European Accessibility Act (EAA) Enforcement Resource for Business

EXECUTIVE SUMMARY

INCLUDING LEGAL RESEARCH BY WHITE & CASE

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This resource is provided for general informational purposes only and does not constitute legal advice. It summarizes research regarding the EAA and selected national implementation and enforcement developments as of September 30, 2026.

Note that laws, regulatory guidance, and enforcement practices continue to evolve and may vary by jurisdiction. Organizations should consult appropriate legal counsel regarding the application of these requirements to their specific circumstances.

INTRODUCTION

In 2024, Disability:IN and White & Case LLP released a joint paper on ***Disability Inclusion in the EU: A Legal Analysis to Guide Corporate Responsibilities Under New EU Disability Inclusive Legislation***. The analysis examined the implications of three key pieces of emerging business regulation: the Corporate Sustainability Reporting Directive (CSRD), the Corporate Sustainability Due Diligence Directive (CSDDD), and the European Accessibility Act (EAA). The EAA took effect in June 2025 and is the subject of this updated brief, which features legal research by White & Case LLP on the state of EAA enforcement across six EU member states – France, Germany, Ireland, Italy, the Netherlands, and Spain – as well as a side note of comparative interest on Norway as a member of the European Economic Area (EEA). Over the past year, real enforcement architecture has emerged, and this brief surfaces early findings from the first phase of national implementation.

This document provides a summary of the briefing on EAA enforcement, followed by a guide for how to read the full enforcement brief. The **full briefing on EAA enforcement** is included, with tables and appendices about the state of EAA enforcement agencies, mechanisms, penalties, and precedents in France, Germany, Ireland, Italy, the Netherlands, Spain (the **"Surveyed EU Member States"**), and Norway.



DOWNLOAD THE 2024 JOINT PAPER



DOWNLOAD THE FULL BRIEFING

This resource aims to guide corporate accessibility strategies in those markets, drawing on early enforcement experience during the EAA's first year of operation.

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OVERVIEW

- An initial enforcement architecture has begun to emerge across the jurisdictions surveyed.
- Further, accessibility documentation is becoming concrete, and early enforcement activity is providing greater visibility into the types of accessibility documentation authorities may expect.
- However, early enforcement activity is notably coming from private actors rather than public authorities. E-commerce, transport and financial services are emerging as early areas of enforcement focus.
- Early enforcement does not yet show a clear cross-jurisdictional pattern by disability type, although visual impairments appear to be a prominent early focus in certain jurisdictions.
- The evaluation of AI-based products under the EAA remains at an early stage, though early indications suggest they are not being regulated differently from legacy technology.
- The European Commission has opened infringement proceedings against Germany, France, and the Netherlands for incomplete transposition of the EAA.
- Only Spain has exceeded the EAA's minimum accessibility requirements, extending coverage to additional terminal and service categories, the built environment, and a shorter transitional period for legacy self-service terminals.

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PART 1

Briefing on EAA Enforcement in Six Key Markets: A Summary for Business

When the European Accessibility Act entered into force in June 2025, each EU member state was required to transpose its requirements into national law and designate competent authorities to enforce them. The resulting enforcement landscape is far from uniform. This brief examines how that transposition has unfolded across the Surveyed EU Member States, with a comparative side note on Norway as a member of the European Economic Area, drawing on legal research into the enforcement agencies, mechanisms, penalties, and early precedents that emerged during the first year of EAA implementation (July 2025 to September 2026).

Although the EAA is designed to standardize accessibility requirements across global economic actors – manufacturers, importers, distributors, and service providers who sell into the EU – the process of national transposition and implementation has resulted in a degree of localized variation in enforcement mechanisms. Each jurisdiction has made distinct choices about which bodies enforce, how penalties are structured, and where the early focus of scrutiny falls. Across the Surveyed EU Member States, EAA-based national legislation follows a market-access approach, meaning that rules apply to economic operators across the supply chain for products placed on the EU market or operators providing services to consumers in the EU.

OBLIGATIONS BY ECONOMIC OPERATOR

The enforcement question is based on the imposition of distinct substantive obligations on each type of economic operator across the supply chain. To summarize:

- **Manufacturers must conduct a conformity assessment before placing a product on the EU market, prepare technical documentation, issue an EU declaration of conformity, affix the CE marking, and retain records for five years;**
- **Importers and Distributors must verify that a Manufacturer's conformity steps have been completed before making a product available, display their own identifying details, and withhold non-compliant products from the market pending correction; and**
- **Service Providers must publicly explain, in writing and orally, how their services meet the applicable accessibility requirements, maintain that information for the life of the service, and promptly notify authorities and take corrective measures on discovering non-conformity.**

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ENFORCEMENT MECHANISMS

Based on the national implementation frameworks reviewed, the six Surveyed EU Member States (France, Germany, Ireland, Italy, the Netherlands, and Spain) have each adopted decentralized enforcement models, though the institutional structures deviate significantly, with varying degrees of fragmentation across federal, regional, and sector-specific authorities.

A common structural feature across all Surveyed EU Member States is the **separation of product enforcement from service enforcement**. Product surveillance is typically assigned to a single authority, while service compliance is divided across sector-specific regulators; these responsibilities are typically allocated to supervisory bodies in line with existing fields of supervision such as (i) financial services, (ii) electronic communications, (iii) transportation, and (iv) audiovisual media.

SIDE NOTE – NORWAY

Norway has not transposed the EAA; national implementation is under preparation. Accessibility enforcement there instead proceeds under a distinct, pre-existing framework (the Equality and Anti-Discrimination Act and the ICT Universal Design Regulation), enforced by the Anti-Discrimination Tribunal and the Authority for Universal Design of ICT through coercive fines.

B2B AND NON-EU APPLICABILITY

The EAA's scope is broader than purely consumer-facing. Product obligations arise if a product is placed on the EU market, regardless of whether the purchaser is a business or a consumer. Non-EU companies are equally in scope under the EAA's market-access approach, which looks to where a product is placed or a service is provided, not where the operator is established.

However, no enforcement actions against non-EU companies have been publicly reported to date in any Surveyed EU Member State, and national authorities may in any event face practical difficulties enforcing against operators with no EU presence.



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PENALTIES

Enforcement instruments across the Surveyed EU Member States fall into three categories: **market access restrictions** (withdrawal, recall, or cessation of non-compliant products or services, available in every Surveyed EU Member State); **administrative enforcement** (fines and penalty payment orders, with maximum levels varying by jurisdiction from EUR 100,000 per breach upward); and **criminal sanctions**, available in certain jurisdictions such as France and Ireland. None of the Surveyed EU Member States establishes a separate penalty regime for non-EU companies, and formal enforcement by regulatory authorities under the EAA remains at an early stage. **Most significant enforcement activity to date has originated from private actors rather than public authorities**, often in the form of cease-and-desist letters brought under unfair competition law. Certain industries, particularly **e-commerce, financial services, and transport, appear more likely to be subject to early enforcement scrutiny** under the EAA.

When enforcement actions take place, the principal categories of business documentation include: (i) conformity assessments (CE marking), technical documentation and accessibility statements; (ii) evidence of proactive compliance measures; (iii) disproportionate burden or fundamental alteration assessments, where an exemption is claimed; and (iv) evidence of self-reporting and engagement with the competent authority, which several jurisdictions treat as mitigating.

Pursuant to the EAA, penalties must generally take into account the extent of non-compliance, including (i) its seriousness, (ii) the number of units of non-compliant products or services concerned, and (iii) the number of persons affected. For example, the Netherlands has introduced a formal impact-based ranking system, distinguishing four levels of consumer impact: (i) critical, (ii) serious, (iii) moderate, and (iv) minor. However, **constructive engagement with authorities is generally expected to increase the likelihood that regulators will focus on remediation** rather than immediately resorting to punitive measures.

No Surveyed EU Member State formally links how non-compliance is identified to the severity of the resulting penalty, but a practical pattern emerges: self-reporting with early corrective action tends to mitigate; user complaints typically prompt a corrective order before any fine; and regulatory audits, especially of systemic issues, more often lead directly to a fine.

Penalty ceilings vary substantially by jurisdiction. On the administrative side, Germany's Market Surveillance Authority may impose fines of up to EUR 100,000 per infringement (in addition to orders to withdraw, recall or restrict non-compliant products), and Spain provides for administrative fines of up to EUR 1,000,000 for significant breaches. On the criminal sanction side, Ireland and France provide for the following sanctions: in Ireland, penalties are criminal only, with a fine of up to EUR 60,000 and/or imprisonment of up to 18 months on conviction on indictment, and potential personal liability for directors and officers. Notably France operates two parallel tracks – a criminal fine of up to EUR 7,500 for legal entities on a first offense (EUR 15,000 for repeat offenses), and a separate administrative track under which injunctions may be backed by a daily penalty of up to EUR 3,000, capped at EUR 300,000 in total.

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EARLY IMPACT

Enforcement practice has not yet revealed a clear cross-jurisdictional pattern as to which disability types feature most frequently in investigations or enforcement actions; however, within certain jurisdictions, a pattern is emerging. Visual impairments – particularly blindness and partial sight – feature most prominently in early enforcement and litigation activity, reflecting both the centrality of digital interfaces in the EAA's scope and the relative maturity of screen reader testing methodologies. France has expressly identified blind and partially sighted internet users as the core beneficiary group at the heart of its EAA enforcement program.

In industry, it is e-commerce that has emerged as the primary area of enforcement, driven by both private cease-and-desist activity and civil disputes, with supervisory authorities in multiple jurisdictions conducting systematic accessibility checks of the largest online stores and identifying significant rates of non-compliance. In the Netherlands, for example, the Authority for Consumers and Markets (ACM) tested approximately 100 of the largest Dutch webshops and found that 61% were not digitally accessible, and has since commenced systematic inspections of companies with the largest customer bases.

The most concrete enforcement evidence to date comes from French civil litigation. In May 2026, the Tribunal judiciaire de Lille found significant accessibility deficiencies in Auchan E-Commerce France's website and app but exempted Auchan on a contested turnover-threshold interpretation, a ruling now under appeal; three further cases against Carrefour, Picard Surgelés, and E. Leclerc remain pending.

Financial services and payments represent a second major area of enforcement exposure, with designated financial supervisory authorities announcing compliance reviews and introducing mandatory non-conformity reporting regimes.

Finally, since the EAA imposes technology-neutral accessibility requirements, early indications are that AI-driven adaptive products are being held to the same functional standards (perceivable, operable, understandable, robust) as traditional digital interfaces such as ATMs, ticketing machines, and point-of-sale devices. Separately, Article 16 of the EU AI Act requires providers of high-risk AI systems to meet accessibility requirements in addition to the EAA; how the two regimes interact in practice remains untested.

IMPLICATIONS

That the EAA holds AI-powered consumer interfaces to the same standard as legacy technology presents a novel challenge for conformity assessments, which were designed for static and predictable digital products, rather than dynamic AI-generated interfaces where outputs vary with each subsequent interaction. The same logic applies to AI-generated images, video, and media; if they lack alt text or captions, the company may ultimately bear responsibility for inaccessible outputs. This means that the usability standards of the EAA must be considered in EU-facing consumer AI product design, which represents an emerging area of focus for future study.

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PART 2

Guide to the Full Resource: How to Read the Full Enforcement Brief

The Disability:IN EAA enforcement brief, featuring legal research by White & Case LLP, is intended as a resource to complement global businesses' accessibility strategies for monitoring European markets. In the pages that follow, readers will find detailed market-based resource tables for country-specific compliance with emerging EAA enforcement norms across the Surveyed EU Member States, together with a side note on Norway's distinct national framework.

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AREAS COVERED IN THE BRIEFS FOR EACH MARKET

- Transposition Status
- Scope by Market
- Application to Non-EU Companies
- Enforcement by Market
- Jurisdictional Enforcement Approaches
- National Enforcement
- Disability Types Impacted
- Documentation Required by Regulators and Auditors
- Credible Evidence of Due Diligence
- Industries Impacted
- B2B Applications
- Application to AI-Based Products

Access the Full Legal Guide

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PART 3

The State of EAA Enforcement: Legal Research by White & Case LLP

Access the Full Legal Guide

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