv) provide an alternative to biometrics identification and control,

(v) ensure the consistency of the functionality, and provide enough, and flexible amounts of, time for interaction,

(vi) provide software and hardware for interfacing with the assistive technologies, and

(vii) in the case of each of the following products, comply with the following sector-specific requirements:

(I) self-service terminals shall –

(A) provide for text-to-speech technology,

(B) allow for the use of personal headsets,

(C) where a timed response is required, alert the user via more than one sensory channel,

(D) give the possibility to extend the time given,

(E) have an adequate contrast and tactilely discernible keys and controls when keys and controls are available,

(F) not require an accessibility feature to be activated in order to enable a user who needs the feature to turn it on, and

(G) when the product uses audio or audible signals, be compatible with assistive devices and technologies available at Union level, including hearing technologies such as hearing aids, telecoils, cochlear implants and assistive listening devices;

(II) e-readers shall provide for text-to-speech technology;

(III) consumer terminal equipment with interactive computing capability, used for the provision of electronic communications services shall –

(A) when such products have text capability in addition to voice, provide for the handling of real time text and support high fidelity audio,

(B) when such products have video capabilities in addition to or in combination with text and voice, provide for the handling of total conversation including synchronised voice, real time text, and video with a resolution enabling sign language communication,

(C) ensure effective wireless coupling to hearing technologies, and

(D) avoid interferences with assistive devices;

(IV) consumer terminal equipment with interactive computing capability, used for accessing audio visual media services shall make available to persons with disabilities the accessibility components provided by the audiovisual media service provider, for user access, selection, control, and personalisation and for transmission to assistive devices.

3. Support services:

Where available, support services (help desks, call centres, technical support, relay services and training services) shall provide information on the accessibility of the product and its compatibility with assistive technologies, in accessible modes of communication.

Part 2

Accessibility requirements related to products in Regulation 3(1), other than the self-service terminals referred to in Regulation 3(1)(b)

In addition to the requirements of Part 1, the packaging and instructions of products covered by this Part shall be made accessible, in order to maximise their foreseeable use by persons with disabilities, as follows:

(a) the packaging of the product including the information provided in it (e.g. about opening, closing, use, disposal), including, when provided, information about the accessibility characteristics of the product, shall –

(i) be made accessible, and

(ii) when feasible, provide that information on the package;

(b) the instructions for the installation and maintenance, storage and disposal of the product not provided on the product itself but made available through other means, such as a website, shall be publicly available when the product is placed on the market and shall comply with the following requirements:

(i) be available via more than one sensory channel;

(ii) be presented in an understandable way;

(iii) be presented to users in ways they can perceive;

(iv) be presented in fonts of adequate size and suitable shape, taking into account foreseeable conditions of use, and using sufficient contrast, as well as adjustable spacing between letters, lines and paragraphs;

(v) content of instructions shall be made available in text formats that can be used for generating alternative assistive formats to be presented in different ways and via more than one sensory channel;

(vi) instructions containing any non-textual content shall be accompanied by an alternative presentation of that content.

Part 3

General accessibility requirements related to all services covered by these Regulations in accordance with Regulation 3(2)

The provision of services in order to maximise their foreseeable use by persons with disabilities, shall be achieved by –

(a) ensuring the accessibility of the products used in the provision of the service, in accordance with Part 1 and, where applicable, Part 2,

(b) providing information, in the following manner, about the functioning of the service, and where products are used in the provision of the service, its link to these products as well as information about their accessibility characteristics and interoperability with assistive devices and facilities:

(i) making the information available via more than one sensory channel;

(ii) presenting the information in an understandable way;

(iii) presenting the information to users in ways they can perceive;

(iv) making the information content available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel;

(v) presenting in fonts of adequate size and suitable shape, taking into account foreseeable conditions of use and using sufficient contrast, as well as adjustable spacing between letters, lines and paragraphs;

(vi) supplementing any non-textual content with an alternative presentation of that content;

(vii) providing electronic information needed in the provision of the service in a consistent and adequate way by making it perceivable, operable, understandable and robust;

(c) making websites, including the related online applications, and mobile device-based services, including mobile applications, accessible in a consistent and adequate way by making them perceivable, operable, understandable and robust, and

(d) where available, support services (help desks, call centres, technical support, relay services and training services) providing information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication.

Part 4

Additional accessibility requirements related to specific services

The provision of the following services in order to maximise their foreseeable use by persons with disabilities, shall be achieved by including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with disabilities and ensure interoperability with assistive technologies as follows:

(a) in relation to electronic communications services, including emergency communications referred to in Article 109(2) of Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018[26] –

(i) providing real time text in addition to voice communication,

(ii) providing total conversation where video is provided in addition to voice communication, and

(iii) ensuring that emergency communications using voice, text (including real time text) is synchronised and where video is provided is also synchronised as total conversation and is transmitted by the electronic communications service providers to the most appropriate PSAP;

(b) in relation to services providing access to audiovisual media services –

(i) providing electronic programme guides (EPGs) which are perceivable, operable, understandable and robust and provide information about the availability of accessibility, and

(ii) ensuring that the accessibility components (access services) of the audiovisual media services such as subtitles for the deaf and hard of hearing, audio description, spoken subtitles and sign language interpretation are fully transmitted with adequate quality for accurate display, and synchronised with sound and video, while allowing for user control of their display and use;

(c) in relation to air, bus, rail and waterborne passenger transport services except for urban and suburban transport services and regional transport services, ensuring the provision of information –

(i) on the accessibility of vehicles, the surrounding infrastructure and the built environment and on assistance for persons with disabilities, and

(ii) about smart ticketing (electronic reservation, booking of tickets, etc.), real-time travel information (timetables, information about traffic disruptions, connecting services, onwards travel with other transport modes, etc.), and additional service information (e.g. staffing of stations, lifts that are out of order or services that are temporarily unavailable);

(d) in relation to urban and suburban transport services and regional transport services, ensuring the accessibility of self-service terminals used in the provision of the service in accordance with Part 1;

(e) in relation to consumer banking services –

(i) providing identification methods, electronic signatures, security, and payment services which are perceivable, operable, understandable and robust, and

(ii) ensuring that the information is understandable, without exceeding a level of complexity superior to level B2 (upper intermediate) of the Council of Europe's Common European Framework of Reference for Languages.

(f) in relation to e-books –

(i) ensuring that, when an e-book contains audio in addition to text, it then provides synchronised text and audio,

(ii) ensuring that e-book digital files do not prevent assistive technology from operating properly,

(iii) ensuring access to the content, the navigation of the file content and layout including dynamic layout, the provision of the structure, flexibility and choice in the presentation of the content,

(iv) allowing alternative renditions of the content and its interoperability with a variety of assistive technologies, in such a way that it is perceivable, understandable, operable and robust,

(v) making them discoverable by providing information through metadata about their accessibility features, and

(vi) ensuring that digital rights management measures do not block accessibility features;

(g) in relation to e-commerce services –

(i) providing the information concerning accessibility of the products and services being sold when this information is provided by the responsible economic operator,

(ii) ensuring the accessibility of the functionality for identification, security and payment when delivered as part of a service instead of a product by making it perceivable, operable, understandable and robust, and

(iii) providing identification methods, electronic signatures, and payment services which are perceivable, operable, understandable and robust.

Part 5

Specific accessibility requirements related to the answering of emergency communications to the single European emergency number '112' by the most appropriate PSAP

1. In order to maximise their foreseeable use by persons with disabilities, the answering of emergency communications to the single European emergency number '112' by the most appropriate PSAP, shall be achieved by including functions, practices, policies and procedures and alterations targeted to address the needs of persons with disabilities.

2. Emergency communications to the single European emergency number '112' shall be appropriately answered, in the manner best suited to the national organisation of emergency systems, by the most appropriate PSAP using the same communication means as received, namely by using synchronised voice and text (including real time text), or, where video is provided, voice, text (including real time text) and video synchronised as between the persons in conversation.

Part 6

Accessibility requirements for features, elements or functions of products and services in accordance with Regulation 25(2)

The presumption to fulfil the relevant obligations specified in other Union acts concerning features, elements or functions of products and services requires the following:

1. In relation to products –

(a) that the accessibility of the information concerning the functioning and accessibility features related to products complies with the corresponding elements specified in paragraph 1 of Part 1, namely information on the use of the product provided on the product itself and the instructions for use of a product, not provided in the product itself but made available through the use of the product or other means such as a website,

(b) that the accessibility of features, elements and functions of the user interface and the functionality design of products complies with the corresponding accessibility requirements of such user interface or functionality design specified in paragraph 2 of Part 1, and

(c) that the accessibility of the packaging, including the information provided in it and instructions for the installation and maintenance, storage and disposal of the product not provided in the product itself but made available through other means such as a website, except for self-service terminals complies with the corresponding accessibility requirements specified in Part 2.

2. In relation to services, that the accessibility of the features, elements and functions of services complies with the corresponding accessibility requirements for those features, elements and functions specified in the services-related Parts of this Schedule.

Part 7

Functional performance criteria

1. In order to maximise the foreseeable use by persons with disabilities, when the accessibility requirements specified in Parts 1 to 6 do not address one or more functions of the design and production of products or the provision of services, those functions or means shall be accessible by complying with the related functional performance criteria specified in subparagraphs (a) to (k) of paragraph 3.

2. Those functional performance criteria may only be used as an alternative to one or more specific technical requirements, when these are referred to in the accessibility requirements, if, and only if, the application of the relevant functional performance criteria complies with the accessibility requirements and it determines that the design and production of products and the provision of services results in equivalent or increased accessibility for the foreseeable use by persons with disabilities.

3. The functional performance criteria referred to in paragraphs 1 and 2 are the following:

(a) usage without vision: where the product or service provides visual modes of operation, it shall provide at least one mode of operation that does not require vision;

(b) usage with limited vision: where the product or service provides visual modes of operation, it shall provide at least one mode of operation that enables users to operate the product with limited vision;

(c) usage without perception of colour: where the product or service provides visual modes of operation, it shall provide at least one mode of operation that does not require user perception of colour;

(d) usage without hearing: where the product or service provides auditory modes of operation, it shall provide at least one mode of operation that does not require hearing;

(e) usage with limited hearing: where the product or service provides auditory modes of operation, it shall provide at least one mode of operation with enhanced audio features that enables users with limited hearing to operate the product;

(f) (i) usage without vocal capability: where the product or service requires vocal input from users, it shall provide at least one mode of operation that does not require vocal input.

(ii) In this subparagraph, “vocal input” includes any orally-generated sounds like speech, whistles or clicks;

(g) usage with limited manipulation or strength: where the product or service requires manual actions, it shall provide at least one mode of operation that enables users to make use of the product through alternative actions not requiring fine motor control and manipulation, hand strength or operation of more than one control at the same time;

(h) (i) usage with limited reach: the operational elements of products shall be within reach of all users.

(ii) Where the product or service provides a manual mode of operation, it shall provide at least one mode of operation that is operable with limited reach and limited strength;

(i) minimising the risk of triggering photosensitive seizures: where the product provides visual modes of operation, it shall avoid modes of operation that trigger photosensitive seizures;

(j) usage with limited cognition: the product or service shall provide at least one mode of operation incorporating features that make it simpler and easier to use;

(k) privacy: where the product or service incorporates features that are provided for accessibility, it shall provide at least one mode of operation that maintains privacy when using those features that are provided for accessibility.

SCHEDULE 2

Conformity Assessment Procedure – Products

1. Internal production control

Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in paragraphs 2, 3 and 4, and ensures and declares on its sole responsibility that the product concerned satisfy the appropriate requirements of these Regulations.

2. Technical documentation

(a) The manufacturer shall establish the technical documentation.

(b) The technical documentation shall make it possible to assess the conformity of the product to the relevant accessibility requirements referred to in Regulation 5 and, in case the manufacturer relied on Regulation 15, to demonstrate that the applicable accessibility requirements would introduce a fundamental alteration or impose a disproportionate burden.

(c) The technical documentation shall specify only the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the product.

(d) The technical documentation shall, wherever applicable, contain at least the following elements:

(i) a general description of the product;

(ii) subject to clause (iii), a list of the harmonised standards and technical specifications the references of which have been published in the Official Journal of the European Union, applied in full or in part, and descriptions of the solutions adopted to meet the relevant accessibility requirements referred to in Regulation 5 where those harmonised standards or technical specifications have not been applied;

(iii) where the harmonised standards or technical specifications are applied in part, the parts that have been applied.

3. Manufacturing

The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the products with the technical documentation referred to in paragraph 2 and with the accessibility requirements of these Regulations.

4. CE marking and EU declaration of conformity

(a) The manufacturer shall affix the CE marking to each individual product that satisfies the applicable requirements of these Regulations.

(b) The manufacturer shall draw up a written EU declaration of conformity for a product model, which shall identify the product for which it has been drawn up.

(c) A copy of the EU declaration of conformity shall be made available to the relevant authorities upon request.

5. Authorised representative

The manufacturer's obligations specified in paragraph 4 may be fulfilled by its authorised representative, on its behalf and under its responsibility, provided that such obligations are specified in the mandate.

SCHEDULE 3

Information on Services Meeting Accessibility Requirements

1. (a) The service provider shall include the information assessing how the service meets the accessibility requirements referred to in Regulation 5 in the general terms and conditions, or equivalent document.

(b) The information shall describe the applicable requirements and cover, as far as relevant for the assessment the design and the operation of the service.

(c) In addition to the consumer information requirements of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011[27] , the information shall, where applicable, contain the following elements:

(i) a general description of the service in accessible formats;

(ii) descriptions and explanations necessary for the understanding of the operation of the service;

(iii) a description of how the relevant accessibility requirements specified in Schedule 1 are met by the service.

2. To comply with paragraph 1, the service provider may apply in full or in part the harmonised standards and technical specifications, for which references have been published in the Official Journal of the European Union.

3. The service provider shall provide information demonstrating that the service delivery process and its monitoring ensure compliance of the service with paragraph 1 and with the applicable requirements of these Regulations.

SCHEDULE 4

Criteria for Assessment of Disproportionate Burden

The relevant criteria referred to in Regulation 15(3) to carry out and document the assessment are the following:

1. (a) The ratio of the net costs of compliance with accessibility requirements to the overall costs (operating and capital expenditures) of manufacturing, distributing or importing the product or providing the service for the economic operators.

(b) The elements to use to assess the net costs of compliance with accessibility requirements referred to in subparagraph (a) are the following:

(i) the following criteria related to one-off organisational costs to take into account in the assessment:

(I) costs related to additional human resources with accessibility expertise;

(II) costs related to training human resources and acquiring competences on accessibility;

(III) costs of development of a new process for including accessibility in the product development or service provision;

(IV) costs related to development of guidance material on accessibility;

(V) one-off costs of understanding the legislation on accessibility;

(ii) the following criteria related to on-going production and development costs to take into account in the assessment:

(I) costs related to the design of the accessibility features of the product or service;

(II) costs incurred in the manufacturing processes;

(III) costs related to testing the product or service for accessibility;

(IV) costs related to establishing documentation.

2. The estimated costs and benefits for the economic operators, including production processes and investments, in relation to the estimated benefit for persons with disabilities, taking into account the amount and frequency of use of the specific product or service.

3. (a) The ratio of the net costs of compliance with accessibility requirements to the net turnover of the economic operator.

(b) The elements to use to assess the net costs of compliance with accessibility requirements referred to in subparagraph (a) are the following:

(i) the following criteria related to one-off organisational costs to take into account in the assessment:

(I) costs related to additional human resources with accessibility expertise;

(II) costs related to training human resources and acquiring competences on accessibility;

(III) costs of development of a new process for including accessibility in the product development or service provision;

(IV) costs related to development of guidance material on accessibility;

(V) one off costs of understanding the legislation on accessibility;

(ii) criteria related to on-going production and development costs to take into account in the assessment:

(I) costs related to the design of the accessibility features of the product or service;

(II) costs incurred in the manufacturing processes;

(III) costs related to testing the product or service for accessibility;

(IV) costs related to establishing documentation.

SCHEDULE 5

EU declaration of conformity

1. No.: _____ (unique identification of the product):

2. Name and address of the manufacturer or his authorised representative:

3. This declaration of conformity is issued under the sole responsibility of the manufacturer (or installer):

4. Object of the declaration (identification of product allowing traceability. It may include a photograph, where appropriate):

5. The object of the declaration described above is in conformity with the relevant Community harmonisation legislation:

6. References to the relevant harmonised standards used or references to the specifications in relation to which conformity is declared:

7. Where applicable, the notified body (name, number), performed (description of intervention), and issued the certificate:

8. Additional information:

Signed for and on behalf of:

Place and date of issue:

Name, function and signature of signatory:

GIVEN under my Official Seal,

12 December, 2023.

RODERIC O'GORMAN,

Minister for Children, Equality, Disability, Integration and Youth.

1 OJ No. L 151, 7.6.2019, p. 70.

2 OJ No. L 204, 26.7.2006, p. 1.

3 OJ No. L 303, 28.11.2018, p. 69.

4 OJ No. L 55, 28.2.2011, p. 1.

5 OJ No. L 133, 22.5.2008, p. 66.

6 OJ No. L 60, 28.2.2014, p. 34.

7 OJ No. L 173, 12.6.2014, p. 349.

8 OJ No. L 337, 23.12.2015, p. 35.

9 OJ No. L 257, 28.8.2014, p. 214.

10 OJ No. L 267, 10.10.2009, p. 7.

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11 OJ No. L 95, 15.4.2010, p. 1.

12 OJ No. L 343, 14.12.2012, p. 32.

13 OJ No. L 337, 23.12.2015, p. 35.

14 OJ No. L 218, 13.8.2008, p. 30.

15 OJ No. L 316, 14.11.2012, p. 12.

16 OJ No. L169, 25.06.2019, p.1.

17 OJ No. L 172, 17.5.2021, p. 1.

18 OJ No. L 376, 27.12.2006, p. 36.

19 OJ No. L 334, 17.12.2010, p. 1.

20 OJ No. L 242, 20.9.2017, p. 1.

21 OJ No. L 119, 4.5.2016, p. 1.

22 OJ L 46, 17.2.2004, p. 1.

23 OJ L 204, 26.7.2006, p. 1.

24 OJ L 334, 17.12.2010, p. 1.

25 OJ L 55, 28.2.2011, p. 1.

26 OJ No. L 321, 17.12.2018, p. 36.

27 OJ No. L 304, 22.11.2011, p. 64.