

Executive Fact Sheet

The Netherland's Digital Accessibility Laws



Introduction

Multiple laws govern digital accessibility within the Netherlands, impacting both the public and private sectors. Private businesses should be aware of the nation's transposition of the European Accessibility Act (EAA), which establishes strict accessibility requirements for many consumer products and services. A transposition refers to the incorporation of a general European Union (EU) directive into a Member State's national legal framework.

The Netherlands has taken a unique approach to transposing the EAA, integrating the directive's requirements into separate sets of laws for products and services. Notably, the accessibility of services—such as e-commerce and consumer banking—is regulated through individual laws specific to each type of covered service. Non-compliance with these EAA transposition laws is punishable through steep fines and market bans.

Public-sector organizations must comply with the Netherlands' transposition of the EU Web Accessibility Directive (WAD), which mandates the accessibility of public entities' websites and mobile apps.

Navigating the intricacies of the Netherlands' digital accessibility regulations can be complex. This resource is designed to help senior executives understand the essence of these laws and what is required for compliance.



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Overview of the Netherlands' digital accessibility laws

Law	Description	Sectors impacted	Compliance standard
Tijdelijk Besluit Digitale Toegankelijkheid Overheid (Temporary Decree on Digital Accessibility for Government)	The Netherlands' initial transposition of the Web Accessibility Directive (WAD)	Public organizations (directly covered) Private businesses that sell to the public sector (indirectly impacted)	EN 301 549
Wet Digitale Overheid (Digital Government Act)	The permanent implementation of Tijdelijk Besluit Digitale Toegankelijkheid Overheid	Public organizations (directly covered) Private businesses that sell to the public sector (indirectly impacted)	EN 301 549
Warenwet (Commodities Act) and Besluit toegankelijkheidseisen (Commodities Accessibility Decree 2023)	Part of the Netherlands' EAA transposition, two laws establishing accessibility requirements for digital products	Private businesses	EN 301 549

Overview of the Netherlands' digital accessibility laws (continued)

Law	Description	Sectors impacted	Compliance standard
Telecommunicatiewet (Telecommunications Act)	Part of the Netherlands' EAA transposition, establishing accessibility requirements for electronic communication services	Private businesses	EN 301 549
Burgerlijk Wetboek (Civil Code)	Part of the Netherlands' EAA transposition, establishing accessibility requirements for e-commerce services	Private businesses	EN 301 549
Wet op het financieel toezicht (Financial Supervision Act)	Part of the Netherlands' EAA transposition, establishing accessibility requirements for consumer banking services	Private businesses	EN 301 549
Wet gelijke behandeling op grond van handicap of chronische ziekte (Equal Treatment of Disabled and Chronically Ill People Act)	Part of the Netherlands' EAA transposition, establishing accessibility requirements for services including transport and audiovisual media	Private businesses	EN 301 549

Unpacking digital accessibility laws in the Netherlands

The following sections of this resource provide more information about the specific digital accessibility laws impacting organizations operating in the Netherlands, including the entities they apply to, the requirements for compliance, and how they're enforced.

Laws impacting public-sector and business-to-government organizations

Tijdelijk Besluit Digitale Toegankelijkheid Overheid (Temporary Decree on Digital Accessibility for Government)

Summary:

Tijdelijk Besluit Digitale Toegankelijkheid Overheid is the Netherlands' initial transposition of the EU WAD. The decree outlines temporary rules regarding the accessibility of websites and mobile apps operated by Dutch government agencies. These requirements were later made permanent by the Wet Digitale Overheid.

Notably, private businesses that sell digital products to public-sector organizations in the Netherlands must also ensure these products are accessible, or they risk limiting sales opportunities.

Requirements:

To comply with this decree, Dutch government agencies must meet the general requirements of the EU WAD, including:

- Ensuring websites and mobile apps are perceivable, operable, understandable, and robust (POUR) for users with disabilities. This may be demonstrated through conformance with EN 301 549, the harmonized EU digital accessibility standard.
- Adopting, whenever possible, measures to increase accessibility, bearing in mind the minimum level of accessibility that must be met at all times.
- Offering users a communication mechanism that allows any person to submit suggestions and complaints.
- Publishing an accessibility statement on their websites and applications, providing a detailed, comprehensive, and explicit declaration of compliance with accessibility regulations.

Certain institutions are exempt from these requirements. These include public media institutions, the Dutch Public Broadcasting Foundation, and the Regional Public Broadcasting Foundation.

In addition, the law allows exemptions for specific types of content including:

- Certain documents published before September 23, 2018.
- Pre-recorded, time-based media published before September 23, 2020
- Live broadcasts.
- Content available only to a closed user group and published before September 23, 2019.
- Archival content from websites that was not modified before September 23, 2019.

Enforcement:

This decree is enforced by the Minister of Interior and Kingdom Relations, who monitors and reports on government entities' compliance with the law. As part of this reporting, the Minister assigns websites and mobile applications a grade of A, B, C, D, or E, where "A" indicates the highest level of accessibility and "E" indicates the lowest. A grade of "A", which is the mandatory level, requires conformance to EN 301 549 and WCAG 2.1 Level AA standards.

If a website or mobile application is found non-conformant, the Minister will provide feedback to the relevant government agencies so that issues are remediated.

Wet Digitale Overheid (Digital Government Act)

Summary:

Part of the Netherlands' transposition of the EU WAD, the Wet Digitale Overheid converts the Tijdelijk Besluit Digitale Toegankelijkheid Overheid from a temporary decree into permanent legislation, establishing lasting accessibility requirements for the country's public sector.

Requirements:

Because the Wet Digitale Overheid permanently implements the Tijdelijk Besluit Digitale Toegankelijkheid Overheid, the requirements for compliance with this law are the same as those outlined by the temporary decree.

Enforcement:

The Wet Digitale Overheid is enforced through the same mechanisms as the Tijdelijk Besluit Digitale Toegankelijkheid Overheid.

Laws impacting private businesses

Warenwet (Commodities Act) and Besluit toegankelijkheidseisen (Commodities Accessibility Decree 2023)

Summary:

As part of its EAA transposition, the Netherlands has enacted two laws governing the accessibility of consumer products: the Warenwet and the Besluit toegankelijkheidseisen. These laws set strict accessibility requirements for a variety of products circulating in the Netherlands, including:

- Computers and operating systems.
- Smartphones and other communication devices.
- TV equipment related to digital television services.
- ATMs and payment terminals.
- E-readers.
- Ticketing and check-in machines.

Importantly, these laws apply to any business that provides covered products to Dutch consumers, regardless of where the business is located.

Requirements:

The requirements for compliance with the Warenwet and Besluit toegankelijkheidseisen align with the general requirements of the EAA, as well as the requirements of the EU WAD (outlined in the [Tijdelijk Besluit Digitale Toegankelijkheid Overheid](#)).

These include ensuring covered digital products are accessible to users with disabilities, publishing a detailed accessibility statement, and establishing a mechanism for users to provide accessibility feedback. The best way for organizations to demonstrate compliance with the EAA's functional accessibility requirements is through conformance to the latest version of EN 301 549.

Enforcement:

Organizations that neglect to comply with the Warenwet and Besluit toegankelijkheidseisen can face fines of up to €90,000. They may also be prohibited from selling their products in the Netherlands or be compelled to suspend their operations.

Enforcement actions, including market surveillance, are conducted by the Minister of Health, Welfare, and Sport.

EAA transposition laws for specific consumer services

Summary:

The Netherlands has transposed the EAA's requirements for consumer services through multiple laws, each focused on a specific set of services. These include:

- **Telecommunicatiewet ("Telecommunications Act"):** Transposes the EAA requirements for electronic communication services
- **Burgerlijk Wetboek ("Civil Code"):** Transposes the EAA requirements for e-commerce services
- **Wet op het financieel toezicht ("Financial Supervision Act"):** Transposes the EAA requirements for consumer banking services
- **Wet gelijke behandeling op grond van handicap of chronische ziekte ("Equal Treatment of Disabled and Chronically Ill People Act"):** Transposes the EAA requirements for transport, audiovisual media, and other consumer services

These laws apply to any business that provides covered services to consumers in the Netherlands, regardless of where the business is located.

Requirements:

To comply with the digital accessibility clauses of these laws, service providers must bring covered services into conformance with general requirements of the EAA, including ensuring equal access for users with disabilities, publishing an accessibility statement, and establishing a mechanism for users to provide accessibility feedback.

These requirements also align with the requirements of the EU WAD (outlined in the [Tijdelijk Besluit Digitale Toegankelijkheid Overheid](#)).

The best way for service providers to demonstrate compliance with the EAA's functional requirements is through conformance to the latest version of EN 301 549.

Enforcement:

Service providers who violate the Netherlands' EAA transposition laws for consumer services may face fines of up to €90,000. Regulatory authorities may also issue a suspension or ban prohibiting a provider from offering a non-compliant service within the Netherlands.

The following agencies oversee the enforcement of these laws:

- **Telecommunicatiewet:** Autoriteit Consument & Markt (Authority for Consumers and Markets)
- **Burgerlijk Wetboek:** Autoriteit Consument & Markt (Authority for Consumers and Markets)
- **Wet op het financieel toezicht:** Autoriteit Financiële Markten (Authority for the Financial Markets)
- **Wet gelijke behandeling op grond van handicap of chronische ziekte:** De Inspectie Leefomgeving & Transport (Human Environment and Transport Inspectorate) and Rijksinspectie Digitale Infrastructuur (Dutch Authority for Digital Infrastructure)

Start your journey to compliance

To comply with current digital accessibility laws in the Netherlands, we recommend that your organization start by taking the following actions:



Audit your digital assets for conformance with EN 301 549.

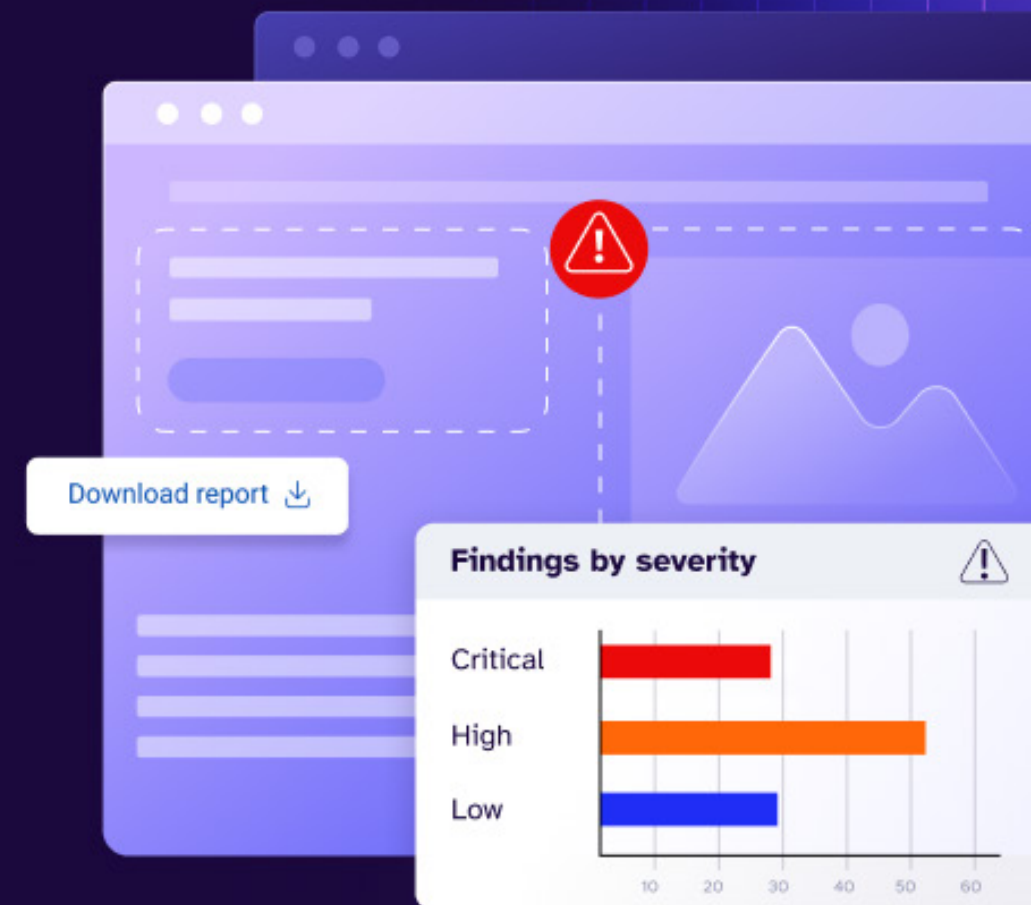


Swiftly address existing accessibility issues in your digital assets.



Publish a detailed accessibility statement and regularly update this document.

Third-party digital accessibility solution providers like Level Access can help you understand your legal obligations and equip you with advanced technology for making rapid improvements to your digital portfolio's accessibility.



Let's get started

Engage our team to make accessibility a priority now. An investment in digital accessibility today is an investment in the sustainability and success of your company tomorrow.

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