Accessibility of the websites and mobile applications of public sector bodies

2012/0340(COD) - 19/07/2016 - Council position

The Council adopted its position at first reading with a view to the adoption of a Directive of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies.

The Directive aims to approximate the laws, regulations and administrative practices of the Member States relating to the **requirements for accessibility of the websites and mobile applications of public sector bodies**, in order to improve the functioning of the internal market.

It is also in line with Article 9 of the UN Convention on the **Rights of Persons with Disabilities**, to which the EU and Member States are parties.

This Directive is crucial to improve the internal market of services relating to the digital accessibility of information, and to ensure the complete inclusion of all citizens, in particular elderly people and persons with disabilities in the digital society.

The main elements of the Council position are as follows:

Subject matter and scope: this draft Directive aims to approximate the laws, regulations and administrative provisions of the Member States relating to the accessibility requirements of the websites and mobile applications of public sector bodies, thereby enabling those websites and mobile applications to be more accessible to users, in particular to persons with disabilities.

The scope covers both the websites and the mobile applications of public sector bodies. This Directive lays down the rules requiring Member States to ensure that websites, independently of the device used for access thereto, and mobile applications of public sector bodies **meet the accessibility requirements**.

The Directive provides for a very limited set of content or website exclusions.

Furthermore, it offers the possibility to Member States to exclude the websites and mobile applications of schools, kindergartens and nurseries, as long as the content relating to essential online administrative functions of these bodies are made accessible.

Member States may maintain or introduce measures in conformity with Union law which **go beyond the minimum requirements** for accessibility of websites and mobile applications established by this Directive.

Requirements, presumption of conformity and disproportionate burden: the Council position:

- lays down minimum requirements for the websites and mobile applications of the public sector bodies. A future-proof provision on the **presumption of conformity** foresees the minimum level of accessibility to be equivalent to the one defined in **standard EN 301 549 v1.1.2 (2015-04).** The Commission is empowered to adopt delegated acts to change the reference to this standard;
- ensures that these requirements do not impose a disproportionate burden on public sector bodies, while ensuring that appropriate and accessible explanations are provided to the public.

Additional measures and enforcement: the Council position:

- requires Member States to: (i) facilitate the application of the accessibility requirements to websites and mobile applications other than those covered by the scope; (ii) promote and facilitate training programmes about accessibility of websites and mobile applications, and finally; (iii) take the necessary measures to raise awareness of the accessibility requirements;
- foresees that each public sector body would provide an **accessible statement explaining the reasons for inaccessible content**, potential alternatives where appropriate. The Commission is empowered to adopt implementing acts defining a model statement;
- foresees the possibility for persons to give **feedback** or request inaccessible content to the public sector bodies, and to escalate, if necessary, through an enforcement procedure.

Monitoring and reporting: Member States shall:

- periodically monitor the compliance on the basis of the monitoring methodology which shall be established by implementing acts;
- present **reports to the Commission every three years** on the outcome of the monitoring including the measurement data and make their content available to the public in an accessible format. The Commission shall adopt implementing acts establishing the arrangements for reporting by Member States to the Commission.

Transposition and review: Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by **21 months** after the date of entry into force of this Directive. Different deadlines are set for the application of certain provisions: 12 months to apply the provisions to new public sector bodies' websites, 24 months to existing websites and 33 months to mobile applications of public sector bodies.

The Council's position provides that the Commission shall carry out a **review** of the application of this Directive by 66 months from the date of entry into force of this Directive. It shall include a review of technological advances that could make accessibility easier for some types of content excluded from the scope of this Directive.