



Brussels, 28 September 2011

**“European Accessibility Requirements in public procurement
in the built environment”**

Brussels, Wednesday 28 September 2011

EDF statements for the Open meeting for mandate 420 phase 1

Barriers in the built environment represent one of the most important obstacles to the full and equal inclusion of persons with disabilities in society – a group representing approximately 16% of the population in the EU, which means 80 million European citizens. Accessibility is therefore everything but a minority issue. In addition other groups of the society are also concerned with accessibility needs: children, aged people, pregnant women, people with buggies, people with heavy luggage, people speaking different languages, people with allergy, with problems of blood pressure or continence, That means everyone, at least once in his life time, faces obstacles in the Built Environment.

All those people were taken into account in our report “2010 Europe accessible for All” set up by the European Commission in 2002 and became Com 650 – 2003 in the European Year of People with Disabilities. Our report explain why Design for All is the Key, a NOT negotiable requirement, for ensuring full participation of ALL citizens in the social and civic life and their free movement within Europe, without any sort of discrimination. Every one has the right to live in an Accessible, Safe and Healthy Environment provided by the good work of engineers, architects, constructors, manufacturers and Administrations who have the responsibility for that.

This report gave the definition of Built Environment that includes: buildings, infrastructure, parks, transportation, manufacturing goods and services, virtual environment.

In 2006 the UN Convention on the Rights of Persons with Disabilities (UNCRPD) was adopted, which provides us with an amazing tool for ensuring accessibility. Accessibility



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is the material basis for persons with disabilities to exercise and benefit from their human and civil rights. Article 9 of the UNCRPD is instructive on the measures to be taken. It includes the identification and elimination of barriers to accessibility. In addition, it requires States to develop and implement minimum standards and guidelines for the accessibility of facilities and services. EDF therefore sees the expected forthcoming proposal for a European Accessibility Act by the European Commission to be essential, and we are firm on our demands that this act must be legally binding and ambitious in its scope.

Our Member States as well as the EU, have signed the UNCRPD and many of them have ratified it, including the EU. Accessibility is a **right** for persons with disabilities. For ensuring this right Member States **must** apply all the Design for All standards to the Built Environment.

The UNCRPD recognizes access both as a general principle (art 3) and a standalone provision. According to EDF, not living up to the accessibility requirement under the UNCRPD would be incompatible with the objective and purpose of the convention – it defeats the purpose and the spirit of the convention as the other articles depend on accessibility for their implementation.

As both the EU and its Member States have signed the Convention, they need as a consequence to comply with those requirements.

Of course, the new standardization mandate 420 is of great importance. It will potentially be an invaluable tool for implementing access, safety and health to the built environment, through public procurement. We do need consistency and harmonisation across the EU – and ideally worldwide – in relation to the Design for All concept. Not only new DfA requirements must be set, but also clear compliance assessment and enforcement procedures, undertaken by qualified experts. It is needless to say that the needs of all disabilities must be met through these requirements. As have been made



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clear through the draft joint report, this is currently not the case in many National guidelines and legislations. The needs and abilities of different individuals are very varying and this is a challenge for standardisation work. Design for All is therefore the solution to this challenge. Following the enter into force of the UNCRPD, Design for All is no longer only a concept that the disability movement is asking for, but is a legal obligation in the work of the European Institutions and should be a requirement in **any** standardization mandate.

However, I reiterate that we are convinced that standards are not enough, but only a complement to formal legislation at the European level. Standards should underpin legislation, not replace it.

It is important for European standards on accessibility to complement international standards in this field and vice-versa. Lack of complementarities between European and international, standards will lead to confusion and frustration for both disabled users and industry. We are therefore particularly interested to find out more on the relationship between the ISO standard which is expected to shortly be finally adopted and the final standard under the Mandate 420.

Accessibility is a key to sustainable development. It is important to recognize the benefits of accessibility. Accessibility creates value for the owners of buildings, because a building, that meets accessibility requirements, doesn't need adaptation and it answers the needs of a changing and ageing population also in the future. Accessibility creates value for all the users, because it increases the quality of their life, enlarging their autonomy and decreasing their risk of accident. Accessibility creates value for Industry because it enlarges the market by new products, it raises costumers satisfaction and their consequent fidelity.

Accessibility creates value for Public Institution because it improves the working environment for its employees and their productivity, and public approval.

Accessibility values save private and public money for the future and reduce social expenses.



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Despite the benefits of accessibility, in terms also of participation and social inclusion, Europe is still largely inaccessible. Many good initiatives with the best intentions have already been undertaken, but far too often without proper consultation. This has led to huge sums of money being spent in not fully accessible buildings, or buildings that are accessible for certain categories of persons with disabilities and not others. In other words, it leads to new obstacles being created for persons with disabilities.

Once the standard will be there, it is important to ensure conformance with this. It is our experience that voluntary standards on accessibility do not lead to effective take up and implementation. There is no use having accessibility standards that are ignored or not taken seriously. What the persons with disabilities want, are procedures and projects that work and respect the accessibility criteria.

Therefore, it is very important to foster expertise of all stakeholders, engineers, architects, constructors, manufacturers, etc., on the needs of persons with disabilities and how they can be responsive to them through the use of certain standards such as the future deliverables under the Mandate 420. We therefore found the proposal in the draft report of developing an EU-wide scheme of persons competent in accessibility interesting and we believe people with disabilities should participate on an equal basis in the design, implementation and the evaluation phase of any construction project. Also, accessibility is a process; you do not become an expert on accessibility once and for all. Ongoing training and evaluation of any “expert” is essential.

I wish to thank the project teams A and B for their substantial work in producing this report. The draft report is impressive and the result of good and thorough work and a good compilation of the current situation in Europe and Internationally in relation to accessibility codes on the built environment as well as assessment and conformity schemes. This provides us with a solid basis for the phase 2. We are aware it was not always easy to find all the relevant country information and we believe that this is also a sign showing that accessibility is not generally considered and well-known. EDF will provide more detailed feedback through the written consultation which is currently



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ongoing, and we trust that our comments as the citizens who depend on accessibility for inclusion and participation in society will be adequately reflected and respected throughout the revision process and all through the phase 2 and beyond – when accessibility will be implemented in practice.

Thank you for your attention

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