

German Accessibility Enhancement Act: Better access for all – what are the new requirements?

NEW REQUIREMENTS FOR BUSINESSES



Executive Summary

- Far-reaching accessibility regulations are about to come into force in Germany from 28 June 2025, based on the Accessibility Enhancement Act (BFSG) passed in 2021. The aim of the act is to ensure that people with disabilities or age-related limitations have equal access to products and services, with a particular focus on digital services. While this is to be welcomed in principle, it also creates a number of challenges for German businesses, with the associated legal uncertainty and high implementation costs placing a significant burden on small and medium-sized enterprises (SMEs) in particular.

Who is affected by the changes?

The BFSG requires business operators to make their products and services accessible to everyone. The following products and services are particularly affected:

- Products such as computers, smartphones, tablets and self-service terminals (e.g. ATMs or ticket machines).
- Services such as passenger transport, telecommunications and financial services.

The BFSG's definition of services also extends to websites and apps if these are used to conclude contracts with consumers (e.g. online shops or booking portals). Pages that purely provide information are exempt.



Providers of software and hardware must also ensure that their products are accessible. This includes, for example, developers of operating systems, browsers or applications that have to be compatible with certain assistive technologies.

What are the requirements?

The BFGS distinguishes between manufacturers, importers, distributors and service providers. All business operators are required to design their products and services in such a way that they can be used “in the usual way, without particular difficulty and generally without outside help”.

The Federal Ministry of Labour and Social Affairs has issued more specific requirements in the **Accessibility Ordinance (BFSGV)**. These include the requirement to allow users to connect headphones to self-service terminals. However, other requirements remain vague, especially for websites and apps. The ordinance requires digital services to be “discernible, operable, comprehensible and robust”, without providing any more detailed definition. The dual-channel principle will presumably apply, according to which content must be accessible via at least two sensory channels (e.g. an image with read-aloud function).

Businesses are also required to **provide information on accessibility**. This can take the form of explanations on websites or documentation. It is important that customer service is also accessible, for example through easy-to-understand language or alternative communication channels such as sign language support.

Are there any exceptions?

Not all businesses are subject to the same requirements:

- Micro-enterprises (fewer than ten employees, annual turnover of less than 2 million euros) are exempt from many of the requirements.
- A “fundamental change” or “disproportionate burden” (e.g. if the costs are too high) may justify an exemption. Turnover, conversion costs and the

benefits for people with disabilities are the key criteria taken into consideration.

However, companies must be able to justify such an exemption and prove that implementing the legally required changes would be unreasonable for them. The authorities will assess these requests on a case-by-case basis.

What are the penalties?

Violations of the new rules can be costly, with the BFGS stipulating fines of up to 100,000 euros. The market surveillance authorities may carry out random checks. There is also the risk of civil law suits or warning notices under competition law. This may result not only in financial losses, but also reputational damage.

Recommendations for businesses

To avoid unnecessary costs and penalties, businesses should check as soon as possible whether they are subject to the requirements of the BFGS. It is particularly important to check any digital services they offer, especially websites and their content. An (external) audit should be carried out to identify any changes required to meet the new requirements. Insufficiently accessible products and services can lead not only to penalties, but can also exclude potential customers.

Specific steps for businesses:

1. Assessment of the current status quo: Identify the products and services affected by the new requirements.
2. External advice: Experts can help to assess the current level of accessibility.
3. Technical adaptations: Websites and apps should be adapted in accordance with the Web Content Accessibility Guidelines (WCAG).
4. Training: Raise employee awareness and provide training on accessibility.
5. Regular checks: Conduct ongoing testing to ensure that the requirements are met at all times.



Conclusion

While the requirements of the BFGG present a challenge for businesses, they also offer opportunities. More inclusive design makes products and services more user-friendly, extends their reach and can provide a competitive advantage. Businesses that adapt early can reap long-term benefits from making their products and services inclusive and accessible.

Dr Jörg Kahler

Lawyer

Berlin

joerg.kahler@gsk.de

Dr Maximilian Schnebbe

Lawyer

Hamburg

maximilian.schnebbe@gsk.de



Copyright

GSK Stockmann – all rights reserved. The reproduction, duplication, circulation and / or the adaption of the content and the illustrations of this document as well as any other use is only permitted with the prior written consent of GSK Stockmann.

Disclaimer

This client briefing exclusively contains general information which is not suitable to be used in the specific circumstances of a certain situation. It is not the purpose of the client briefing to serve as the basis of a commercial or other decision of whatever nature. The client briefing does not qualify as advice or a binding offer to provide advice or information and it is not suitable as a substitute for personal advice. Any decision taken on the basis of the content of this client briefing or of parts thereof is at the exclusive risk of the user.

GSK Stockmann as well as the partners and employees mentioned in this client briefing do not give any guarantee nor do GSK Stockmann or any of its partners or employees assume any liability for whatever reason regarding the content of this client briefing. For that reason, we recommend you to request personal advice.

www.gsk.de



GSK Stockmann

Rechtsanwälte Steuerberater Partnerschaftsgesellschaft mbB

BERLIN

Mohrenstrasse 42
10117 Berlin
T +49 30 203907-0
F +49 30 203907-44
berlin@gsk.de

HEIDELBERG

Europaplatz 3
69115 Heidelberg
T +49 6221 4566-0
F +49 6221 4566-44
heidelberg@gsk.de

FRANKFURT/M.

Bockenheimer Landstr. 24
60323 Frankfurt am Main
T +49 69 710003-0
F +49 69 710003-144
frankfurt@gsk.de

MUNICH

Karl-Scharnagl-Ring 8
80539 Munich
T +49 89 288174-0
F +49 89 288174-44
muenchen@gsk.de

HAMBURG

Neuer Wall 69
20354 Hamburg
T +49 40 369703-0
F +49 40 369703-44
hamburg@gsk.de

LUXEMBOURG

GSK Stockmann SA
44, Avenue John F. Kennedy
L- 1855 Luxembourg
T +352 271802-00
F +352 271802-11
luxembourg@gsk-lux.com

LONDON

GSK Stockmann International
Rechtsanwaltsgesellschaft mbH,
London branch
Queens House, 8-9 Queen Street
London EC4N 1SP
United Kingdom
T +44 20 4512687-0
london@gsk-uk.com

Registered office: Munich
Munich Local Court
HRB 281930
Managing directors:
Dr. Mark Butt, York-Alexander
von Massenbach