Accessibility of the websites and mobile applications of public sector bodies

2012/0340(COD) - 03/12/2012 - Legislative proposal

PURPOSE: to create a harmonised market for the accessibility of public sector bodies' websites.

PROPOSED ACT: Directive of the European Parliament and the Council.

BACKGROUND: in 2009, the website-developer market consisted of some 175 000 enterprises in the 27 EU Member States. It employed some 1 million people and the generated turnover was EUR 144 billion. The European market for web-accessibility related products and services is estimated at EUR 2 billion. It could grow significantly, as less than 10% of websites are accessible.

The number of websites providing e-government services (about 380 500 in the EU) and public sector websites (over 761 000 in the EU) is growing rapidly. Most Member States have already either enacted legislation, or taken other measures on web accessibility. However, significant differences exist between these laws and measures.

The non-harmonised national approaches to web-accessibility create barriers in the Internal Market. Harmonisation of national measures for the public sector at EU level is being proposed as a necessary condition to put an end to this fragmentation and lack of confidence in the web accessibility market.

IMPACT ASSESSMENT: the proposal is accompanied by an impact assessment. An Impact Assessment Steering Group, led by the Directorate General for the Information Society and Media, was established with a wide representation of services and departments of the Commission.

The Commission believes that **harmonisation will lead to better market conditions, more jobs, cheaper web-accessibility and more accessible websites**: a triple win for governments, businesses, and citizens.

In addition, the Directive would support Member States in achieving their national commitments regarding web accessibility, as well as their commitment to the United Nations Convention on the **Rights of Persons with Disabilities** regarding websites of public sector bodies.

LEGAL BASIS: Article 114(1) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the Directive aims at approximating the laws, regulations and administrative provisions of the Member States on the accessibility of public sector bodies' websites, by defining harmonised requirements.

Purpose and scope: the proposal lays down the technical provisions whereby Member States shall make accessible the content of certain types of websites of public sector bodies which **provide information and services that are essential for citizens' participation in economy and society** (e.g. income tax, employment services, social security, personal documents, vehicle registration, police statements, university or higher education enrolment).

Requirements for web-accessibility: the requirements for web-accessibility are defined along two dimensions: (i) user orientation; and (ii) market orientation and interoperability.

The Commission shall be empowered to adopt delegated acts to specify further, where appropriate, the harmonised requirements necessary to ensure the accessibility of the websites concerned.

In order to ensure that current political commitments are promptly achieved, the above provisions are to be implemented by **31 December 2015**.

Harmonised standards and presumption of conformity: this Directive is in line with Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European Standardisation which sets the legal basis for the Commission to request European standardisation organisations to develop harmonised standards to assist stakeholders in providing presumption of conformity.

In one of the Directive's recitals, it is indicated that the Success Criteria and Requirements for Level AA conformance specified in the version 2.0 of the Web Content Accessibility Guidelines (WCAG 2.0) issued by World Wide Web Consortium (W3C), are expected to be taken into account in **the European standard resulting from Mandate 376** and subsequently in the harmonised standard that should be built upon the outcome of this work.. These technology neutral specifications provide the basis for the requirements for web-accessibility.

European and international standards and presumption of conformity: in the absence of harmonised standards, the Directive provides a solution for presumption of conformity with the web-accessibility requirements to the websites concerned which meet European standards or parts thereof that have been determined by the Commission by delegated acts. Mandate 376 is preparing a European Standard that includes web accessibility.

In the absence of such European standard, the Directive also provides a solution for presumption of conformity with the web-accessibility requirements to the websites concerned which meet the parts of the ISO/IEC 40500:2012 covering the Success Criteria and Conformance Requirements for Level AA conformance.

Reports: the accessibility of a website should be continuously monitored, in the light of regular updates of web content. Member States are requested to monitor the public sector bodies' websites concerned, using the methodology established by Commission in accordance with the procedure laid down in the Directive.

BUDGETARY IMPLICATION: there are no implications for the budget of the Union.

DELEGATED ACTS: the proposal contains the provisions for the exercise of delegated acts in line with Article 290 of the TFEU.