

CCIA Europe Submission to TRIS Notification Procedure

Concerns regarding the Spanish draft decree on basic conditions for cognitive accessibility

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Introduction

The Computer & Communications Industry Association (CCIA Europe) welcomes the notification of the Spanish draft Royal Decree approving the regulation on basic conditions for cognitive accessibility under procedure TRIS 2025/0631/ES¹ (hereinafter referred to as the draft Royal Decree).

The draft Royal Decree aims to implement and harmonise national rules for cognitive accessibility. CCIA Europe and its members are deeply committed to the fostering of an accessible and inclusive digital single market for all Europeans. Ensuring that everyone has the most positive and meaningful online experiences is a collective effort that necessarily requires the involvement of all the players in the Internet ecosystem. CCIA Europe is, however, concerned that this draft Law contravenes EU law, in particular by proposing national legislation that:

- 1) Imposes additional accessibility requirements on products and services already harmonised under the European Accessibility Act (EAA).
- 2) Creates divergent national standards and thereby risks regulatory fragmentation.
- 3) Introduces barriers to the free movement of goods and services within the internal market.
- 4) Extends accessibility obligations to services and sectors outside the scope of the EAA without a clear delimitation.

In light of the above, CCIA Europe calls on the European Commission to issue a detailed opinion requesting the Spanish legislator to revise the draft Royal Decree in a way that is aligned with and does not undermine already applicable EU legislation.

I. Additional requirements imposed on EAA-covered products and services

The European Accessibility Act (EAA) aims to harmonise accessibility requirements for certain ICT products and services and prevents Member States from imposing additional national accessibility requirements in those areas. Article 1 of the EAA sets the harmonisation objective, and Article 6 prohibits Member States from restricting the making available of EAA-compliant products or services for accessibility-related reasons.

However, Article 7 of the draft Royal Decree establishes mandatory cognitive accessibility requirements for telecommunications services and information society services – all of which fall within the scope of the EAA. These obligations include:

¹ TRIS 2025/0631/ES, available [here](#).

- The obligation to incorporate augmentative and alternative communication in support channels and service interactions
- Mandatory easy reading and simple language formats for informational and transactional content
- Requirements that authentication, consent, signature, and payment mechanisms be adapted to cognitive needs when they form a substantial part of the service

These obligations go beyond the Annex I on functional accessibility requirements of the EAA and beyond the role of EN 301 549 as the harmonised standard used to demonstrate conformity. Re-specifying the design of transaction flows and communication modalities at national level introduces new technical obligations where harmonisation was intended.

Article 10 of the Spanish draft Royal Decree reinforces this cumulative effect by applying the cognitive-accessibility principles and requirements to all “goods and services falling within the scope of this regulation,” without excluding categories already covered by the EAA. As a result, Article 10 operates as a horizontal provision that extends the draft Royal Decree’s additional obligations to products and services already harmonised under the EAA, thereby creating a second layer of mandatory compliance.

II. Divergent national standards risk regulatory fragmentation

Recital 8 EAA makes it clear that the European Directive was adopted to prevent fragmentation of specific goods and services markets, avoiding divergent national rules that create different compliance obligations in different Member States for the products and services covered.

By mandating accessibility techniques and formats, rather than functional outcomes, the draft Royal Decree risks diverging from the EAA’s principle of technology-neutral functional requirements and creating divergent national standards.

For instance, Article 7.2(d) of the draft Royal Decree regulates the structure and modality of interaction mechanisms (consent, identification, authentication, signature, and payment) rather than their accessibility performance outcome. Moreover, Article 7.3 makes the EN 301 549 standard mandatory for websites and mobile apps while simultaneously layering additional cognitive accessibility requirements on top of that standard.

This approach diverges from the EAA model, in which harmonised standards like EN 301 549 provide an optional path to conformity, not an imposed baseline.

This fragmentation risk is compounded by Article 10, which applies these cognitive-accessibility requirements horizontally to all goods and services within the decree’s scope. Without clarifying how Article 10 interacts with the EAA’s harmonised framework, Spain risks establishing national obligations that diverge from the EAA’s functional, technology-neutral model, thereby generating inconsistent standards across Member States.

With work ongoing to include cognitive accessibility information within EN 301 549, introducing nationally binding cognitive interaction specifications now risks locking Spain into a divergent implementation track before the EU-level standard is finalised, which is a known pathway to internal-market fragmentation.

III. Barriers to free movement and internal market legal certainty

Article 6 EAA expressly prohibits Member States from restricting the availability of products and services that comply with the Directive.

However, by requiring additional modalities such as augmentative and alternative communication, easy reading formats, cognitive guidance for transaction flows, and mandatory human-assistance options, the Spanish draft Royal Decree risks a scenario where products and services that are fully compliant under the EAA are nonetheless non-compliant in Spain.

In turn, this would require providers already complying with EU law to develop Spain-specific versions of services, user flows, and support channels. It would also introduce uncertainty as to which accessibility regime applies where both the EAA and the decree overlap. With such uncertainty, this national fragmentation would discourage cross-border provision of services into Spain due to increased compliance and verification burdens.

Article 10 further exacerbates these barriers by requiring that the decree's principles and requirements apply to all goods and services within its scope "without prejudice" to Spain's implementation of the EAA. Because Article 10 does not carve out EAA-covered products or services, providers offering EAA-compliant goods or digital interfaces across the EU would nonetheless face additional, Spain-specific cognitive-accessibility obligations, undermining the free-movement guarantee in Article 6 EAA.

These are the internal-market barriers that Article 6 EAA was designed to avoid. The introduction of divergent national cognitive-accessibility requirements would not only complicate market entry for mainstream service providers but could also undermine the functioning of the wider accessibility ecosystem. Assistive-technology developers whose products already enable compliance with harmonised EU accessibility rules could face new technical integration hurdles, testing costs, or certification conflicts if Spain's draft Royal Decree mandates additional or inconsistent design features.

IV. Extension of accessibility obligations beyond the EAA scope

CCIA Europe recognises and welcomes that Recital 15 EAA acknowledges that Member States may adopt additional accessibility measures in areas not covered by the EAA, including to fulfil obligations under the UN CRPD.

However, the Spanish draft Royal Decree does not clearly distinguish between EAA-covered products and services and domains where Spain is exercising its residual competence. This lack of delineation stems from the very general scope clauses and the way Articles 7 and 10 are constructed. Article 2(1) applies the regulation broadly “in the areas referred to in Article 5” of the General Law on the Rights of Persons with Disabilities, and Article 2(2) states that its conditions are “without prejudice” to the rest of the legal system. Nowhere does the decree specify that EAA-covered products and services are excluded from its cognitive-accessibility obligations.

This is particularly visible in Articles 7 and 10. Article 7 imposes detailed cognitive-accessibility requirements on telecommunications and Information Society services which are categories that overlap with services already harmonised under the EAA. Article 10(1) then provides that its provisions are “without prejudice” to Royal Decree 193/2023² and Law 11/2023³ (which transposes the EAA into Spanish law), and goes on to apply the decree’s principles and requirements to “goods and services falling within the scope of this regulation”, without carving out those already covered by the EAA. The combined effect is that EAA-covered goods and services appear to be subject both to the harmonised EU framework and to the new national cognitive-accessibility regime.

In the absence of an explicit delineation of application following Spain’s residual competence in fields not harmonised by the EAA, economic operators are left with legal uncertainty. They must assume that Spain intends to apply these cognitive-accessibility obligations cumulatively, including in areas where EU law already fully harmonises accessibility requirements. This blurring of boundaries between EU-harmonised and national accessibility regimes creates the kind of regulatory overlap and double regulation that the EAA’s harmonisation and free-movement provisions sought to avoid.

Conclusion

CCIA Europe asks the European Commission to issue a detailed opinion requesting the Spanish government to make the necessary changes to ensure that the draft Royal Decree does not contravene EU law nor conflict with the harmonisation effect of the EAA. In doing so the Spanish government’s revision of the draft Royal Decree should:

- 1) Remove additional accessibility requirements that apply to EAA-covered products and services, with a focus on Articles 7 and 10.
- 2) Ensure that cognitive-accessibility requirements in non-EAA sectors are clearly distinguished from EAA-harmonised areas with clear and reasoned delineation.
- 3) Avoid premature national standard-setting while EU-level standardisation work (EN 301 549) is ongoing.

² Real Decreto 193/2023, de 21 de marzo, por el que se regulan las condiciones básicas de accesibilidad y no discriminación de las personas con discapacidad para el acceso y utilización de los bienes y servicios a disposición del público, available [here](#).

³ Ley 11/2023, de 8 de mayo, de trasposición de Directivas de la Unión Europea en materia de accesibilidad de determinados productos y servicios, migración de personas altamente cualificadas, tributaria y digitalización de actuaciones notariales y registrales; y por la que se modifica la Ley 12/2011, de 27 de mayo, sobre responsabilidad civil por daños nucleares o producidos por materiales radiactivos, available [here](#).

This would ensure the draft Royal Decree supports cognitive accessibility objectives without undermining EU internal-market harmonisation, legal certainty, or the free movement of digital services.

About CCIA Europe

The Computer & Communications Industry Association (CCIA) is an international, not-for-profit association representing a broad cross section of computer, communications, and internet industry firms.

As an advocate for a thriving European digital economy, CCIA Europe has been actively contributing to EU policy making since 2009. CCIA's Brussels-based team seeks to improve understanding of our industry and share the tech sector's collective expertise, with a view to fostering balanced and well-informed policy making in Europe.

Visit ccianet.eu, x.com/CCIAEurope, or linkedin.com/showcase/cciaeurope to learn more.

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