



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Obligations on Electronic Communications Service Providers under the European Accessibility Act

Information Notice

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Commission for Communications Regulation

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1 Introduction and objectives of the European Accessibility Act

1. The Commission for Communications Regulation (“ComReg”) is the statutory body responsible for the regulation of the electronic communications sector and the postal sector in Ireland. In respect of the electronic communications sector, ComReg regulates telecommunications (electronic communications networks (“ECN”) and electronic communications services (“ECS”), radio-communications, and broadcasting transmission. ComReg has a range of functions and objectives in relation to the provision of ECN and ECS in accordance with European Union (“EU”) and national legislation.
2. ECS are key to enabling the full and effective participation of persons with disabilities in society, including access to education, employment, health care and emergency services. Persons with disabilities within the EU are afforded significant new rights under the European Accessibility Act¹ (“the EAA”) which was transposed into Irish law as SI 636/2023 – European Union (Accessibility Requirements of Products and Services) Regulations 2023 (“the EAA Regulations”)².
3. The EAA Regulations apply from 28 June 2025. They apply to products placed on the market and services provided to consumers on or after this date.
4. This Information Notice focusses on the application of the EAA Regulations to ECS³ providers and to the answering of emergency communications to the single European emergency number ‘112’ after 28 June 2025. This Information Notice does not replace any regulations or laws and it does not amount to legal advice.

1.1 Objectives of the European Accessibility Act

5. The European Accessibility Act aims to grow the market within the EU for the products and services it regulates by making these products and services more accessible to a wider range of people. It aims to improve the functioning of the internal market for these products and services, through removing barriers created by divergent accessibility rules in Member States and setting harmonised accessibility requirements.
6. The accessibility requirements contained in the EAA Regulations are essential for enabling the use of in-scope products and service by persons with disabilities.

¹ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, see <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882>

² SI 636 of 2023. <https://www.irishstatutebook.ie/eli/2023/si/636/made/en/print>

³ Other than transmission services used for the provision of machine-to-machine services.

They also make products and services easier to access, understand and use by everyone including older people and anyone who may have a temporary or situational physical, mental, intellectual or sensory impairment.⁴

7. The EAA Regulations contain a number of new accessibility requirements for ECS providers which aim to improve the accessibility of ECS (and other sectors and products not regulated by ComReg) and to provide persons with disabilities with new consumer rights. ECS providers' accessibility requirements include the following:
 - To prepare, design and provide accessible services and maintain ongoing compliance of those services with the requirements.
 - To provide information about the accessibility of their services and how each complies with the EAA Regulations.
 - To design websites and mobile apps and, on an ongoing basis, maintain the accessibility of those websites and mobile apps used in the provision of the ECS and available support services.
 - To provide Real Time Text⁵ and Total Conversation⁶ in relevant services and their use in emergency calls to the Emergency Call Answering Service (ECAS) and the single European emergency number '112'.
8. The EAA Regulations stipulates that ECS which conform with the relevant harmonised standards published in the Official Journal of the EU are presumed to conform with the EAA Regulations.
9. The EAA Regulations make provision for ComReg to receive and address complaints and reports of non-compliance with a requirement laid down in these Regulations and take enforcements actions.
10. The EAA Regulations also enable consumers to seek an order for compliance with a requirement laid down in the EAA Regulations from the Circuit Court.

⁴ European Accessibility Act - European Commission https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/disability/union-equality-strategy-rights-persons-disabilities-2021-2030/european-accessibility-act_en

⁵ 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.

⁶ Total Conversation means a multimedia real time conversation service that provides bidirectional symmetric real time transfer of motion video, Real Time Text and voice between users in two or more locations.

1.2 Scope of Electronic Communication Services and accessibility requirements

11. ComReg is designated as a “compliance authority” under Regulation 4 with respect to services specified in Regulation 3(2)(a) and Regulation 3(3). These are, respectively, ECS and the answering of emergency communications to the single European emergency number “112”.⁷
12. The scope of ECS in the EAA Regulations is broad and includes both traditional and modern forms of communication.⁸ ECS in the EAA Regulations has the meaning it has in European Union Electronic Communications Code Regulations (“ECC Regulations”).^{9, 10}
13. In-scope categories of ECS within the EAA Regulations therefore include internet access services (IAS) and interpersonal services and interpersonal communications services (ICS), distinguishing between ‘number-based’ and ‘number-independent’ ICS.¹¹ The EAA Regulations apply to Over-The-Top services (OTT Services) to the extent that they are functionally equivalent and enable communication.
14. It is important for ECS providers to determine if their services come within the scope of the definition of ECS in the EAA Regulations as they may be subject to accessibility requirements.¹²
15. The EAA Regulations contain general accessibility requirements for all in-scope services as well as specific requirements for ECS in order to maximise their foreseeable use by persons with disabilities.

⁷ Regulation 3(2.a).

Electronic Communication Services and the answering of emergency communications to the single European emergency number “112” to which the EAA Regulations apply on or after 28 June 2025.
Regulation 3(3).

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

⁸ The Competition and Consumer Protection Commission (CCPC) is designated at the market surveillance authority for the purposes of the EAA Regulations for in-scope products, which includes “consumer terminal equipment with interactive computing capability, used for electronic communication services”. (Regulation 3(1)(c)).

⁹ S.I. No. 444 of 2022. <https://www.irishstatutebook.ie/eli/2022/si/444/made/en/pdf>

¹⁰ [Electronic communications services - EUR-Lex](#)

¹¹ See Section 1.6 of ComReg’s “Regulatory Guidance on Title III: End-User Rights of the European Electronic Communications Code” <https://www.comreg.ie/publication/information-notice-regulatory-guidance-on-title-iii-end-user-rights-of-the-european-electronic-communications-code>

¹² See section 1.6.2 & 1.6.3 of ComReg’s Regulatory Guidance on Title III.
https://www.comreg.ie/?dln_download=information-notice-regulatory-guidance-on-title-iii-end-user-rights-of-the-european-electronic-communications-code

2 Obligations of ECS providers

16. ECS providers are required to ensure their services are designed and provided in accordance with the applicable accessibility requirements before providing them to consumers on or after 28 June 2025.
17. Before providing a service, ECS providers must prepare and publish information on how the service meets the applicable requirements, ensure procedures are in place and take steps to ensure a service remains in conformity. This information must be available for as long as the service is in operation.
18. Where a service is not in conformity with the accessibility requirements, an ECS provider must take the corrective measures necessary to bring that service into conformity.
19. ECS providers must immediately inform ComReg where the service is not compliant and of the corrective measures they have taken to bring the service into conformity.
20. ECS providers can inform ComReg of an instance of non-compliance by emailing ComReg at aaa@comreg.ie.

2.1 General accessibility requirements

21. The general accessibility requirements contained in the EAA Regulations for all in-scope services, including electronic communications and ECAS include the:
 - Provision and accessibility of information on the accessibility of the service and its compliance with the EAA regulations.
 - Accessibility of websites and mobile applications used in the provision of the service.
 - Provision of information by available support services on the accessibility of the service in accessible modes of communication.

2.2 Specific accessibility requirements for ECS

22. Specific ECS accessibility requirements in relation to electronic communications including emergency communications (as defined in the ECC Regulations), require ECS providers to¹³:
 - Provide Real Time Text in addition to voice communication;

¹³ Part 4 of Schedule 1 is concerned with “Additional accessibility requirements related to specific services”.

- Provide Total Conversation where video is provided in addition to voice communication, and
- Ensure that for emergency communications using voice, text (including RTT) is synchronised and where video is provided is also synchronised as total conversation and is transmitted by ECS providers to the most appropriate Public Service Access Point (PSAP).

2.3 Harmonised standards and presumption of conformity

23. In order to facilitate the assessment of conformity with the applicable accessibility requirements, the EAA Regulations provide for a presumption of conformity for products and services that are in conformity with voluntary harmonised standards published in the Official Journal of the European Union (OJEU).¹⁴
24. The harmonised standards provide one means of demonstrating conformity with the accessibility requirements in the EAA Regulations.
25. The harmonised standards will address the accessibility requirements related to accessible ICT products and services, non-digital information related to products, support service, interoperability of emergency communications and processes for managing accessibility in product design and service delivery.
26. ECS providers wishing to participate in the development of these standards may do so through the relevant committees of the National Standards Authority of Ireland.¹⁵
27. The first of these standards is due to be finalised and referenced in the OJEU in 2027.

2.3.1 Functional Performance Criteria

28. The Functional Performance Criteria defined in Part 7 of the EAA Regulations outline the functionality required to enable users with various abilities to locate, identify, and operate functions, regardless of their sensory, physical, or cognitive abilities. These criteria serve as a high-level description of user needs ensuring accessibility for those without vision, with limited vision, without perception of colour, without hearing, with limited hearing, without vocal capability, with limited manipulation or strength, with limited reach, and with limited cognition.

¹⁴ The European Commission issued a Commission Implementing Decision on a standardisation request to the European standardisation organisations as regards the accessibility requirements of products and services in support of the EAA [https://ec.europa.eu/transparency/documents-register/detail?ref=C\(2022\)6456&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=C(2022)6456&lang=en)

¹⁵ <https://www.nsai.ie/about/news/standards-the-european-accessibility-act-get-involved/>

29. Functional performance criteria may be used, in certain circumstances, as an alternative to the accessibility requirements contained in the Regulations.

2.4 Fundamental alteration, disproportionate burden transitional measures

30. Subject to carrying out a relevant assessment, an ECS provider may rely on a claim of fundamental alteration or disproportionate burden where the assessment demonstrates that compliance with the accessibility requirements would fundamentally alter the basic nature of the ECS or impose a disproportionate burden on the ECS provider.
31. The assessment must be based on the criteria contained in Schedule 4 and ECS providers relying on a claim of fundamental alteration or disproportionate burden are required to retain and provide records of the assessment in accordance with Regulation 15.
32. An ECS provider may, up until 28 June 2030, continue to provide their services using products which were lawfully used by them to provide similar services before that date. Service contracts agreed before 28 June 2025 may continue without alteration until they expire but no longer than 5 years after that date.
33. ECS providers can provide ComReg with a copy of the assessment by emailing ComReg at aaa@comreg.ie.

2.5 Enforcement and complaints

34. ComReg has monitoring and enforcement responsibilities in relation to the accessibility requirements of the EAA Regulations.
35. ComReg is required to check compliance with applicable accessibility requirements, including assessments conducted to support claims of fundamental alteration or disproportionate burden.
36. ComReg can appoint Authorised Officers, request information from ECS providers and conduct inspections. ComReg can issue direction(s), prosecute summary offences and apply to the Circuit Court for compliance orders.
37. ComReg will follow up complaints or reports of issues relating to non-compliance. ComReg will inform the complainant of the outcome of its consideration of a complaint received.
38. Consumers can find out more about [their rights under the EAA Regulations](#).
39. Information for consumers on making a complaint in relation to an ECS to ComReg under the EAA can be found on [ComReg's Consumer Care](#) pages.

2.6 ECC Regulations and ComReg measures

40. The European Accessibility Act expressly requires that its provisions harmonise requirements for ECS and are complementary to the requirements on equivalent access and choice in the ECC Regulations.¹⁶
41. The ECC Regulations require that a Contract Summary¹⁷ must include information on the extent to which products and services provided as part of the contract are designed for persons with disabilities.¹⁸ The Contract Summary must also comply with accessibility requirements set out in the EAA Regulations.¹⁹
42. ECS providers will need to assess the interaction of the EAA requirements and the ECC Regulations including existing ComReg's Measures and consider the impact on their current processes and practices. In particular, ECS providers will need to give specific consideration to meeting their requirements under the EAA, particularly in the context of accessibility statements, accessible customer support services including complaints and query handling and providing information on the accessibility of the ECS service.
43. Details of ComReg's Measures can be found in three separate ComReg decision documents: Electronic Communications: [Measures to Ensure Equivalence of Access and Choice for Disabled End-Users](#); Measures for End-Users with Disabilities: [Requirement for an Accessibility Statement](#) and Provision of [Access to a Text Relay Service](#).
44. ComReg's Decision "Implementing a Customer Charter" requires service providers of IAS and Number Based ICS to have a Customer Charter.²⁰ The Decision requires relevant ECS providers to include a weblink in the Accessibility section of the Customer Charter to the ECS provider's accessibility statement, as well as a link to further accessibility information, if applicable.

¹⁶ Recital 29, European Accessibility Act

¹⁷ See Regulation 87 of the ECC Regulations.

¹⁸ See paragraph 62 of ComReg Title III guidance

¹⁹ See Paragraph 65 of ComReg Title III guidance

²⁰ <https://www.comreg.ie/customercharter>