



HERZOG
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The European Accessibility Act

Herzog's Compliance Guide for E-commerce Services



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INTRODUCTION

The [European Accessibility Act](#) (Directive (EU) 2019/882) ("**the Act**") establishes **mandatory accessibility requirements** for certain **digital services** available to EU consumers (see our previous update on the Act [here](#)).

While it specifically names several sectors, **e-commerce services are explicitly within scope** - and many **modern digital platforms** fall under this category, even if not individually named.

The Act dictates that all EU Member States shall adopt laws, regulations and administrative provisions necessary to comply with it, and those measures should apply from **28 June 2025** (see [here](#) a full list of national transposition measures taken by each Member State).

To assist with understanding the Act's applicability and complying with its provisions, we are pleased to publish this guide, which explains **how the Act applies** to e-commerce and digital platforms, outlines key **compliance requirements**, and provides **practical implementation steps** for businesses operating in the EU market.





Are You in Scope?

The Act applies to all economic operators and service providers selling goods and services to consumers in the EU. Specifically, with respect to **online services**, the Act applies to:

Online B2C Services in Scope



E-commerce services

Includes websites and mobile applications through which companies sell their product or service to an EU consumer (see examples in table below).



Services providing access to audiovisual media services

Includes websites, online applications, set-top box-based applications, downloadable applications, mobile device-based services including mobile applications and related media players, as well as connected television services.



Electronic communications services

Includes service that enable direct interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons, whereby the persons initiating or participating in the communication determine its recipient(s).



Examples of E-commerce Services Platforms (Websites & Apps)

The Act defines e-commerce services as “a service provided at a distance, through websites and mobile device-based services, by electronic means and at the individual request of a consumer, with a view to concluding a consumer contract.”

Many **digital platforms (websites and mobile apps)** fall under the Act’s e-commerce services definition even if their primary purpose is not traditional retail:



Gaming Platforms



Education & Learning Platforms



Health, Wellness & Online Therapy Platforms



Travel & Mobility Platforms



Content, Media & Streaming Services



Retail Platforms



Marketplaces



On-Demand Delivery Platforms



Dating & Matchmaking Platforms



Financial & Insurance Services Platforms



Note: Even if a platform’s core function is not commerce, **ancillary e-commerce elements** (like in-app purchases or paid upgrades) can bring it into scope.





Key Requirements

Services covered by the Act's provisions are required to comply with the following key requirements:

Requirement	Example Obligations
 Perceivable Content	Provide text alternatives (e.g., alt text) for non-text content; add captions to video and audio.
 Operable Interfaces	Enable full use via keyboard (no mouse required); avoid time limits that affect users with disabilities.
 Understandable Language	Use consistent, clear navigation, instructions and form fields.
 Robust Design	Ensure compatibility with assistive technologies like screen readers, magnifiers or voice tools.
 Mobile & App Accessibility	Ensure mobile apps and web platforms meet the same accessibility features across both.

Entire journey > landing pages, search, product details, support > must comply.



Exemptions from the Act's Requirements

Some services may be **exempt** from full compliance under certain conditions, but these exemptions are not automatic and **require further assessment and documentation**.



Disproportionate Burden

Claimed if full compliance would cause **unreasonable hardship**.

Factors Considered:

- Size and nature of the business
- Costs of compliance vs benefit
- Technological limitations
- Alternative approaches available
- Availability of public/private funding

Must be documented, reassessed every 5 years, and shared with national authorities on request.



Fundamental Alteration

Where compliance would substantially change the nature or core purpose of a product or service, businesses may invoke this exemption route. However:

- Only the specific features that would be altered are exempted - not the entire product/ service.
- This may apply in design-heavy or immersive formats where accessibility overlays could disrupt functionality or user experience (e.g., spin-the-wheel mechanics relying on visual suspense).

Requires detailed documentation and justification.



Microenterprise Exemption

An enterprise is considered a **microenterprise** if it:

- Has **fewer than 10 employees**, AND
- An annual turnover or balance sheet total of **€2 million or less**.



Compliance Steps - What to Do

1

Determine Scope

Identify if your digital services qualify as e-commerce targeting EU consumers

2

Conduct an Audit

Evaluate accessibility status against EN 301 549 / WCAG 2.1 AA

3

Implement Fixes

Update code, design, and content to remove barriers

4

Document Everything

Keep records of assessments, updates, and exemption claims

5

Notify Authorities

If applicable, where claiming exemptions, notify and provide supporting assessments

6

Monitor & Reassess

Review regularly, especially after major updates or structural changes



Herzog's Technology Regulation Department

Herzog's Technology Regulation Department is a recognized market leader in its field.

The team is led by domain experts who possess a unique set of vital, **interdisciplinary** and **global** regulatory advisory skills, and are uniquely positioned to advise a range of clients, including leading multinational technology companies as well as start-ups and disruptive technologies vendors, on applicable regulatory and compliance considerations in numerous technological areas.

We understand that the **regulatory exposure** and scope of required **attention** of almost any company operating in the **digital and technological sphere** are much wider than one specific jurisdiction or legal discipline. As our clients are often on the forefront of this ever-evolving landscape, we further understand the impact of industry trends and compliance demands on our clients' businesses. Therefore, our team possesses in-depth knowledge of the increasing volume of regulations, enforcement actions, legislative and industry trends in a **myriad of jurisdictions, digital platforms** and leading **self-regulatory** guidelines. This enables our team to offer **practical, holistic** and **comprehensive** solutions for complex situations often presented by innovative technologies and disruptive business solutions, providing "hands-on" support to our clients on the strategic, corporate and operational aspects of their business, with the aim of mitigating our clients' legal and business risks.

eCommerce, digital advertising, content and marketing have all become integral to almost every company's business model these days. [Advising on these matters](#) requires a high degree of know-how and expertise in order to navigate interdisciplinary and often conflicting requirements of the law, platforms' rules and guidelines, along with technological considerations and our clients' commercial needs.



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