



Council of the  
European Union

Brussels, 7 July 2016  
(OR. en)

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**Interinstitutional File:**  
2012/0340 (COD)

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9389/16  
ADD 1

TELECOM 89  
CONSUM 117  
MI 374  
CODEC 728

### **DRAFT STATEMENT OF THE COUNCIL'S REASONS**

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Subject: Position of the Council 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  
– Draft Statement of the Council's reasons

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## I. INTRODUCTION

1. The Commission submitted its proposal for a Directive of the European Parliament and of the Council *on the accessibility of public sector bodies' websites* (hereinafter referred to as the Directive) on 3 December 2012 with article 114 TFEU as a legal basis.
2. The European Economic and Social Committee voted its Opinion on 22 May 2013.
3. The European Parliament voted its legislative resolution in first reading on 26 February 2014.
4. The Council and the European Parliament entered into negotiations with a view to reaching an early second reading agreement in January 2016. The negotiations were successfully concluded on 3 May 2016 with the European Parliament and Council reaching a provisional agreement on a compromise text.
5. On 25 May 2016 the Committee of Permanent Representatives confirmed the compromise text of the Directive, as it had been agreed by the two institutions.
6. On 30 May 2016 the Chair of the European Parliament's IMCO Committee addressed a letter to the Chair of the Committee of Permanent Representatives stating that, should the Council transmit formally to the European Parliament its position as agreed, subject to legal-linguistic verification, she would recommend to the Plenary that the Council's position be accepted without amendments at Parliament's second reading.
7. On 16 June 2016, the Council confirmed its political agreement to the compromise text of the Directive.

## **II. OBJECTIVE**

8. It derives from the outcome of the negotiations that 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.
9. This Directive 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.
10. 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.

## **III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING**

### **A. General**

11. Following the vote in plenary, the European Parliament and the Council conducted negotiations with the aim of concluding a second-reading agreement on the basis of a Council first-reading position that the Parliament could approve as such. The text of the Council's first-reading position fully reflects the compromise reached between the co-legislators.
12. The compromise position reached by the co-legislators ensures a balance between the potential burden created by the requirements and the benefits for citizens.

## **B. Key issues**

13. The main elements of the compromise reached with the European Parliament are outlined below:

### *a. Scope*

14. Under the compromise, the scope covers both the websites and the mobile applications of public sector bodies.

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

16. Furthermore the Directive 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.

### *b. Requirements, presumption of conformity and disproportionate burden*

17. The Directive 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.

18. The Directive also 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.

### *c. Additional measures and enforcement*

19. The Directive requires Member States to facilitate the application of the accessibility requirements to websites and mobile applications other than those covered by the scope, to promote and facilitate training programmes about accessibility of websites and mobile applications, and finally to take the necessary measures to raise awareness of the accessibility requirements.
20. The Directive 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.
21. The Directive also 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.

*d. Monitoring and reporting*

22. Member States are required to periodically monitor the compliance on the basis of a monitoring methodology to be defined by the Commission through implementing acts.
23. Member States will need to report every three years to the Commission on the outcome of the monitoring, and the content of the reports will be made public in an accessible format. The arrangements for reporting to the Commission will be defined through implementing acts.

*e. Transposition and review*

24. Member States will be required to transpose the Directive by 21 months after the date of entry into force.

25. The Directive gives additional delays after the transposition, between 12 and 33 months, to public sector bodies to make their existing and new websites and mobile applications accessible.
26. Last but not least, the Directive foresees a review 66 months after the entry into force that will take into account the technological advances that could make accessibility easier for the content excluded from the scope.

#### **IV. CONCLUSION**

27. The Council's position fully reflects the compromise reached in the negotiations between the European Parliament and the Council, with the agreement of the Commission. The compromise is confirmed by the letter that the Chair of the IMCO Committee addressed to the Chairman of the Permanent Representatives Committee on 30 May 2016.
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