

# Client Briefing

May 2025

## Ensuring „Accessibility” – new legal requirements for many products and services from June 29, 2025

The provisions of the European Accessibility Act (EAA)<sup>1</sup> were transposed into German law some time ago with the Accessibility Improvement Act (“Barrierefreiheitsstärkungsgesetz” – BFSG)<sup>2</sup> and the Regulation to the Accessibility Improvement Act (“Verordnung zum Barrierefreiheitsstärkungsgesetz” – BFSGV)<sup>3</sup>. Particularly, these laws define accessibility requirements for products and services that are offered or provided to consumers<sup>4</sup>. The requirements must be complied with from June 29, 2025 and affect especially the entire online commerce, but also e-books, computers, smartphones, tablets, routers, ATMs and transportation or banking services.

The new legislation aims to strengthen the rights of consumers so that everyone can lead a self-determined life in an inclusive society. While public bodies in Germany were already obliged to design their websites and mobile applications to be accessible, the BFSG and BFSGV also make the private sector responsible for the first time. Within the scope of application, requirements are set for the accessibility of various products and services –

<sup>1</sup> Act implementing Directive (EU) 2019/882 of the European Parliament and of the Council on accessibility requirements for products and services and amending other laws of July 16, 2021 (Federal Law Gazette 2021, p. 2970, [link](#)).

<sup>2</sup> Ordinance on the accessibility requirements for products and services under the Accessibility Reinforcement Act (Ordinance to the Accessibility Reinforcement Act – BFSGV) of June 15, 2022 (Federal Law Gazette 2022, p. 928, [link](#)).

<sup>3</sup> Directive (EU) 2019/882 of the European Parliament and of the Council of April 17, 2019 on accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70, [link](#)).

<sup>4</sup> For reasons of better readability, the masculine form is used when referring to persons, but this always includes all other forms.

some of which leave unfortunately ample room for interpretation. In the event of non-compliance with the legal requirements, the market surveillance authority can stop or restrict the provision of products and services or order that they are recalled. There is also the threat of receiving warning letters from consumer associations and competitors. The following article provides an overview of the regulations that will apply from the end of June 2025 and summarizes their key content.

## I. To which products and services do BFSG and BFGSV apply?

The scope of the regulations covers the following product groups, provided that the **products** are placed on the market and (at least also) offered to consumers after June 28, 2025:

- Hardware systems including operating systems
- Self-service terminals: payment terminals, ATMs, ticket machines, check-in machines, interactive self-service terminals for providing information
- Consumer devices with an interactive scope of performance that are used for telecommunications services or for access to audiovisual media services (e.g. tablet, smartphone)
- E-book readers

Furthermore, (digital) **services** that are (at least also) provided to consumers after June 28, 2025 are also covered:

- Telecommunications services
- Elements of passenger transport services: websites, apps, electronic tickets and ticketing services, provision of transport information, interactive self-service terminals
- Banking services for consumers
- E-books and dedicated software
- E-commerce services<sup>5</sup> (see IV. for more details)

**For Practical Use:** If your company is active in one of the relevant industries and/or is offering a website or mobile app with interactive elements or functions for users, you should carefully check whether these

offers must be accessible from now on. This is particularly likely if it is possible for consumers to place orders, make purchases or book appointments online or if user registration is possible. Purely informative websites (e.g. blogs, pure product presentation) with general contact data do not fulfill the criteria. However, the delimitation criteria are not yet sufficiently defined. It also does not appear to be clear whether or not free offers should also be included.

For specific areas, the BFSG provides certain exceptions (e.g. for archived websites or pre-published media content) or longer transition periods. For example, service providers working with products that they already used before June 28, 2025, will have transition periods until June 27, 2030. Self-service terminals already in use before June 28, 2025 may be used until the end of their life cycle, but no longer than 15 years after they were put into service.

## II. Who is affected by the new legal regulation?

Purely business ("B2B") or purely private ("C2C") offers do **not fall within the scope of application**. However, "mixed offers" for consumers and entrepreneurs are covered.

Similar to product liability law, **all economic operators** involved in making the product available on the market are obliged to comply. Manufacturers, importers and distributors may only place the covered products on the market if the accessibility

<sup>5</sup> According to Section 2 No. 26 BFSG, e-commerce includes all telemedia services that are offered via websites and applications on mobile devices and are provided electronically and at the individual request of a consumer with a view to concluding a consumer contract.

requirements are met. The same applies to all providers of the services covered.

**Micro-enterprises** are excluded from the requirements of the BFSG. Micro-enterprises are companies that employ fewer than ten full-time employees in a year and (!) have an annual turnover or annual balance sheet total of no more than EUR 2,000,000.

In addition, accessibility requirements do not have to be met in narrowly defined **exceptional cases**. This applies to cases where this would lead to a disproportionate burden or where the changes to be made represent an economic risk for the company. However, the formal and material requirements for this are very high.

***For Practical Use:*** Even if doubts remain as to whether a customer offer must meet the legal requirements or not, accessibility of offers has many advantages. A "routine" built up in this respect would be of particular benefit to entrepreneurs if the scope of application of the BFSG were to be further expanded.

### III. What should obligated parties generally do?

The products and services concerned must be findable, accessible and usable for people with disabilities in the usual way, without any particular difficulty and generally without assistance. Target groups are primarily people with visual, hearing, cognitive or motor impairments who may only be able to perceive content with the help of assistive technologies (e.g. screen readers, Braille displays, speech recognition software). Further **product and sector-specific details** can be found in the BFSGV.

If the accessibility requirements for products are not met, which can be assumed after successfully passing certain conformity procedures (e.g. EN 301 549), they may not be marketed. For example, information on the use of a product (e.g. instructions for use) must be comprehensible via more than one sensory channel ("two-senses principle"), i.e. in writing and via a voice output. Furthermore,

information must be presented in an appropriately large font size and with sufficient contrast.

Following on from this, the BFSG contains various testing, verification, labeling, notification and information obligations for manufacturers, importers, distributors and service providers. For example, a manufacturer whose product does not meet the accessibility requirements must inform the responsible market surveillance authority. For services, an accessible accessibility declaration must be offered or made available. This must state, inter alia, how the accessibility requirements are met and who the competent market surveillance authority under the BFSGV is.

***For Practical Use:*** The declaration on accessibility must be made either in the general terms and conditions or in another clearly perceptible manner. In the case of websites, for example, a link in the footer (similar to the imprint or data protection information) is a good option. Due to the individual content, online generators are not recommended for this purpose.

### IV. What applies specifically to the design of online presences and online offers?

For services offered in e-commerce, relevant information must be made available via more than one sensory channel and must be findable, legible, perceptible, operable, understandable and robust. The same applies to identification, authentication, security and payment functions.

The law does not contain more precise specifications in this regard. However, existing requirements and recommendations from harmonized standards can be used in this respect. The requirements of the Web Content Accessibility Guidelines are particularly relevant for websites ([WCAG](#)).

***For Practical Use:*** To find out whether your website is accessible or if there is still room for improvement, you should check the following, inter alia:

- Do you use short sentences with simple syntax that are also understandable for people with reading difficulties? Are anglicisms used?
- Are interactive elements such as links or buttons not only accessible via mouse, but also via tab key (↹)?
- Can the website also be used by blind people or people with visual impairments with the help of screen readers?
- Is there sufficient contrast between the foreground and background color?
- Do you only use text instead of images of text that cannot be captured by assistive technologies?
- Do embedded videos contain subtitles for deaf people?
- Can moving, flashing or scrolling information that starts automatically be stopped by the user?

## V. Enforcement and sanctions

Compliance with the accessibility requirements is supervised by the market surveillance authority responsible. This authority can carry out checks upon their own request, but can also be called upon to act by consumers or associations. In order to ensure uniform enforcement throughout Germany, the federal states have established the Market Surveillance Authority of the Federal States for the Accessibility of Products and Services (MLBF) by means of a state treaty. This newly created authority, which will have around 70 employees, is based in Magdeburg.

If it is determined that an offer is not accessible, the first step is to request that accessibility to be

(re)established. If several of these requests are ignored, the MLBF can take further measures until compliance is achieved, including ordering product offers or product recalls. Fines of up to EUR 100,000 may also be imposed.

Furthermore, it is very likely that the requirements of the BFGS will be classified as market conduct rules within the meaning of the Unfair Competition Act (UWG). In this case, associations and institutions as well as competitors who are entitled to sue can also issue warnings for unfair conduct.

## VI. Conclusion and recommendations

Although serving noble goals, the BFGS and BFGSV present the companies concerned with not inconsiderable (additional) compliance tasks. In order to minimize the risk of liability and warnings, the requirements should be implemented in good time.

Since the rather abstract legal requirements must be measured against the realities (e.g. the website in question), a case-by-case and individual review and consultation is strongly recommended. We will be happy to support you in reviewing the scope of the obligations to be complied with, improving the accessibility of your online offerings and creating accessibility declarations.

This client information contains only a non-binding overview of the subject area addressed in it. It does not replace legal advice. Please do not hesitate to contact us for this client information and for advice:

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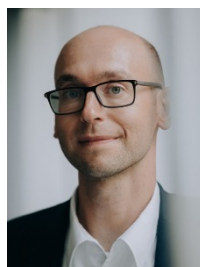
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