**Accessibility standards for public buildings**

Indicators on political participation

of persons with disabilities

2014

DISCLAIMER: The background country information reports contain background material for the comparative report on *The right to political participation for persons with disabilities: human rights indicators* by the European Union Agency for Fundamental Rights (FRA). The bulk of the information in the background country information reports comes from ad hoc information reports prepared under contract by the FRA’s research network FRANET. The views expressed in the background country information reports do not necessarily reflect the views or the official position of the FRA. These reports are made publicly available for information purposes only and do not constitute legal advice or legal opinion.

**Are there mandatory accessibility standards for national and local authority buildings?**

*Note: most information for this indicator was extracted from a European Commission-funded study under standardisation mandate 420. The following is additional information collated by FRA.*

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| **EUMS** | **Source and supporting information** |
| AT | Accessibility of the built environment is covered by the Federal Disability Equality Act as far as federal buildings and private businesses are concerned. The Act says that access is given if buildings or services offered to the public can be used by people with disabilities without any particular difficulty and in principle without any outside help. According to the Federal Disability Act, a step-by-step plan was established to make all federal buildings accessible by the end of 2015. In 2010, the federal government postponed this deadline until 2019 in the framework of consolidating the budget. The Federal Disability Equality Act[[1]](#footnote-1) provides grounds for a claim to compensation for facing barriers but it does not provide any obligation or claim to remove barriers. Due to the long period of transition for the implementation of the Act by 2015, steps to eliminate physical barriers are taken at the discretion of businesses in line with their economic priorities. Apart from Federal buildings, building laws are the responsibility of the nine provinces and nine further laws cover the issue of accessibility differently. Additionally, each province has individual technical regulations for planning and buildings. The provincial laws as well as the technical regulations deal with accessibility quite differently with regard to standards and quality. No comprehensive overview is available on the overall situation in Austria. In 2005, the Austrian Parliament passed a resolution that requested the Minister for Social Affairs to negotiate with the provinces for a unified contract for accessibility provisions in the planning and building laws. This led to standard guidelines[[2]](#footnote-2) on accessibility for planning and building which were developed by the Austrian Institute for Structural Engineering (*Österreichisches Institut für Bautechnik*) in 2007 and which were also agreed upon with all provinces. By November 2012, Burgenland, Steiermark, Tyrol, Vorarlberg and Vienna had adopted the standard guidelines on user security and accessibility as mandatory regulations.  No comprehensive overview is available, if these five provinces adopted the guidelines fully or partly. It is unclear when the four remaining provinces will make the guidelines mandatory. |
| BE |  |
| BG | Article 169, para 2 of the Law on Spatial Planning provides an obligation for the design, implementation and maintenance of buildings in accordance with the requirements for accessible environment for the population, including for people with disabilities.  Based on that provision and in relation to Art. 33 of the Law on Integration of People with Disabilities, Ordinance № 4 for the design, implementation and maintenance of buildings in accordance with the requirements for accessible environment for the population (including for people with disabilities) was adopted in 2009. |
| CY |  |
| CZ |  |
| DE |  |
| DK |  |
| EE |  |
| EL |  |
| ES |  |
| FI |  |
| FR | An Interdepartmental Circular from January 2013[[3]](#footnote-3) requires the assessment of the level of accessibility of State buildings and municipal buildings. Local and regional authorities are required to assess the current situation of public buildings with regard to accessibility for people with disabilities. The Circular gives them three months to send the information to the national level. Afterwards, a national summary report will be publicly available. At the present time, this has not been issued yet.  The Circular provides a list of items relating to various disability issues: access to the building, parking spaces, entrance, accommodation, and toilet facilities. For each item, the administration rates the level of accessibility (on a scale of 1 to 4). |
| HR |  |
| HU |  |
| IE |  |
| IT |  |
| LT | The municipal institutions are responsible for adjusting public buildings to cater to the special needs of voters with mobility and (or) vision impairment and older voters.[[4]](#footnote-4) These provisions were adopted in national elections to the Seimas on October 2012 following the amendment of Article 22(4) of the Law on Elections to the Seimas.[[5]](#footnote-5) |
| LU | See the Accessibility Act of the 29th of March 2001 regarding the accessibility of public places.[[6]](#footnote-6) |
| LV | The accessibility of the environment in construction policy is regulated by the Construction law, which defines “accessibility of the environment.” This law also determines that a structure shall be designed and constructed in order to ensure the accessibility of the environment.  Currently there are two regulations of the Cabinet of Ministers in force:  -Regulation of the Cabinet of Ministers No. 567 from the 21st of July 2008  - Regulation of the Cabinet of Ministers No. 102 from the 3d of February 3 2009.  Chapter 4 of the Regulation of the Cabinet of Ministers No. 567 provides requirements ensuring physical accessibility of public buildings.  However, these regulations concern only projects of new buildings under construction and existing buildings which are under renovation. It means that still many old buildings where renovation is not planned cannot be fully accessible for persons with severe disabilities. |
| MT |  |
| NL | The draft Implementation Act (mentioned above) introduces the modification of the Electoral Code (*Kieswet*) to improve the accessibility of polling stations.  Article J4.2 of the Electoral Code, which currently stipulates that local authorities should ensure that "at least 25%" of polling stations are accessible to persons with physical disabilities, will be changed to state that "as many polling stations as possible, but at least 25%" should be accessible to persons with physical disabilities.[[7]](#footnote-7) |
| PL | In 2013 a draft act[[8]](#footnote-8) amending the Electoral CodeAct was submitted to the Parliament by the ruling party, the Civic Platform (CP) (*Platforma Obywatelska*, PO). It aims to enhance the participation of people with disabilities. The draft law requires that polling stations should be more accessible for people with visual impairments. It also requires that by 2015 the two-fifths of all polling stations in each community (municipality) must be accessible for people with disabilities. |
| PT |  |
| RO | On 12 February 2013, the 2001 standards for the accessibility of buildings and the urban space for persons with disabilities have been amended in response to the notification of the European Commission. The new standards entered into force on 4 April 2013. These standards are intended to add to the old standards and re-structure them so that they are in compliance with a list of standards at the European level such as ISO TR 9527, ISO TC 159, ISO TC 22, CEN/TC178, ISO 4190 1/1999, ISO 4190 -5/2006, EN 81 – 40, EN 81 – 41, CEN/TC293, ISO/CD/21542.  According to the Standards, other documents were used as a reference in the drafting of the new standards, for example *The Build for All Reference Manual, 2010 A Europe Accessible for All* andthe Disabilities action plan 2004-2010*.* There is no evaluation available of these new standards or a comparison with the old ones. Some general remarks are that the new standards focus more on the functionality of space for persons with disabilities rather than setting theoretical technical standards on how to build-up the environment. For example, the new standards have a section of definitions where concepts like ‘accessibility’, ‘ability’, ‘autonomy’, ‘free circulation’, etc. are included. They also have a section on human abilities and principles related to the design of buildings. They contain graphics and pictures explaining the rules and their practical use.[[9]](#footnote-9) |
| SE | The Planning and Building Act (*Plan- och Bygg lagen*)[[10]](#footnote-10) contains exhaustive rules on accessibility in connection to new construction, rebuilds, and alterations. The Act also requires easily remedied barriers to be removed so as to improve the accessibility of existing facilities to which is open to the general public and also existing public places.[[11]](#footnote-11)  In Sweden, inadequate accessibility, however, is not included in the Discrimination Act (*Diskrimineringslagen*) (also see under 16). |
| SI |  |
| SK |  |
| UK |  |

1. Austria, Federal Disability Equality Act (*Bundes-Behindertengleichstellungsgesetz*), available at: <http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004228&ShowPrintPreview=True> [↑](#footnote-ref-1)
2. Austrian Institute of Construction Engineering (*Österreichisches Institut für Bautechnik*) 2007, Guidelines for user security and accessibility, available at: http://www.oib.or.at/RL4\_250407.pdf [↑](#footnote-ref-2)
3. France, Interministerial Circular (to local officers) on accessibility for people with disabilities, 3 January 2013, available at: [www.circulaire.legifrance.gouv.fr/pdf/2013/01/cir\_36392.pdf](http://www.circulaire.legifrance.gouv.fr/pdf/2013/01/cir_36392.pdf). [↑](#footnote-ref-3)
4. Lithuania, Seimas (2000), LR Seimo rinkimų įstatymas, No. I-2721, amendment from 6 November 2012. [↑](#footnote-ref-4)
5. Lithuania, Seimas (2000), LR Seimo rinkimų įstatymas, No. I-2721, amendment from 6 November 2012. [↑](#footnote-ref-5)
6. Loi du 29 mars 2001 portant sur l’accessibilité des lieux ouvert au public [↑](#footnote-ref-6)
7. Netherlands, State Secretary of of Health, Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*) (2013), *Ambtelijk concept: Rijkswet van ... tot uitvoering van het op 13 december 2006 te New York tot stand gekomen Verdrag inzake de rechten van personen met een handicap (Trb. 2007, 169*), available at: http://internetconsultatie.nl/vnverdraghandicap/document/766. [↑](#footnote-ref-7)
8. Poland, the draft law amending the Electoral Code and some other laws (*ustawa o zmianie ustawy Kodeks wyborczy oraz niektórych innych ustaw*) available at: <http://orka.sejm.gov.pl/Druki7ka.nsf/0/701AAA68DB715E21C1257BF900355E71/%24File/1786.pdf> [↑](#footnote-ref-8)
9. Information provided by NFP for FRA Annual Report 2013, forthcoming. [↑](#footnote-ref-9)
10. Sweden, The Planning and Building Act (Plan- och Bygg lagen 2010:900), available at: [www.notisum.se/rnp/sls/lag/20100900.htm](http://www.notisum.se/rnp/sls/lag/20100900.htm) [↑](#footnote-ref-10)
11. Sweden, Socialdepartementet (2011*) En strategi för genomförande av funktionshinderspolitiken* 2011-2016. [↑](#footnote-ref-11)