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from: Presidency
To: Delegations
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Subject: ***PREPARATION OF THE TTE COUNCIL MEETING (TRANSPORT,
TELECOMMUNICATIONS, ENERGY) ON 6 JUNE 2013***
Proposal for a Directive of the European Parliament and of the Council on the
accessibility of public sector bodies' websites
- Progress report

The present report has been drawn up under the responsibility of the Irish Presidency. It sets out the work done so far in the Council's preparatory bodies and it gives an account on the state of play in the examination of the above mentioned proposal.

1. INTRODUCTION

1. On 3 December 2012, the Commission adopted its proposal for a Directive of the EP and of the Council on the accessibility of public sector bodies' websites¹ on the basis of Article 114 TFEU, which provides for the EP and for the Council to act in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee. The proposal aims to introduce mandatory EU standardised accessibility features for certain types of websites. The proposal is required under Action 64 of the Digital Agenda and 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. It is closely linked to other initiatives such as the European Disability Strategy 2010-2020, the eGovernment Action Plan 2011-2015 or the European Accessibility Act, which is currently in preparation.
2. After first presentations of the proposal and of its impact assessment in January 2013, the Council Working Party on Telecommunications and the Information Society (hereinafter: WP TELE) discussed the proposal on three occasions under the Irish Presidency. At the WP TELE meeting of 7 March, the Commission provided additional information, in particular on the use of standards, scope, legal basis and the costs and benefits of the implementation of the proposal. Although delegations generally support the objectives of the proposal to make public sector bodies websites' accessible, doubts persist with regard to the timing of the proposal in light of the expected European Standard EN 301549 and its added value taking into account the existing national measures and international standards on web accessibility. It is worth noting that a number of delegations are still in the process of finalising their internal consultation process which often involves several governmental departments and various stakeholders. On the basis of the discussions in the WP TELE and delegations' written comments, the Irish Presidency put together the present report in order to inform Ministers about the state of play of the proposal.

¹ Doc. 17344/12.

3. The EP has started its first reading on the proposal and Mr. Jorgo Chatzimarkakis (IMCO committee) has been appointed as the rapporteur. EP's CULT and EMPL committees are expected to deliver opinions to the IMCO committee. The Plenary vote is indicatively scheduled to take place on 4 February 2014.

2. THE COMMISSIONS PROPOSAL

1. The Commission proposal seeks to approximate the laws, regulations and administrative provisions of Member States on the accessibility of public sector bodies' websites (Article 1). Member States shall make accessible the content of 12 types of websites, listed in the Annex, offering essential government services (such as tax declarations, job searches or university applications). Member States may extend the application of the proposed Directive to other types of public sector websites. The proposal foresees also additional measures leading to awareness-raising, transparency and involvement of relevant stakeholders (Article 6). The proposed approach is expected to trigger a positive spill-over effect to the types of public sector bodies' websites that are not listed in the Annex and possibly also to the private sector.
2. The proposal requires that the websites concerned are made accessible both from the user perspective and in a way that facilitates interoperability (Article 3). The proposal contains a complex mechanism for the presumption of conformity of the websites concerned with these requirements. The websites shall be presumed to be in conformity if they meet harmonised standards drawn up and published by the Commission (Article 4). Since the harmonised standards are not yet available, the Commission proposes to use two other standards in the meantime: the European standard EN 301549 and the international standard ISO/IEC 405000:2012 (Article 5). The first one should be the basis for the harmonised standard; however, it is still under development (according to the Commission Mandate M/376) and is not expected before February 2014. All three standards are/will be based on version 2.0 of the Web Content Accessibility Guidelines (WCAG 2.0) issued by the World Wide Web Consortium.

3. The provisions of the proposal are complemented by the Member States' obligation to monitor the compliance of websites concerned with the requirements for web-accessibility and the obligation to report periodically on the results of such monitoring. According to the proposal, the methodology for the monitoring and reporting is to be defined by an implementing act.

3. PRINCIPAL GENERAL REACTIONS OF THE DELEGATIONS

1. While delegations generally welcome the objective of increased accessibility of public sector bodies' websites, they raised a number of issues that will have to be addressed in future discussions. The willingness of the Commission to discuss them was noted.
2. Several delegations expressed doubts about the timing of the proposal given that the European standard referred to in the proposal is not yet adopted. Some of them questioned the added value of the Directive as such since there are already international standards in the field that are largely followed by the sector. Moreover, 23 Member States have already developed their national web accessibility policies and standards, also broadly based on ISO/IEC 40500:2012 and WCAG 2.0.
3. With regard to the scope of the proposal, many questions were raised regarding the Annex listing the types of websites to which the Directive is applicable. Delegations pointed out that the list contained essential government eServices rather than types of websites. A question was raised whether these services or the entire websites offering these services shall be made accessible. The Commission clarified that the obligation concerned the entire websites, which raised additional concerns for some Member States with regard to large websites where the listed service only represent a negligible part thereof. Moreover, some delegations consider the list outdated, too prescriptive and limitative or not entirely logical.

4. Delegations raised a number of other issues: Many of them could not agree to the use of delegated acts for specifying the requirements for web-accessibility (Article 3(3)) and for determining the European standards for the purposes of presumption of conformity (Article 5(2)). Furthermore, they were concerned about the extent of the monitoring and reporting obligation (Article 7), which they considered too burdensome, and the periodicity of the monitoring, which they considered to be too tight. The transposition deadline (Article 10) and the deadline for the application of the web-accessibility requirements (Article 3(2)) are too ambitious and should be extended. Last but not least, delegations expressed concerns with regard to the cost related to the application of the Directive and enquired about possible EU funding.

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Following its consideration by the WP TELE on 24 May, the Presidency presents this progress report to Coreper/Council with the invitation to take note of it.
