European Accessibility Act: White & Case Memorandum FAQs

What is the purpose of this memorandum?

The memorandum analyzes how the European Accessibility Act (EAA) has been transposed, enforced, and applied in practice across France, Germany, Ireland, Italy, the Netherlands, Spain, and Norway. It focuses on current legal status, responsible economic operators, enforcement structures, penalties, documentation and evidence, self-reporting, and emerging enforcement priorities.

Who produced this memorandum?

Legal research and analysis was provided on a pro bono basis by White & Case LLP, a leading international law firm.

Who should read this memorandum?

This memorandum is intended for:

- Legal, compliance, and enterprise risk teams
- Product, digital accessibility, and customer experience teams
- Procurement, supply-chain, and market-access professionals
- Global Business leaders responsible for consumer-facing products and services
- Organizations monitoring accessibility enforcement and regulatory developments

How should this memorandum be used?

Companies can use this memorandum to:

- Understand how EAA implementation and enforcement differ across the surveyed jurisdictions
- Identify which products, services, markets, and supply-chain roles may require closer review
- Inform internal discussions about documentation, monitoring, complaints, corrective action, and regulatory reporting
- Prioritize follow-up with qualified legal counsel in each relevant jurisdiction

The memorandum, along with this document derived from it, is a general informational resource, not legal advice or a comprehensive compliance guide. Companies should work with their own legal counsel to assess their obligations based on their specific products, services, markets, and circumstances.

Which jurisdictions does the memorandum cover?

It covers six EU Member States: France, Germany, Ireland, Italy, the Netherlands, and Spain. It also covers Norway as an EEA and EFTA state. The memorandum refers to these seven countries collectively as the Surveyed Jurisdictions.

When did the EAA become applicable, and what is its purpose?

The EAA became applicable on June 28, 2025. It establishes harmonized accessibility requirements for certain products and services, with the goals of improving the functioning of the internal market and advancing the inclusion of persons with disabilities.

Has the EAA been transposed in every surveyed jurisdiction?

All six surveyed EU Member States have transposed the EAA into national law, although the scope and structure of implementation vary. The European Commission has initiated infringement proceedings concerning incomplete transposition in Germany, France, and the Netherlands. Norway has not yet incorporated the EAA into the EEA Agreement or transposed it into national law, although implementation is expected.

Who must comply with the EAA?

The EAA applies across the supply chain to economic operators that place covered products on the EU market or provide covered services to consumers in the EU. These operators include manufacturers, importers, distributors, and service providers.

Which products and services are covered?

Covered products include general-purpose consumer computer hardware, self-service terminals such as ATMs and ticketing machines, consumer terminal equipment used for electronic communications or audiovisual media services, and e-readers. Covered services include electronic communications, access to audiovisual media, specified passenger transport elements, consumer banking, e-books, and e-commerce.

How does the EAA treat microenterprises?

A microenterprise generally employs fewer than 10 people and has annual turnover or an annual balance sheet total not exceeding EUR 2 million. Microenterprises providing services are exempt from the accessibility requirements. Microenterprises dealing with products remain subject to substantive accessibility obligations but benefit from a lighter documentation regime for disproportionate-burden assessments. The precise scope of exemptions may vary by jurisdiction.

What are the main obligations for manufacturers, importers, distributors, and service providers?

Obligations depend on the operator's role:

- **Manufacturers:** Ensure accessibility, prepare technical documentation, complete conformity assessment, issue an EU declaration of conformity, affix CE marking, retain documentation, and correct or report non-compliance.
- **Importers:** Verify the manufacturer's conformity work and documentation, ensure required markings and information are present, preserve compliance during storage and transport, and act on suspected non-compliance.
- **Distributors:** Exercise due care, verify CE marking and required documentation, preserve compliance during storage and transport, and withhold non-compliant products from the market.
- **Service providers:** Publish accessible information explaining how the service meets applicable requirements, maintain ongoing conformity procedures, and correct and report non-conformity.

Does the EAA apply to B2B products and services?

Purely B2B services fall outside the EAA's direct scope because the directive is consumer-facing. Product obligations, however, attach to placing a covered product on the EU market rather than to the purchaser's status. A product supplied through a B2B channel may therefore remain in scope when it is designed for consumer-facing use. B2B suppliers may also be indirectly affected through contractual compliance requirements.

Does the EAA apply to companies headquartered outside the EU?

Yes. The EAA follows a market-access approach. The key question is whether a covered product is placed on the EU market or a covered service is provided to consumers in the EU, not where the company is incorporated. Non-EU manufacturers are principally captured through importer obligations, while non-EU service providers may be directly subject to accessibility requirements when providing covered services in the EU.

Do national requirements differ from the EAA baseline?

Yes. Although the EAA is a harmonization measure, Member States retain discretion in certain areas. Spain goes beyond the baseline by covering additional terminals and services, applying accessibility requirements to certain built environments, and limiting continued use of pre-existing self-service terminals to 10 years. Germany permits 15 years, while Ireland and the Netherlands permit up to 20 years.

Who enforces the EAA?

The EAA does not create a single EU-level enforcement agency. Each Member State designates market surveillance and service compliance authorities. Across the surveyed EU Member States, enforcement is decentralized and often divided between a product authority and multiple sector-specific service regulators. Norway currently enforces its existing accessibility framework through the Equality and Anti-Discrimination Ombudsman, the Anti-Discrimination Tribunal, and the Authority for Universal Design of ICT.

What penalties and enforcement measures can apply?

National penalties vary and may include corrective orders, administrative fines, criminal fines, daily penalty payments, restrictions on market access, product withdrawal or recall, and orders to stop providing a non-compliant service. Penalty frameworks do not distinguish between EU and non-EU companies. The memorandum identifies significant jurisdictional variation, including fines of up to EUR 1,000,000 for very significant breaches in Spain.

What enforcement activity has occurred since June 28, 2025?

Formal public enforcement remains at an early stage. The most significant activity identified in the memorandum has come from private actors, including cease-and-desist letters under unfair competition law and emergency injunction proceedings have been brought forward by civil society organizations. Authorities have also begun systematic accessibility checks, particularly of major webshops and financial service providers, and consumer complaint portals are emerging as important intake channels. No enforcement actions against non-EU companies were identified.

Which sectors are receiving the most scrutiny?

Early scrutiny is concentrated in sectors with high consumer reach and significant digital interfaces. These include e-commerce, financial services and payments, transport and ticketing, electronic communications, and audiovisual media access services. The specific priorities and enforcement maturity differ by jurisdiction.

What documentation should companies maintain?

Required documentation varies by operator and jurisdiction, but commonly includes:

- Technical documentation describing how accessibility requirements are met and which standards or specifications were applied.
- Conformity assessments, EU declarations of conformity, and CE marking records for products.
- Publicly available accessibility or service information explaining how covered services meet applicable requirements.
- Records of non-compliant products, complaints, corrective actions, and regulatory notifications.
- Documented disproportionate-burden or fundamental-alteration assessments when an exception is invoked.

- Supply-chain traceability records and supporting audit, testing, training, and remediation materials.

What constitutes credible evidence of due diligence?

The most credible evidence is specific, verifiable, and connected to the relevant product or service, applicable accessibility standard, identified deficiency, and corrective action. The memorandum groups strong evidence into four categories: core compliance documentation; proactive compliance measures such as audits, testing, training, procurement requirements, supply-chain mapping, and user involvement; disproportionate burden assessments; and timely self-reporting through available regulatory channels. General policy statements are rarely sufficient on their own.

What should a company do if it identifies non-compliance?

Economic operators that know or have reason to believe a covered product or service is non-conforming are generally required to take immediate corrective action and inform the competent market surveillance authorities. Reporting procedures differ by jurisdiction. Enforcement practice relating to self-reporting is still emerging across all jurisdictions; however, a common pattern is discernible: constructive engagement with authorities is generally expected to increase the likelihood that regulators will focus on remediation rather than immediately resorting to punitive measures.

Are AI-driven products treated differently from traditional interfaces?

No surveyed jurisdiction has established a separate EAA regime for AI-driven or adaptive products. The EAA's accessibility requirements are technology-neutral, so AI-enabled systems are subject to the same functional standards as traditional interfaces. The memorandum notes that dynamic outputs, limited transparency, and difficulty reproducing user interactions can complicate conformity assessment, and that the EU AI Act may create additional intersecting obligations for certain high-risk AI systems.

What practical actions should companies prioritize?

Based on the memorandum, companies should consider the following priorities:

- Map covered products, services, markets, and operator roles across the supply chain.
- Confirm the national rules, competent authorities, transitional provisions, and reporting channels in each market served.
- Complete product conformity assessments and required technical documentation.
- Publish and maintain required accessibility information for services.
- Establish ongoing monitoring, complaint handling, corrective-action, and self-reporting procedures.
- Preserve specific evidence of testing, remediation, training, procurement controls, and involvement of persons with disabilities.

- Review B2B contracts and importer or distributor arrangements for EAA-related responsibilities.
- Monitor the developing enforcement landscape and the interaction between accessibility rules and the EU AI Act.

Is this memorandum legal advice?

No. The memorandum, and this document derived from it, is prepared for general information, is not comprehensive, and should not be treated as legal advice. Because national rules, regulators, penalties, and transitional provisions differ, companies should work with their own legal counsel to assess their obligations in each relevant jurisdiction and obtain advice for their specific circumstances.