

## FACTORS AND EXPECTED IMPACTS OF IMPLEMENTING THE EUROPEAN ACCESSIBILITY ACT: ECONOMIC AND SOCIAL PERSPECTIVES

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**Purpose:** This paper analyses the economic and social impacts of implementing the European Accessibility Act (EAA). The study explores the trade-off between equality and efficiency as conceptualised by Arthur Okun. It evaluates how the EAA aims to enhance accessibility for persons with disabilities within the EU member states.

**Design/methodology/approach:** This paper employs a theoretical framework based on Arthur Okun's concepts of equality and efficiency. The study reviews existing literature, including policy documents and academic research, to outline the EAA's assumptions and provisions. It also analyses the anticipated economic and social effects of the directive's implementation by examining relevant data and case studies.

**Findings:** The study finds that while the EAA promotes greater accessibility and social inclusion for persons with disabilities, significant challenges and risks may limit its effectiveness. These include the economic burden on businesses and national authorities' need for comprehensive and timely implementation. However, the directive has the potential to drive innovation, enhance market competitiveness, and improve the overall quality of life for individuals with disabilities by providing equal opportunities and reducing social disparities.

**Originality/value:** This paper contributes to the discourse on the intersection of economic efficiency and social equality by applying Okun's theoretical framework to the context of the EAA. It offers a unique perspective on the directive's potential impacts, highlighting the importance of designing policies that promote social objectives. The findings provide valuable insights for policymakers, businesses, and disability advocacy groups on the implementation and implications of the EAA.

**Keywords:** EAA, equality, accessibility, disability, inclusion.

**Category of the paper:** Conceptual paper.

## 1. Introduction

In recent years, the topic of accessibility has gained significant importance. As a society, we are becoming increasingly aware of the problems and challenges associated with sustainable development, particularly those concerning individuals with special needs arising from various degrees of physical, sensory, or cognitive impairments. The need to adapt commercial offerings, especially in goods and services essential for the daily functioning of persons with disabilities, has become evident. This issue is a subject of public discourse, leading to legal and cultural changes. Complying with the European Accessibility Act (EAA) involves ensuring that businesses provide access to products and services to the maximum number of users. With this, questions have arisen regarding the economic and social effects of implementing the EAA, as well as concerns from the business sector about the costs of increasing accessibility within organisations and the services and products they provide.

This article attempts to answer these questions. In the first part of the article, we reflect on Arthur Okun's considerations on equality and efficiency. This framework helps to understand the complexity of challenges associated with realising the rights of persons with disabilities, highlighting the existing risks that limit the social impact of the directive and pointing out the need for improvements in regulations to meet the needs of persons with disabilities better. Okun's seminal *Equality and Efficiency: The Big Tradeoff*, which is fundamental to the debate on the conflict between economic efficiency and social justice and directly relates to the issues of accessibility and the rights of persons with disabilities, is introduced in the first part. The next part of the article outlines the assumptions of the directive, including its subjective and objective scope. It also evaluates its provisions considering Okun's concepts. The final part presents the anticipated social and economic effects of the directive implementation in the EU member states.

## 2. *The Big Trade-off 50 Years Late*

When analysing the EAA in light of advice from disability organisations (European Disability Forum, 2020), it is clear that while this legal act aims to promote greater accessibility, significant risks may limit its effectiveness. The suggestion for disability organisations to influence national regulations beyond the directive's minimum requirements highlights needs that exceed the outcomes of the EU legislative process. This is particularly evident in calls to shorten implementation timelines and broaden definitions to expand the directive's scope. Expectations also include more decisive actions from national legislators and market supervisory bodies to ensure accessibility and inclusion that meet the needs of persons with

disabilities. Informal and formal market reactions, such as pressures on legislators or treating the directive as an opportunity to strengthen positions (Domeij, 2023), indicate that these concerns are well-founded. The greatest challenge, however, lies in the attitudes of economists, politicians, lawyers, and researchers who, "when social goals meet economic goals" (Drabarz, 2021), tend to side with the market.

Arthur Okun wrote about the choice between equality and efficiency, where striving for one often comes at the expense of the other, 50 years before the directive's implementation. In the preface to the 2015 edition, Summers (Okun, 2015) emphasises the timelessness of Okun's "economic philosophy" in discussions about why society relies not only on the market but also on rights. Okun sees the dual-level institutional structure as the foundation of a society that is both capitalist and democratic. Recognising choices that, although not efficient, society consciously makes is important, in his view, for economists. Okun describes economic efficiency as a society's ability to obtain the maximum amount of goods and services from its given human, physical, and natural capital resources. In the context of efficiency, "more means better".

In contrast, economic equality, as Okun describes, relates to disparities in the distribution of income and wealth among families relative to their needs. This is one of many contexts related to equality in which the researcher frames his considerations. The starting point for analysing the "big trade-off" is the equally and universally distributed rights that should not be subject to market exchange. According to this American economist, the inalienability of rights creates tension between the ideal of equality and economic efficiency. Rights prevent transactions that maximise welfare, potentially benefiting sellers and buyers. Acquired without any charges, they prevent the use of prices to promote conservation. Distributed universally, they do not encourage choices based on comparative advantages. Not being a reward, they do not incentivise socially efficient effort. Okun also points out the conflict between equality, freedom, and justice. For example, he mentions public education funding through taxes, which may be unfair to childless individuals or those who use private schools.

Okun draws justification for establishing these "inefficient" rights from three currents of thought: libertarian, pluralistic, and humanistic. The libertarian accepts equality because it limits the discretionary power of the government, protecting the individual from abuses. Rights are thus primarily individual entitlements against the state. The existence of external effects explains public intervention. Representing the current emphasis on pluralism and the diversity of social relationships, Okun cites his teacher, Polanyi, for whom material profit is just one of many motives for economic activity, with the economy being just one aspect embedded in society. In the pluralistic current, rights ensure balance and control over the market, protecting values that have no price but serve as the social glue. Okun draws the humanistic explanation for rights from Rawls, emphasising their importance in recognising and protecting human dignity. According to John Rawls' theory, a system ensuring equality of fundamental liberties and rights and a fair distribution of goods and duties, guaranteeing fair opportunities and

protection from discrimination or exclusion, legitimises social structures based on principles of justice and fairness.

Okun notes that based on costs, society sets boundaries between the domain of rights and the market sphere. Rights are more easily established where they entail relatively low resource burdens, especially when values like universal access and participation counterbalance economic efficiency. Examples include ensuring the right to free speech, which is less costly than fulfilling the right to free access to food or providing public education that reduces life inequalities. Okun's analysis suggests that expanding the scope of guaranteed rights, which requires resource use, may manifest in debates or maintaining ambiguity in state obligations, uncertainty about aid availability, or reliance on humiliating demonstrations of determination. He cites one of the universally accepted fundamental human rights, which lacks formal and explicit commitments – the right to life. Through various examples, including child labour prohibition in the UK, minimum wage laws, and occupational safety legislation, Okun explains society's choice not to accept and consequently eliminate such desperate market activities.

According to Okun, the market threatens civil rights because money can buy influence and services that are officially not for sale. Money enables preferential treatment in the legal system and provides additional strength to freedom of speech through the ability to fund communication platforms or influence elected officials. Okun highlights the problem of money's impact on rights, citing higher infant mortality rates among the poor compared to the middle class, indicating that decisions on fundamental life and death issues are made in the market. Okun emphasises that while eliminating money's influence on rights may be impossible, there is hope that specific remedial measures can mitigate its negative impact. He believes that well-designed regulations and programmes can effectively reduce the extent wealth influences decision-making processes, ensuring equal access to rights and services for all citizens.

Okun's conceptualisation of "equality of opportunity" and "equality of income" provides an instrumental framework for evaluating a policy through the lenses of "equality vs. efficiency". Equality of opportunity, as defined by Okun, involves ensuring that individuals have a fair starting point, allowing their abilities and efforts to determine their outcomes. In contrast, equality of income concerns the distribution of economic resources to reduce disparities in earnings among individuals. Equality of opportunity focuses on creating fair conditions for competition, enabling individuals from diverse backgrounds to succeed based on their merits and efforts. Equality of income emphasises the implementation of redistributive policies to achieve a more balanced income distribution across society.

According to Okun, the causes of inequality differ between these two concepts. Okun discusses how inequality of opportunity arises from unequal starting points, such as family background and education, while income inequality stems from disparities in wealth accumulation and economic policies. Okun considers equality of opportunity as inherently valuable, representing fairness and justice, whereas equality of income is viewed as a means to

broader social goals. Regarding the social implications of two equalities, equality of opportunity enhances social mobility and fairness, potentially reducing social tensions, and equality of income aims to create a cohesive society by reducing economic disparities. Okun argues that equality of opportunity can enhance efficiency by utilising talents effectively. However, redistributive policies for equality of income can have mixed effects on efficiency. Finally, Okun shows that the interrelation between these concepts can be complementary. Providing equal opportunities can lead to a more equitable income distribution over time. However, there can be conflicts, as redistributive policies to achieve income equality might reduce the incentives that drive equality of opportunity.

### **3. European Accessibility Act**

Equality, alongside freedom, democracy, the rule of law, and human dignity and rights, is a fundamental value of the European Union. Realising this right within the EU entails ensuring every European's full and fair participation in social life, countering discrimination and exclusion. Exclusion affects individuals who, although belonging to a particular social community, cannot benefit from this membership due to various conditions and limitations. Such a situation and its effects are detrimental to the excluded individuals and the entire community, especially when the group of excluded individuals grows (Małecka-Łyszczek, Mędrzycki, 2021). Accessibility is a sine qua non condition for individuals at risk of exclusion, including persons with disabilities, to lead independent, self-reliant, and dignified lives. It specifically refers to the properties of the environment, i.e., physical spaces, the digital realm, information and communication systems, products, and services, that allow for their use under principles of full participation in all spheres of life on equal terms.

To ensure these rights for people with disabilities, the Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, also known as the European Accessibility Act (EAA), was published in June 2019 (EU, 2019). The EAA is the first comprehensive and horizontal regulation on the accessibility of products and services in EU law. Its provisions must be transposed into national legislation by the end of June 2025. The obligations to comply with the EAA requirements will apply to economic operators operating within the EU internal market. This includes businesses throughout the supply chain, such as manufacturers, distributors, importers, and service providers. In cases of disproportionate burdens and difficulties implementing the EAA, some entities may benefit from safeguard clauses.

Products subject to EAA requirements include, among others, general-purpose computer hardware systems and their operating systems, payment terminals and self-service terminals intended for service provision, ATMs, ticketing and check-in machines, consumer terminal

devices used for providing telecommunication services and access to audiovisual media services, and e-books. The services required to comply with the EAA include access to audiovisual media services, passenger transport services by road, air, rail, and water, retail banking services, the distribution of e-books, and e-commerce.

The EAA's functional requirements are based on the universal design of goods, making them usable to the greatest extent possible by everyone, without the need for adaptation or specialised design. The provisions do not specify technical details, necessitating businesses to seek adequate technological solutions using available standards or design innovative solutions. This approach challenges economic operators, drives innovation, and provides a competitive advantage. The second group of obligations is formal and involves applying specific market surveillance regulations, including CE marking and declarations of conformity.

When applying Okun's concepts of equality and efficiency to the EAA provisions, the EU's approach to accessibility emphasises "equality of opportunity" and "economic efficiency". The "equality of opportunity" category covers many areas, such as access to physical environments and passenger transport and services, including information and communications. Product compliance obligations developed by national authorities and the European Commission relate mainly to economic operators, including those participating in the supply and distribution chains. Also, the EAA safeguard mechanisms, formal non-compliance and penalty procedures, and employment of best practices, reporting, and review mechanisms should help individuals with special needs access selected services and goods. This approach should not only promote social equity but also have the potential to enhance economic efficiency by integrating a more significant portion of the population into the workforce and consumer base. The "economic efficiency" provisions foster economic efficiency and growth, emphasising freedom of movement, regulatory convergence, microenterprise exemptions, and streamlined market operations. The fundamental alteration and disproportionate burden principles, presumption and declaration of conformity, and transitional measures strengthen this domain. Regarding "social equity", only emergency communication accessibility does not strongly overlap with the economic dimension, ensuring critical services to the most vulnerable populations. This reflects Okun's notion that certain rights should be universally accessible to maintain societal fairness.

#### **4. Expected Economic and Social Effects of Implementing the EAA**

Until now, different accessibility standards have existed in each EU member state. Although the UN Convention on the Rights of Persons with Disabilities (UN, 2006) obligates the EU and its member states to protect and ensure the full and equal enjoyment of human rights and fundamental freedoms by persons with disabilities, the general nature of these provisions allows

the convention parties to implement their requirements and standards in this regard. The harmonisation of regulations within the framework of the EAA will serve to remove and prevent the emergence of barriers, support market mechanisms, ensure the smooth functioning of the internal market, facilitate cross-border trade and mobility, and support enterprises in achieving economies of scale and cost reductions. Additionally, this can allow businesses to focus resources on research and development activities and implementing innovations. Standardising accessibility requirements should, as a result, improve the competitiveness of economic operators functioning in the internal market and, importantly, enable them to enter a large and previously undervalued market.

Persons with disabilities are a significant social group whose size will increase with the ongoing ageing process of society and the development of civilisation. Factors contributing to this growth include the steadily growing proportion of obese individuals and those suffering from chronic diseases, as well as people with complications from COVID-19. According to World Health Organization estimates, 1.3 billion people, or 16% of the global population, currently experience significant disabilities (WHO, 2022). Therefore, the challenges associated with the EAA in the business sector are substantial, as are the opportunities. For example, although 81% of companies surveyed on behalf of Microsoft indicated that positive consumer experiences are the most critical priority for their organisation, 78% of people report difficulties using products and services due to their inaccessibility, understood as a lack of adaptation to individual needs (Forrester, 2016). At the same time, data from the World Bank shows that persons with disabilities, along with their friends and family, have a purchasing power of over \$8 trillion.

Furthermore, implementing accessibility is a strategic action for businesses in brand building and creating a positive organisational image. Individuals with specific needs can appreciate good engagement results, making them valuable customers (Nielsen, 2016). Moreover, 71% of persons with disabilities stated they would leave a website if it were too difficult to use. Additionally, 82% of those surveyed expressed a willingness to pay more for a product from a competing company if its website is more accessible (Level Access, 2022). Studies also show that persons with disabilities shop more frequently, in larger quantities, and return to spaces that are accessible and easy to use. Therefore, failing to take action to improve accessibility poses a risk for companies.

Analyses, including those by the Polish Ministry of Funds and Regional Policy (MFPR), indicate that the business areas that will benefit the most from adapting to the EAA requirements are e-commerce and the design and delivery of websites and mobile applications (MFPR, 2021). However, while e-commerce businesses may benefit significantly, they require the most changes. The websites of these entities are among the least accessible, even though they are the core of their operations. The average number of accessibility errors on these websites is 71.6, 43.2% higher than the average for all websites surveyed. This situation is

deplorable in Poland. Polish websites have, on average, a quarter more errors than the average website (WebAIM Million, 2023).

The benefits businesses can gain from increasing the accessibility of their products and services extend beyond the potential for market expansion. Adapting to accessibility requirements necessitates recognising and understanding the needs of persons with disabilities, which can be a new challenge for many businesses and a driver of innovation. Implementing accessibility standards for products and services can stimulate business innovation and encourage creative thinking in the design of products and services. It is worth noting that innovations improving accessibility often lead to developing new technologies that can be applied in a broader market context. For example, investments in technologies that support speech recognition, touch interfaces, or screen reader technologies can be helpful for the entire population of users, as evidenced by their widespread use in smartphones and household appliances.

According to Polish legislators, the implementation of the EAA should have a positive impact on the labour market. Improved accessibility and adapting devices and services to the needs of persons with disabilities will provide better access to job opportunities and the ability to secure, perform, or commute to work. Additionally, implementing accessibility requirements will increase the demand for specialists with knowledge and skills in accessibility implementation. As the regulations are enforced in the coming years, this phenomenon will intensify, potentially leading to increased employment and qualitative changes in the labour market, including new job positions and new organisations and businesses.

Implementing new solutions will entail additional costs. A study commissioned by the Ministry of Funds and Regional Policy (MFiPR, 2021) identified two categories of costs that businesses will incur in implementing accessibility standards. First, there are one-time organisational costs for adapting organisational websites, training staff and enhancing their accessibility competencies, updating or purchasing new software, developing internal accessibility standards, creating new processes that incorporate accessibility in product development or service delivery, and hiring employees with expertise in accessibility. The second category includes ongoing production and development costs, such as accessibility audit costs, website maintenance, testing products or services, designing features and properties that determine product or service accessibility, increased manufacturing costs, and developing documentation costs. However, the MFiPR study indicated that costs could be minimised by implementing accessibility solutions from the initial stages of design and production processes. Universal design is much cheaper than retrofitting a product or service to meet accessibility requirements later.

Introducing uniform accessibility standards for products and services also has significant social implications. It provides persons with disabilities with broader access to products and services, increased offerings, and more competitive prices, which reduces barriers to accessing transportation, education, culture, healthcare, and the labour market. Consequently, persons



with disabilities will have more opportunities for independent living and full participation in social life on an equal basis with others.

## 5. Conclusions

This paper aimed to identify the impacts of the European Accessibility Act from economic and social perspectives. The analysis highlights several key expected outcomes: fostering a more inclusive environment for persons with disabilities, standardising accessibility requirements across the EU, facilitating cross-border trade, supporting businesses in achieving economies of scale, promoting innovation and competitiveness, and improving social equity.

To achieve the EAA's benefits, coordinated actions from the private sector, national legislators, and social interest institutions are needed. Businesses must embrace new investment and employment practices to bring about real inclusion, not illusion. National legislators should enhance accessibility legislation and establish rigorous monitoring mechanisms. Social interest institutions must advocate for the rights of persons with disabilities, raise public awareness, and foster partnerships with businesses and government bodies to promote best practices.

Adopting the EAD highlights the significant role that the right to equality for persons with disabilities plays in the EU. However, its practical implementation also requires recognising limitations and challenges. The application of Okun's framework to the analysis reveals that designing a policy with economic efficiency in mind can lead to compromises in terms of social equality. The research indicates that although policies promoting social equality are necessary, their implementation is more challenging due to higher costs, lower political acceptability, and a need for clear success indicators. This also can explain why EU policies frequently prioritise economic efficiency, though it may limit their ability to reduce social inequalities effectively. Although the EAA aims to enable persons with disabilities to fully and equally participate in society, thereby realising a vision of social justice, there are concerns about its limited scope, especially regarding the industries and products subject to adaptation requirements. This raises the question of whether the provisions of the EAA are sufficient to meet the growing needs of persons with disabilities and the challenges posed by the expanding group of individuals with special needs.

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