

Accessibility Strengthening Act (Barrierefreiheitsstärkungsgesetz – BFSG)

## **Fit for digital accessibility?**

Specific requirements for "e-commerce services"



**Presentation and  
Introduction**



# Speakers



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# Agenda

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Background & Overview of the Accessibility Strengthening Act (BFSG)

2

E-commerce services (Sec. 2 no. 26 BFSG)

3

Technical implementation of the accessibility requirements  
Deloitte Digital



# Background & Overview of the **Accessibility Strengthening Act (BFSG)**



# Digital Participation

High demand



**13 million people** in Germany with disabilities or impairments are dependent on digital participation



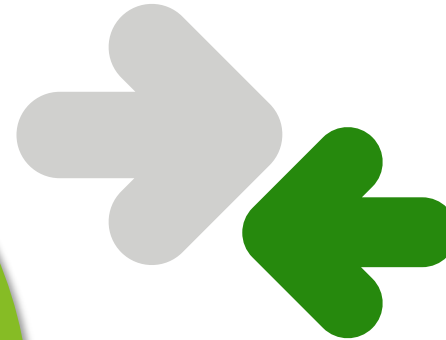
# Accessibility Strengthening Act

## Definition of “accessibility”

### Sec. 3 (1) sentence 2 BFSG

"Products and services are **accessible** if they can be found, accessed, and used by people with disabilities

- (i) in a generally usual manner,
- (ii) without particular difficulty, and,
- (iii) in principle, without external help."



## People with disabilities

There are various types of disabilities that require digital accessibility:

- Motor impairments
- Physical limitations
- Deafness, hearing impairment
- Blindness, visual impairment, red-green vision deficiency, age-related vision impairment
- Cognitive impairments
- Learning impairments



The accessibility requirements are specified in the **Ordinance on the Accessibility Strengthening Act (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV).**

# Accessibility Strengthening Act

## Material scope of application

### Products Sec. 1 (2) BFSG

- **Hardware systems** (computers, notebooks, tablets, smartphones, etc.)
- **Self-service terminals** (ATMs, ticketing machines, check-in machines, etc.)
- **Interactive consumer terminal equipment** (e.g., smart TV)
- **E-book-readers**

### Services Sec. 1 (2) BFSG

- **Telecommunications services** (e.g., internet access services, telephone and messenger services, email transmission services)
- Certain elements of **passenger transportation services** (e.g., websites, electronic ticketing services)
- **Banking services** for consumers (e.g., consumer loan agreements, payment account services)
- **E-books** and dedicated software



#### **e-commerce services**



#### e-commerce:

- ✓ **Online sale of services/products to consumers**
- ✓ **Online appointment bookings** (e.g., booking a hair appointment at a large hair salon)
- ✓ **Online contract initiation & conclusion** for products/offline services that are not subject to the BFSG (e.g., gym membership contract)



### Exemptions pursuant to Sec. 16, 17 BFSG:

- **Fundamental change** to the relevant product or service's **essential characteristics**
- **Disproportionate burden** (excessive organizational or financial burden)



# Accessibility Strengthening Act

## Personal scope of application

### Addressees so-called economic operator (Sec. 2 no. 15 BFSG)

- **Manufacturers** of affected products (incl. distribution)
- **Authorized representatives** acting on behalf of a manufacturer
- **Distributors** who only distribute products but do not manufacture them
- **Importers** of products from a third country
- **Service providers**



### Attention:

**Extension of responsibility of third parties** pursuant to Sec. 1 (4) no. 4 BFSG for content and mobile applications that are financed, developed or controlled by the economic operator.

### Excluded

- **Private individuals**
- **Business offers in the B2B sector**
- **Small-sized enterprises** (Sec. 3 (3) sentence 1 BFSG)



### E-commerce services

- (-) pure B2B offers
- (+) hybrid offers that can be used by both B2B and B2C customers

### Small-sized enterprises

- employ fewer than 10 persons **and**
- either have an annual turnover not exceeding EUR 2 million or an annual balance sheet total not exceeding EUR 2 million.

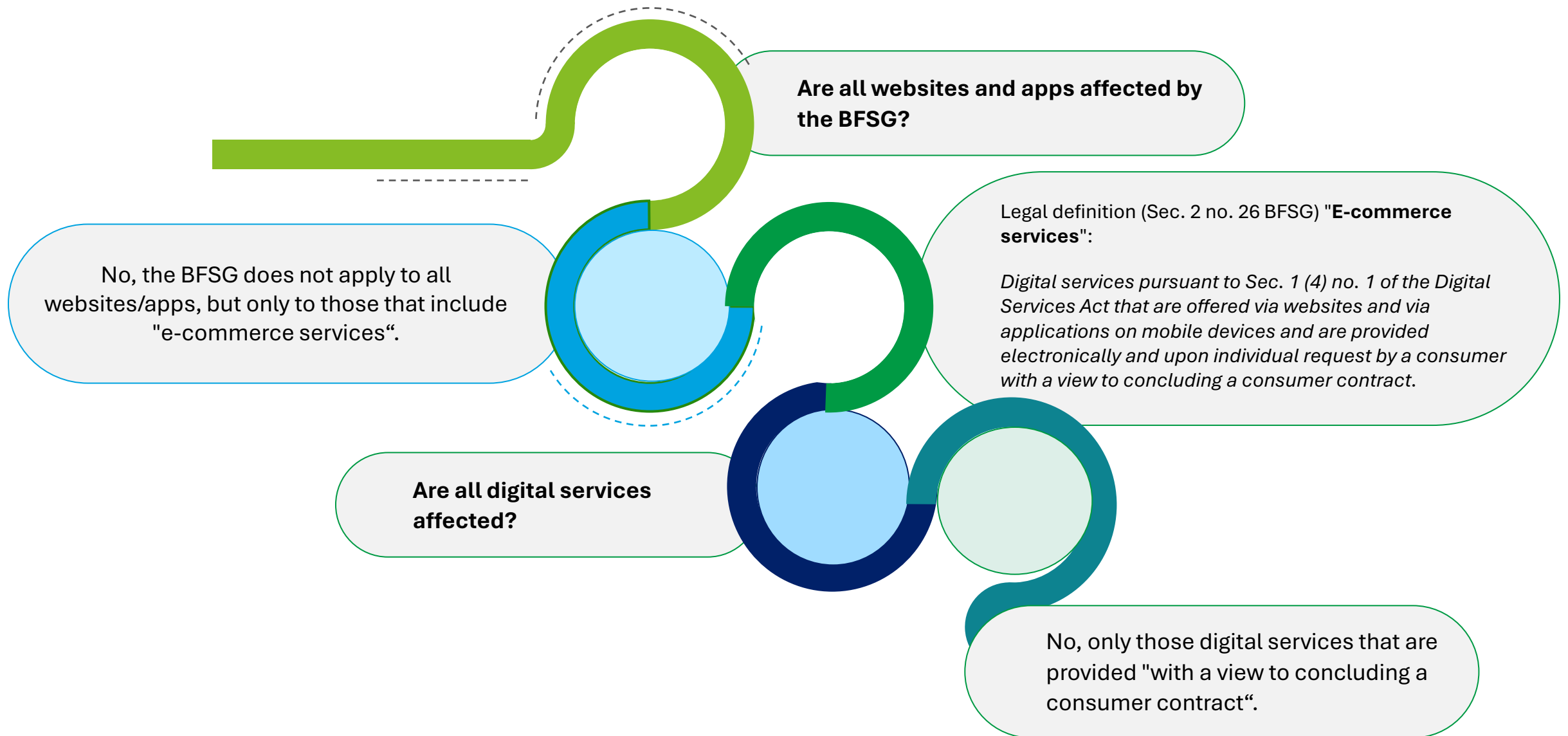
*The requirements regarding the number of employees and annual turnover or balance sheet total must be met cumulatively.*



# E-commerce Services (Sec. 2 no. 26 BFSG)



# E-commerce Services (Sec. 2 no. 26 BFSG)





## Possible use cases of the BFSG in the area of "e-commerce services" (1/3)



- **Online shops** and digital sales platforms for consumers
- **Booking portals** for travel, events, or accommodation
- **Forms and apps** for digital contract conclusions and customer portals for services

### Angebot individuell anpassen

Wie will sich anpassen? ☒ Eigene Adresse ☐ MitN. ☐ Mit der Best.

☒ Sa, 19.07.25 - Mi, 01.08.25, 12 Nächte

☒ 2 Erwachsene

☐ Frühstück

☐ Parkgebühren einbehalten

☐ Parkplatz

☐ LKW

A ROSA Outshotel Kurlungsbörn

☒ Mi, 19. Dez. 2023 - Mi, 27. Dez. 2023 8 Nächte

☒ 2 Erwachsene

☒ Doppelzimmer Landseite Superior (WZB)

☒ Frühstück

☒ Angebotstourismus

☐ Eigenreise

☐ Hotel

Reisepreis

188 €

### Angaben zur Vorversicherung

Bitte teilen Sie uns mit, ob Sie bereits eine eigene auf Ihren Namen laufende Haftpflichtversicherung haben oder haben.

Sollten Sie zuvor bei einem Familienmitglied oder einer anderen Person mitwandern, so werden wir Sie bitten, die folgende Frage zu bejahen.

Haben oder hatten Sie bereits eine Haftpflichtversicherung auf Ihren Namen?

☐ Ja ☒ Nein

### Ihre Berechnung

- Sich selbst ohne Kinder (Single-Tarif)
- Auslandtarif
- Inkl. Junges Leute Bonus und Kundenbonus
- Comfort-Tarif
- Plus-Selbstverpflegung

37,09 € pro Jahr

### DEIN WARENKORB

☒



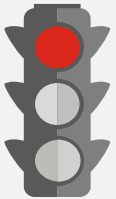
**Loire Gürtel**  
Regular Black - Schwarz  
95 Qty: 1  
39,95 €

## Kundenportal

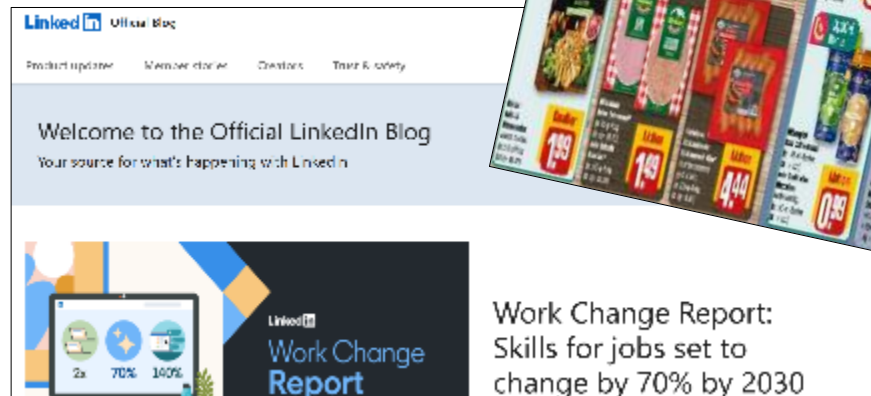
### „Meine Versicherungen“

Bitte melden Sie sich mit Ihrem Benutzernamen und Ihrem Passwort an.

## Possible use cases of the BFGS in the area of “e-commerce services” (2/3)



- Purely "passive" **presentation homepages**
- Mere **advertising/informative content** without any connection to the conclusion of a contract
- **Corporate blogs/news pages**



## Possible use cases of the BFGS in the area of "e-commerce services" (3/3)

*When do websites and/or mobile apps work **towards the conclusion of a consumer contract**?*



- *Provision of interactive contact forms?*
- *Websites with cookie paywall [pure subscription models]?*
- *Support pages/online customer service?*
- *Contract documents?*
- *Online appointment bookings/appointment arrangements (offline products or offline services)?*
- *Email communication (with and without call-to-action button)?*
- *Live chats?*
- *Free online offers (registration for online communities; competitions; newsletter subscriptions)?*
- *Online application forms?*



# Transition period under the BFSG / exemptions from the scope of application for certain content



There is no transition period for **e-commerce offers**

## Transition phase pursuant to Sec. 38 BFSG

- **Existing devices:** Companies can continue to provide their services using devices and technologies that they had in use prior to June 28, 2025, until June 27, 2030 [older e-book-readers, smartphones, tablets]
- **Existing contracts:** Contracts concluded before June 28, 2025, may remain unchanged until they end, but no later than June 27, 2030 [e.g., subscriptions for streaming-services; memberships in online libraries]
- **Self-service terminals:** Devices such as ATMs or ticket machines that were installed before June 28, 2025, and complied with the applicable rules at that time may continue to be used until they reach the end of their service life, but no longer than 15 years after they were put into operation

## Exemptions from the scope of application for certain content listed exhaustively in Sec. 1 (4) BFSG

- **Recorded time-based media** (audio, video) published before June 28, 2025 [e.g., product videos]
- **File formats for office applications** published before June 28, 2025 [e.g., old PDF or Microsoft Office files]
- **Archived content** that will no longer be updated after June 28, 2025 [e.g., online archive of insurance terms and conditions]
- **Third-party content that is** neither financed nor developed by the economic operator in question, nor subject to its control [*however:* anyone who integrates external content from third-party providers must ensure that it is accessible, as they "control" the integration]

# Accessibility Strengthening Act (BFSG)

## Overview of sanctions, enforcement & monitoring mechanisms

### Monitoring measures

of the market surveillance authority

#### Products:

- **Cause-independent market surveillance** based on the market surveillance strategy developed by the federal states
- **Occasion-related specific inspection** of individual products if there are indications of non-compliance with the BFSG

#### Services:

- **Random checks** of services by the market surveillance authority for compliance with the BFSG without prior cause
- **Occasion-related specific inspection** of individual services if there are indications of non-compliance with the BFSG

### Sanctions

#### Violations of the BFSG:

##### 1. Orders/decrees issued by the market surveillance authority

- Prohibition orders
- Obligations to recall products

##### 2. Fines (Sec. 37 BFSG)

- In minor cases: up to EUR 10,000.00
- In severe cases: up to EUR 100,000.00

#### Violations of the GDPR:

A **risk under data protection law** exists in particular when health-related data is collected and processed in the context of the accessible design of websites and mobile applications (e.g., with regard to the accessible design of consents).

### Enforcement options

#### Administrative proceedings:

Consumer & recognized association under the Disability Equality Act (Gesetz zur Gleichstellung von Menschen mit Behinderungen - BGG) or qualified body under the Injunctive Relief Act (Gesetz über Unterlassungsklagen bei Verbraucherrechts- und anderen Verstößen - UKlaG):

*Authorization to initiate official action against economic operators in accordance with Sec. 29 f. BFSG*

#### Administrative court proceedings:

Consumer & recognized association under the BGG/qualified institution under the UKlaG [right of collective action]:

*Possibility of bringing an action before the administrative courts if the authorities reject the application for action*

#### Options under civil law:

- **Warnings** based on the Unfair Competition Act (Gesetz gegen den unlauteren Wettbewerb - UWG), in particular by competitors or consumer protection associations
- **Warranty claims** under the German Civil Code (Bürgerliches Gesetzbuch - BGB) for products: In the case of products, a violation of the BFSG may also constitute a material defect



### Reputation

#### Market surveillance authorities' obligation to provide information to consumers:

Obligation to notify whether companies comply with the requirements of the BFSG, Sec. 21 (4) BFSG (products) & Sec. 28 (4) BFSG (services)

# Accessibility Strengthening Act (BFSG) - Requirements & obligations websites (e-commerce)

**Directive (EU) 2019/882**  
European Accessibility Act - EAA



*Implementation of the directive in Germany by*

**Accessibility Strengthening Act**  
(Barrierefreiheitsstärkungsgesetz - BFSG)



*Specification of the accessibility requirements according to the BFSG by*

**Ordinance on the Accessibility Strengthening Act**  
(Verordnung zum  
Barrierefreiheitsstärkungsgesetz - BFSGV)

BFSGV refers to the "state of the art"

→ **for websites:** The Web Content Accessibility Guidelines (WCAG) apply via the European harmonized norm EN 301 549

**Web Content Accessibility Guidelines (WCAG)**

International standard for accessible website design; contains a total of 78 criteria that address different forms of impairment



# We build Accessible Digital Experiences

Digital Accessibility strives to keep a digital experience meaningful and usable for everyone

**Deloitte.**  
Digital



***WE ARE COMMITTED TO INCLUSIVITY AND  
ACCESSIBILITY, VALUES THAT ARE DEEPLY  
INGRAINED IN THE DNA OF OUR TEAMS.***

We support you by reviewing websites and applications to identify barriers for people with disabilities and ensure compliance with standards such as EAA, BFSG, and BITV.

Digital accessibility **opens up to 20% more potential customers**, improves search engine optimization (SEO), appeals to an economically strong target group, protects against legal risks, and is a future-proof investment.

**LARGE TARGET GROUP**

Approximately 15-20% of the world's population (over 135 million in the EU) live with a disability, so accessibility makes your offer accessible to a large audience.

**DEMOGRAPHIC CHANGE**

With more than 25% of EU citizens aged 60 or older, accessible design meets the needs of an increasingly ageing user group.

**COMPLIANCE WITH LEGISLATION**

In the US, over 4,000 ADA lawsuits are filed each year, and European accessibility legislation will become mandatory in June 2025, so early compliance diminishes legal and financial risk.

**ECONOMIC IMPORTANCE**

People with disabilities have an annual purchasing power of around \$490 billion in the US (and hundreds of billions in Europe), making them an important customer segment.

**IMPROVED SEO**

Semantic, well-structured, accessible websites can increase search visibility by up to 50%, resulting in significantly more organic traffic.



# Accessibility

Depending on the scope and requirements, our team of accessibility experts from the fields of UX/UI design and front-end development can provide our customers with the best possible support, working closely with them to assess the status quo and provide them with the best possible support.

## KNOWN CHALLENGES

- Accessibility **is not a one-time project**. Customers often underestimate the need for continuous monitoring, correction of new content, and updating as standards evolve.
- In the context of tight budgets and urgent deadlines, accessibility **is often considered secondary**, especially when it is viewed as a discretionary issue rather than a fundamental requirement.
- Development, design, and content teams responsible for digital accessibility in companies often have **insufficient knowledge** of WCAG guidelines, ARIA markup, semantic HTML, and libraries for accessible components.
- Accessibility in **design is neglected** and urgently requires qualified advice.

## OUR SUPPORT

- **Accessibility Report** Insight into the status of accessibility with specific recommendations.
- **Accessibility Roadmap** A prioritized list of areas for improvement.
- **Accessibility Implementation** Implementation of accessible design and development.
- **Accessibility Monitoring** Monitoring to ensure accessibility.

## REFERENCE CLIENTS

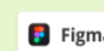
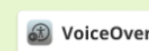
Julius Bär

**ORAC**  
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## TOOLS



# ***From fast to sustainable accessibility***

Accessibility that integrates in a long-term and sustainable manner



# Myths about rapid implementation

01

## ***Accessibility through a widget***

A widget is not capable of making a website completely accessible.

Barriers are only cosmetically adjusted or overlaid. They continue to discriminate against users and do not remove structural barriers in the code or design.

02

## ***Not all WCAG must be implemented***

All criteria included in Level AA and applicable to the website must be implemented.

Criteria are only excluded if they relate to videos and audio, for example, and these are not implemented.

03

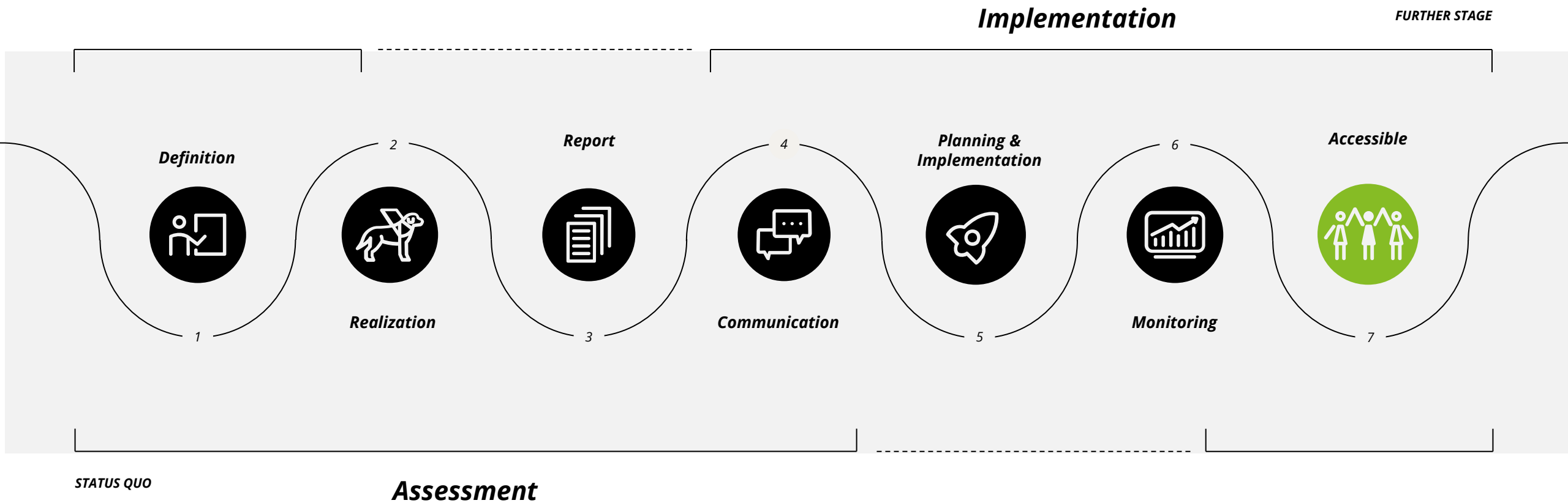
## ***Only the checkout must be accessible***

The entire journey to a conclusion of sale must be designed to be accessible.

This includes all information, from product presentation to completion of the purchase.



# Becoming sustainably accessible





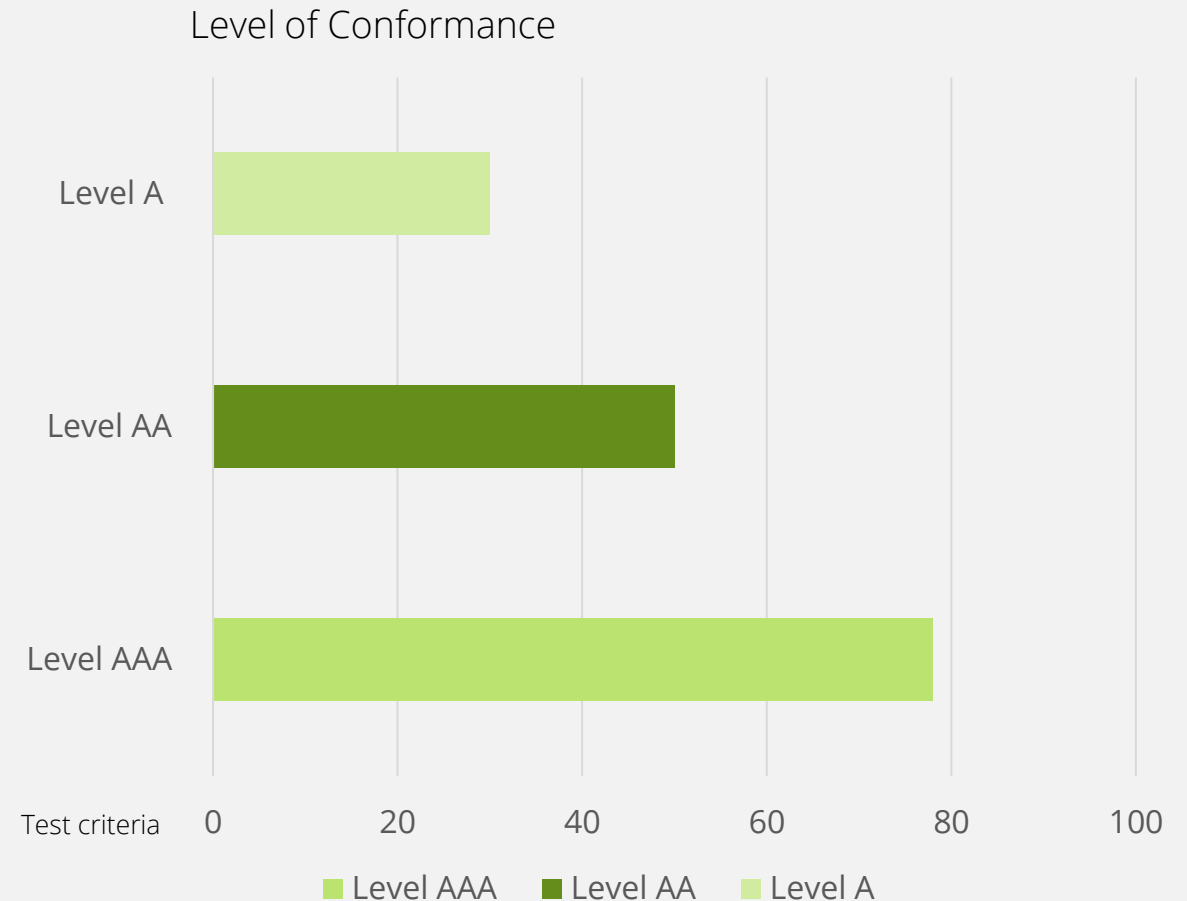
# How do we define whether a website is accessible

## International standard for Web Accessibility - WCAG.

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The Web Content Accessibility Guidelines (WCAG) are a set of standards developed by the World Wide Web Consortium (W3C) to make online content accessible to all users. **They define three levels of conformance: Level A (minimum), Level AA (addresses the most common barriers for users with disabilities), and Level AAA (highest, more comprehensive standard).** These levels ensure that web content is perceivable, easy to use, understandable and implemented in such a way that anyone can interact with it (POUR principle).

**The BFSG must fulfill the requirements of conformance Level AA (50 of 78 criteria).**



## ***The most common barriers on websites...***

and how we can remove them using the criteria.

# 01

## Text alternatives (alt texts)

Images, icons or other non-text content have no or inappropriate alternative text, meaning that screen reader users do not receive any information

### WCAG text alternatives (1.1.1)



Controls that do not require text, such as clickable icons or other clickable images, require a text alternative.

For example, an arrow icon that links to the previous page should be labelled "Back" and not "Left arrow".



Any image that conveys information or helps to better understand the content of your page requires an alternative text.

Alternativtext für Bilder

✓ Richtig

Bild: Hund spielt im Park

```

```

Beschreibt: Was ist zu sehen und was passiert

✗ Falsch

Bild: Hund spielt im Park

```

```

Problem: Zu unspezifisch, nicht hilfreich

ℹ Barrierefreiheit

Screenreader lesen Alt-Text vor. Beschreibt das Bild so, dass blinde Menschen verstehen, was zu sehen ist.

Alt-Text Beispiele

## 02

### **Poor color contrasts**

Text and important UI elements do not have enough contrast to the background, making it difficult for people with visual impairments to read.

#### **WCAG Contrast (Minimum) (1.4.3, 1.4.11)**



The contrast ratio between text and background must be high enough. The required minimum contrast is 4.5:1 for texts with a font size of less than 24 px and 3:1 for texts with a font size of more than 24 px.



All graphic elements that can be interacted with (e.g., icon buttons) or that are important for understanding the page should have a contrast of at least 3:1 to the background.

### WCAG Kontrast-Richtlinien

✓ AA-konform (4,5:1)

Weißer Text auf schwarzem Hintergrund  
Kontrast: 21:1

Weißer Text auf dunkelblauem Hintergrund  
Kontrast: 8,6:1

Schwarzer Text auf weißem Hintergrund  
Kontrast: 21:1

Erfüllt: WCAG AA und AAA Standards

✗ Nicht konform (<4,5:1)

Grauer Text auf hellgrauem Hintergrund  
Kontrast: 2,8:1

Gelber Text auf gelbem Hintergrund  
Kontrast: 1,9:1

Hellblauer Text auf hellblauem Hintergrund  
Kontrast: 3,1:1

Problem: Schwer lesbar für Menschen mit Sehbehinderungen

### Kontrast-Beispiele



# 03

## Keyboard navigation

Content or functions cannot be fully operated using the keyboard, which excludes users who cannot use a mouse.

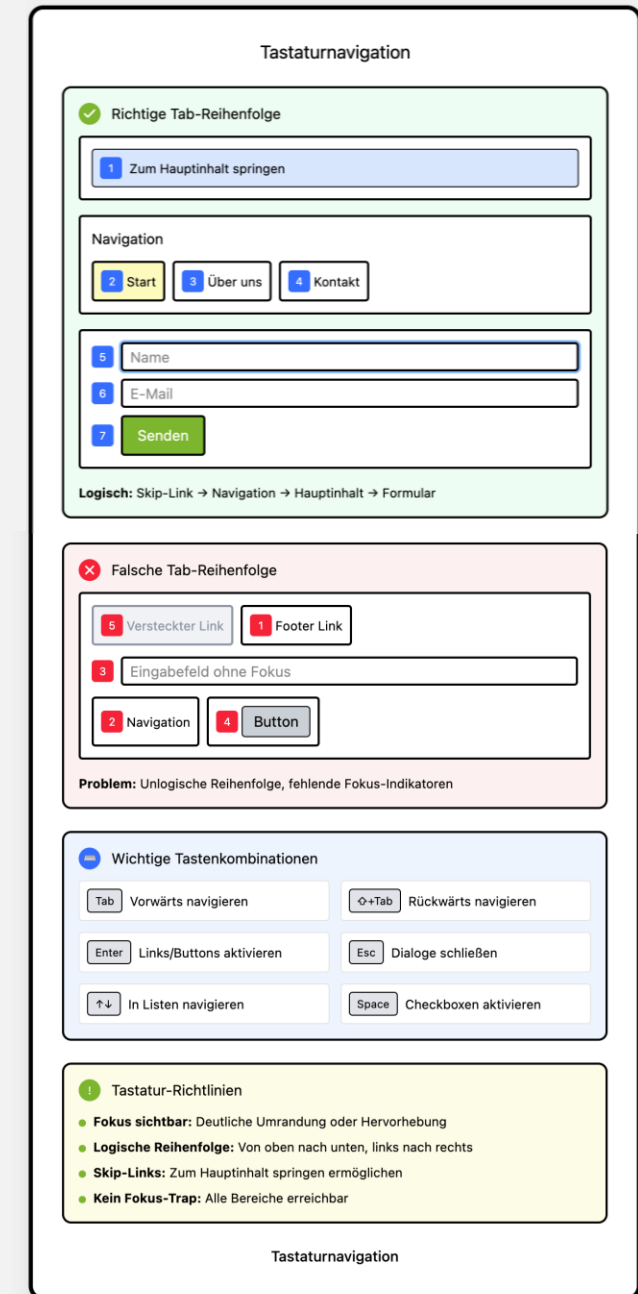
### WCAG Keyboard Accessible (2.1)



Your website must be fully operable using the keyboard. All pages must remain accessible and no functionality must be lost.

The content of your website should be accessible in a logical order using the keyboard (tab key). Normally, the tab order follows the visual order.

Example: Make all interactive elements accessible via the tab key, e.g., buttons with `tabindex="0"`.



# Next steps

**01** ***Impact analysis***

**02** ***Assessment***

**03** ***Planning and prioritization***

**04** ***Implementing accessibility***





Q&A



**Thank you**  
for your attention

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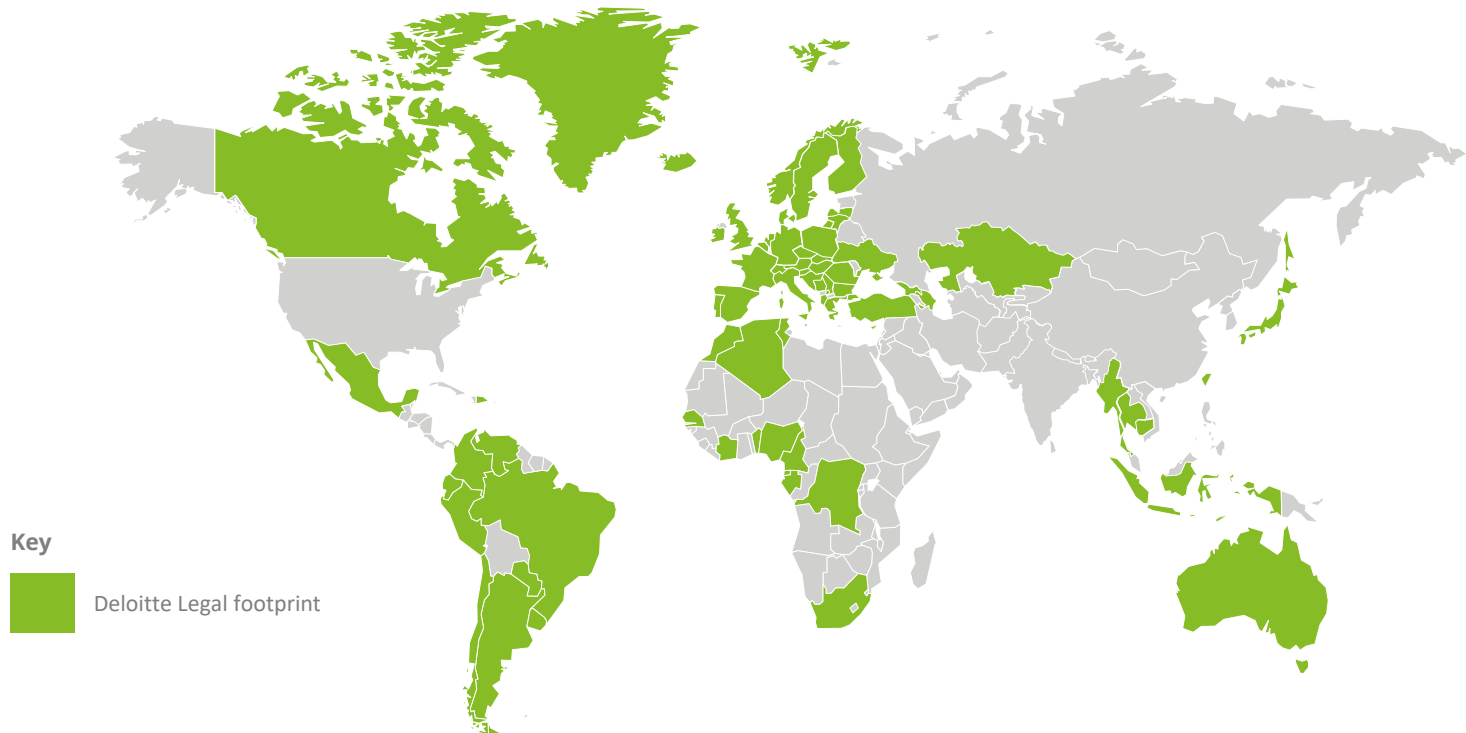
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11. Bulgaria	25. El Salvador	39. Ireland	53. Nicaragua	67. Spain	
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