



Barrier free
access
to payment
terminals
for all

Pay-Able

Reaction to consultation European Accessibility Act¹

29 January 2016

Pay-Able is a platform representing a broad selection of interests in society; people with disabilities, the elderly, European consumers and business interests. Pay-Able strives to realize barrier free access to payment terminals and innovative payment solutions for all, preferably through standardisation.

Pay-Able warmly welcomes the launch of the long-awaited European Accessibility Act (EAA). It is a key instrument to provide better accessibility to products and services for everyone in Europe. Pay-Able also welcomes the opportunity to provide the European Commission with feedback on the recently published Act and hereby proposes the following:

Pay-Able was pleased to learn that ATMs are specifically included in the scope of the EAA. However, Pay-Able is surprised to learn that payment terminals (also known as Point-of-Sale terminals or POS terminals) are not included in the scope of the EAA. A payment terminal is a device allowing the use of payment cards at a physical (not virtual) point of sale.² Payment terminals are widely-used self-service terminals and are currently more frequently used by European consumers than ATMs.³ Table 1 shows the number of ATMs provided by resident payment services providers in the EU. It illustrates that currently far more payment terminals than ATMs are in place in the EU. It is also likely that this number will increase over the next few years. This is in line with the gradual change to a European society which will use cash far less frequently than it does now, as recently emphasised in a speech by Mr Yves Mersch, Member of the Executive Board of the ECB.⁴

¹ Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for product and services, COM(2015)615 final.

² <https://www.ecb.europa.eu/pub/pdf/other/glossaryrelatedtopaymentclearingandsettlementssystemsen.pdf>, p. 84.

³ Self-service terminals are computerised telecommunications devices or electronic outlets that provide the user with access to various operations in public spaces without personal assistance. Commission Staff Working Document, Impact Assessment accompanying the document Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services, SWD(2015)264, part 2/3, p. 83.

⁴ <https://www.ecb.europa.eu/press/key/date/2016/html/sp160118.en.html>. See also: <http://www.euractiv.com/sections/euro-finance/lagarde-end-cash-could-happen-within-decade-321174>.



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Table 1 - Numbers of terminals provided by resident payment services providers in the EU (in thousands)

	2010	2011	2012	2013	2014
Number of ATMs	433,87	437,35	435,66	434,79	488,99
Number of POS terminals	8.692,88	9.011,05	9.258,50	9.064,36	10.033,21

Table based on data from the ECB: ECB payment statistics.⁵

Table 2 illustrates the total number of ATM and payment terminal transactions made in the EU over the last five years. It illustrates that European consumers execute many more transactions via payment terminals than via ATMs. The Impact Assessment accompanying the proposal for the EAA refers on page 86 to Eurostat data showing the total production value of payment terminals and ATMs.⁶ When assessing the relevance of ATMs or payment terminals to users in light of accessibility requirements it is important to look at the number of transactions made and not at the value of the transactions made, because each transaction demands full accessibility, irrespective of the sums of money that transaction involves.

Table 2 - Payment and terminal transactions involving non-MFIs, EU total (in millions)

	2010	2011	2012	2013	2014
Total number of ATM transactions	12,066.27	12,256.36	12,320.46	12,416.04	12,916.52
Total number of POS terminal transactions	33,149.55	36,189.28	39,122.22	42,061.36	44,388.96

Table based on data from the ECB: ECB payment statistics.⁷

The importance of transactions via payment terminals in Europe is increasing. However disabled and elderly consumers in Europe often experience difficulties when operating payment terminals. The barriers faced are many and consist of problems typing in the code due to the small keypad, difficulties in hearing the sounds coming from the machine in for example a busy store and difficulties in reading the small letters on the screen. The privacy of these consumers is often compromised as they need the shop assistant to help them to enter the code, leaving them more vulnerable to fraud and theft. External factors can also prevent consumers from effectively operating payment terminals. For example, placement of the terminal in a dark corner of a building makes it difficult for everyone to read and follow the instructions.

The abovementioned barriers to effectively operating a payment terminal lead to increased economic costs for European society as a whole, for example due to long queues in stores as the payment process takes longer. Making payment terminals more accessible will therefore benefit European society as a whole. It will make the payment process easier for all consumers and will

⁵ <http://sdw.ecb.europa.eu/reports.do?node=1000004051>, 15 October 2015, p. 84.

⁶ Commission Staff Working Document, Impact Assessment accompanying the document Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services, SWD(2015)264, part 2/3, p. 86.

⁷ <http://sdw.ecb.europa.eu/reports.do?node=1000004051>, 15 October 2015, p. 90, 102.



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reduce economic costs due to long queues. An added benefit is the fact that the privacy and safety of consumers is better protected.

Article 9 of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) states that persons with disabilities should be able to live independently and to participate fully in all aspects of life on an equal basis with others. The EU is a signatory of UN CRPD and has a duty to fully adhere to its articles. Being able to carry out payments independently is an important aspect of daily life for all European citizens. With the transition to a less cash society, all consumers in Europe should be able to carry out their payments independently and with the highest protection of their privacy and safety.

Pay-Able proposes that payment terminals be included in the scope of the EAA (Article 1). As the most commonly used payment tool it could be argued that they should be mentioned before ATMs in Article 1(1), as suggested below. This requirement would eventually lead to a level playing field for industry and would stimulate manufacturers to produce more accessible payment terminals all over the EU. **Pay-Able** therefore proposes the following changes to the EAA:

Article 1 Scope

1. Chapters I, II to V, and VII apply to the following products:
 - (a) general purpose computer hardware and operating systems;
 - (b) the following self-service terminals:
 - (i) **payment terminals**;
 - (ii) Automatic Teller Machines;
 - (iii) ticketing machines;
 - (iv) check-in machines.
 - (c) consumer terminal equipment with advanced computing capability related to telephony services;
 - (d) consumer terminal equipment with advanced computing capability related to audio-visual media services.
2. Chapters I, II to V, and VII, apply to the following services:
 - (a) telephony services and related consumer terminal equipment with advanced computing capability;
 - (b) audiovisual media services and related consumer equipment with advanced computing capability;
 - (c) air, bus, rail and waterborne passenger transport services;
 - (d) banking **and payment** services;
 - (e) e-books;
 - (f) e-commerce.

Article 2 Definitions



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Various sources suggested that payment terminals would fall under 'banking services'. If this is the case, an explanation of the term 'banking services' would be necessary in Article 2. Pay-Able therefore proposes to add the following definition to Article 2:

- "banking services" are services as defined in Annex I of Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC;

As the abovementioned definition of "banking services" does not include payment services, Pay-Able suggests to add the definition of "payment services" to Article 2 and to add the term 'payment services' in Article 1(2)(d) as mentioned above.

- "payment services" are services as defined in Article 4(3) in conjunction with Annex I of Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC;

Article 3 Accessibility requirements

3. The following self-service terminals: **payment terminals**, Automatic Teller Machines, ticketing machines and check-in machines shall comply with the requirements set out in Section II of Annex I.

7. Banking **and payment** services, the website, the mobile device-based banking **and payment** services, self-service terminals, including **payment terminals and** Automatic Teller Machines used for provision of banking **and payment** services shall comply with the requirements set out in Section VI of Annex I.

Annex I Accessibility requirements referred to in Article 3 for products and services

Annex I mentions the phrase 'must be available by more than one sensory channel' several times. Pay-Able believes that, in order to make products and services in the EU truly accessible, more than one sensory channel needs to be available simultaneously at every separate step of the process. Pay-Able therefore proposes that this clarification will be included in Annex I.

Pay-Able will follow the work of the EU institutions on the EAA closely and remains willing and able to respond to questions on this paper and on payment terminals in general.