

Insights

UNDERSTANDING FRENCH WEBSITE ACCESSIBILITY LAWS: A COMPLEX REGULATORY OVERVIEW

May 20, 2026

Directive 2019/882 of April 17, 2019, on accessibility requirements for products and services the (“Directive”) aims to harmonize the accessibility requirements applicable to various services and products within the European Union.

In France, the directive was transposed by Law No. 2023-171 of March 9, 2023, which created Article L. 412-13 in the Consumer Code.

It should be noted that prior to this transposition, France already had legislation governing accessibility obligations in the form of Law No. 2005-102 of February 11, 2005, on equal rights and opportunities for people with disabilities.

While in its initial version this law applied only to public-law legal entities or private-law legal entities entrusted with a public service mission, Law No. 2018-771 of September 5, 2018, extended its scope to private-law companies generating a certain turnover (250 million euros).

Thus, these two sets of legislation cover, in part, the same scope, which creates difficulties when it comes to applying them.

This is clearly evident in a preliminary injunction issued by the Lille Judicial Court on May 5, 2026, which dismissed a case brought by associations advocating for the rights of people with disabilities against an e-commerce company, on the grounds that the company’s website did not comply with current accessibility standards.

THE SCOPE OF APPLICATION OF LAWS GOVERNING WEBSITE ACCESSIBILITY

- LAW NO. 2005-102 OF FEBRUARY 11, 2005, ON EQUAL RIGHTS AND OPPORTUNITIES PARTICIPATION FOR PEOPLE WITH DISABILITIES

This law establishes obligations in the construction, transportation, and new technologies sectors to facilitate access for people with disabilities.

With regard more specifically to online communication services, Article 47 of this law establishes accessibility obligations for services provided by legal entities under public or private law that have been entrusted with a public service mission.

Since September 2018, this law has also applied to private-law legal entities with a turnover exceeding 250 million euros (Article 2 of Decree No. 2019-768).

For the record, by extending accessibility requirements to businesses as of September 2018, France took a very forward-thinking stance within the European Union, which at the time imposed these obligations only on legal entities governed by public law through Directive 2016/2102 of October 26, 2016, on the accessibility of websites and mobile applications of public sector bodies.

• DIRECTIVE 2019/882 OF APRIL 17, 2019, ON ACCESSIBILITY REQUIREMENTS

The directive does not target online communication services in general, unlike the Law No. 2005-102 of February 11, 2005 does, but applies to certain products and services listed exhaustively in Article 2.

Among other services, the Directive covers “*e-commerce*” services, which it defines as “*services 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*” which includes e-commerce websites.

Unlike the Law No. 2005-102 of February 11, 2005, the Directive does not set any turnover threshold for its application other than the exclusion of micro-enterprises from its scope (*i.e.*, enterprises employing fewer than ten people and whose annual turnover does not exceed two million euros).

THE ORDER OF LILLE’S COURT OF MAY 5, 2026

On the ground of Article L. 412-13 of the Consumer Code, two associations filed an application for summary relief with the Lille Court against a major retail website they considered in violation of accessibility requirements.

While the Lille Court did indeed find that the website did not comply with accessibility standards, it dismissed the associations’ claim on the grounds that the company operating the website does not have an annual turnover of 250 million euros.

In doing so, the Lille’s Court held that Article L. 412-13 of the Consumer Code is drafted in such a way that it gives precedence to Article 47 of the Law No. 2005-102 of February 11, 2005, and that accessibility obligations therefore do not apply to legal entities with an annual turnover of less than 250 million euros.

As a reminder, Article L. 412-13 of the Consumer Code provides that it applies “*without prejudice to Articles 47 and 48 of the Law No. 2005-102 of February 11, 2005.*” The judge held that “*the sentence ‘without prejudice to’ means that the provision set forth has no effect on the application of another rule, which is therefore not set aside and may also apply.*”. Finding that “*the wording of Article L. 412-13 of the Consumer Code is not intended to set aside the provisions of Article 47 of the Law of February 11, 2005, and those resulting therefrom*” the judge applied the €250 million threshold set forth in Decree No. 2019-768 to rule that the e-commerce site is not subject to accessibility obligations because its annual turnover is less than €250 million, and to dismiss the associations’ claims.

By adopting the threshold of 250 million euros in revenue as a condition for the application of accessibility requirements, the judge nevertheless acknowledges “*the gap between the ambition of the objectives set forth in the aforementioned texts and their translation into legal terms ensuring accessibility for people with visual disabilities,*” but considers that this gap “*is not such as to preclude their application.*” This is an admission of powerlessness that raises questions.

To give precedence to the text of the Directive over that of the 2005 law, the judge could have held that the phrase “*without prejudice to*” appearing at the beginning of Article L 412-13 of the Consumer Code refers to the provisions of Article 47 that go beyond the scope of the Directive. Indeed, the Directive covers only an exhaustive list of products and services, whereas the 2005 law covers all online public communication services without distinction. By using the phrase “*without prejudice to*” in the most recent text, did the lawmaker intend to address this situation and allow Article 47 to apply in a manner that is complementary to, but not exclusive of, the provisions of the Directive?

Furthermore, the judge could also have relied on the principle that “*lex posterior derogat priori*” (“*the later law supersedes the earlier law*”) in order to set aside, in this case of conflict between two national laws, the older law in favor of the more recent one. Alternatively, he could have applied the principle “*generalia specialibus non derogant*” (“*the general law does not derogate from the special law*”) by noting that Article L 412-13 of the Consumer Code expressly targets e-commerce services, unlike Article 47, which is of a more general scope in that it covers all online public communication services.

Another solution could be provided by European Union law and the principle of primacy over national law. The Court of Justice of the European Union^[1] recalls that “*in applying national law, whether the provisions in question were adopted before or after the directive, the national court called upon to interpret it is required to do so, as far as possible, in the light of the wording and the purpose of the directive in order to achieve the result pursued by the latter*”. Thus, according to European Union case law, the national court is required to interpret domestic laws in light of European directives, whether or not those directives have been directly transposed and whether or not the transposition is exhaustive.

The order of the Lille Court, in ruling that there was no ground for interim relief even while holding the obvious inaccessibility of the website and mobile app of a major e-commerce player, highlights a flaw in the French legal framework. It is now up to the Courts of appeal and, if necessary, the lawmaker, to resolve this contradiction and ensure the legal certainty that businesses, consumers, and among them people with disabilities, are hoping for.

[1] ECJ, November 13, 1990, Case C-106/89, Marleasing SA

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