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from: General Secretariat
to: Permanent Representatives Committee/Council

Subject: Proposal for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites
- Outcome of the European Parliament's first reading
(Strasbourg, 24 to 27 February 2014)

I. INTRODUCTION

The Rapporteur, Mr Jorgo CHATZIMARKAKIS (ALDE-DE), presented a report consisting of 73 amendments (amendments 1-73) to the proposal for a Directive, on behalf of the Committee on Internal Market and Consumer Protection. In addition, the EPP, ALDE, S&D and Greens /EFA political groups together tabled two further amendments (amendments 74-75).

II. DEBATE

The Rapporteur opened the debate which took place on 25 February 2014, and:

- stressed the need for and the urgency of this long-awaited proposal. It aims at ensuring accessibility to public sector bodies' websites for citizens with disabilities and for the increasingly ageing population, who find themselves more and more isolated and excluded from a world where information is accessible primarily online.

- noted that less than one third of Europe's public sector and government websites, and less than 10 % of Europe's websites in general are fully accessible. Therefore the European Parliament enlarged the scope of the original Commission proposal, so that it now covers all European Union public sector bodies' websites and websites providing public services, as laid down in an annex. It now also covers mobile web access and apps, and includes a robust enforcement mechanism.
- pointed out that with the amendments proposed by the European Parliament, the Directive would be in line with the obligations set out in the UN Conventions on the Rights of Persons with Disabilities and with the commitments made in the digital agenda for Europe.
- regretted that work in the Council is not more advanced, but expressed the hope that there would be progress under the Greek Presidency, so that the new Parliament can pick up the dossier and the Italian Presidency will be able to conclude the negotiations.

Vice-President of the Commission, Mrs Neelie KROES:

- noted that the proposed Directive is a first crucial step to ensure that web-accessibility will be possible for all. People with impaired vision or hearing difficulties should be able to access websites, especially those providing basic public services.
- stated that the proposal addresses the main problem in relation to web accessibility, namely market fragmentation leading to uncertainty of supply and demand. By introducing a single set of accessibility requirements for all public sector websites, a spill-over effect can be generated that will make it easier for other websites to become more accessible.
- underlined that the Commission proposal was only setting minimum standards and that each Member State has the possibility to extend the scope. The aim of the Commission is, at the same time, to minimise the regulatory burden, to have minimum red tape and to facilitate the development of an easy monitoring system.
- stressed that she supports the ideas of the Rapporteur and will use her influence in order to advance the work and the progress in Council.

Speaking on behalf of the Committee on Employment and Social Affairs, Mr Tamas DEUTSCH (EPP-HU) and speaking on behalf of the Committee on Culture and Education, Mr Zoltan BAGO (EPP-HU), expressed support for the proposed Directive. Barrier-free access to public websites is an ethical issue and a moral imperative in a digital society, and must also be available to special groups, such as the disabled and elderly citizens.

Speaking on behalf of the EPP political group, Mrs Malgorzata HANDZLIK (EPP-PL):

- noted that only 10 % of public websites meet the required standards. All citizens, including disabled persons, should have the possibility of full access to websites. Creating obstacle free access should be seen as a huge potential for economic development and social cohesion, and could create jobs.
- underlined that the costs for the creation of full access must also be born in mind and the necessary financing needs to be available.
- stressed that the tasks of public authorities have to be better defined, as many issues would fall under the current definition, such as banking services and information exchange.

Speaking on behalf of the S&D political group, Mr Vincent Miguel GARCES RAMON (S&D-ES):

- pointed out that the aim of the Directive is to guarantee full access to the websites of public bodies or bodies which exercise public functions for every citizen, including disabled persons. It will be applicable to a number of public services, such as energy and postal services, banking, education, transport, health, social protection and many others.
- noted that the Directive will lead to more integration, socially and professionally, and to more access to information.
- stressed that there will be a phasing-in period, after the entry into force, of between one to three years.

Speaking on behalf of the ALDE political group, Mrs Marian HARKIN (ALDE-IE):

- supported the idea that the scope of the proposed Directive will enlarge the number and type of websites which should be accessible and they will be defined in Annex 1a.
- stressed that the competent authorities need to have the resources necessary to carry out their tasks.
- thanked the rapporteur that all Mrs Harkin's amendments have been taken on board. They emphasise the need for monitoring and enforcement, and that the competent authorities should involve organisations representing persons with disabilities.
- urged the Council to give priority to this important piece of legislation, and stressed that the Greek and Italian Presidencies need to advance the work.

Speaking on behalf of the Greens/EFA political group, Mrs Elisabeth SCHROEDTER (Greens/EFA-DE):

- supported the report and welcomed the Directive which aims at creating barrier free access to public bodies' websites.
- expressed the hope that Member States' authorities will not make full use of the three years transitional period but will create access much earlier.
- noted that her political groups would have liked to see all websites on services of general interest being included. She expressed the hope that public authorities throughout Europe would feel obliged to grant barrier-free access as soon as public money is involved.
- stated that the technical part of the Directive is not very clear, and regretted that the use of open source software is not required.

Speaking on behalf of the ECR political group, Mr Adam BIELAN (ECR-PL):

- supported the aim of the Directive to have barrier-free access to public websites, in particular in the area of health and education.
- stressed the need to create a technically harmonised system in all Member States for full and barrier-free access to public bodies' websites in the internal market, and to create a high standard of protection.

III. VOTE

When it voted on 26 February 2014, the Parliament adopted 73 amendments (amendments 1-67, 70-73, 74-75). No other amendments were adopted.

The Commission's proposal as thus amended and the legislative resolution constitute the Parliament's position at first reading. The text of the amendments adopted and the European Parliament's legislative resolution are set out in the Annex to this note.

Accessibility of public sector bodies' websites *I**

European Parliament legislative resolution of 26 February 2014 on the proposal for a directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites (COM(2012)0721 – C7-0394/2012 – 2012/0340(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0721),
 - having regard to Article 294(2) and Article 114(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0394/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 22 May 2013¹,
 - after consulting the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Employment and Social Affairs and the Committee on Culture and Education (A7-0460/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 271, 19.9.2013, p. 116.

Amendment 1

Proposal for a directive Title

Text proposed by the Commission

Proposal for a Directive OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the accessibility of public sector bodies' websites

Amendment

Proposal for a Directive OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the accessibility of public sector bodies' websites ***and websites operated by entities performing public tasks***

Amendment 2

Proposal for a directive Recital 1

Text proposed by the Commission

(1) The trend towards a digital society provides users with new ways of accessing information and services. The providers of information and services, such as public sector bodies, rely increasingly on the Internet in order to produce, collect and provide a wide range of information and services online, which are essential to the public.

Amendment

(1) The trend towards a digital society provides users with new ways of accessing information and services. The providers of information and services, such as public sector bodies, rely increasingly on the Internet in order to produce, collect and provide a wide range of information and services online, which are essential to the public. ***In that respect, the security of transmission of information and the protection of personal data are of great importance.***

Amendment 3

Proposal for a directive Recital 2

Text proposed by the Commission

(2) Web-accessibility refers to principles and techniques to be observed when constructing websites in order to render the content of these websites accessible to all users, in particular people with functional limitations, including persons with disabilities. The content of websites

Amendment

deleted

includes textual as well as non-textual information, and also the downloading of forms and two-way interaction, e.g. the processing of digital forms, authentication, and transactions like case handling and payments.

Amendment 4

Proposal for a directive Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Web accessibility, specifically a commitment to make all public websites accessible by 2010, was included in the Riga Ministerial Declaration of 11 June 2006 on e-Inclusion.

Amendment 5

Proposal for a directive Recital 2 b (new)

Text proposed by the Commission

Amendment

(2b) Although this Directive does not apply to websites of Union institutions, those institutions should comply with the requirements contained in this Directive and set an example of good practice.

Amendment 6

Proposal for a directive Recital 3

Text proposed by the Commission

Amendment

(3) The *Commission's* eGovernment Action Plan 2011-2015¹⁹ *calls* for action to develop eGovernment services that ensure inclusiveness and accessibility.

(3) In its Communication of 15 December 2010 entitled 'eGovernment Action Plan 2011-2015 Harnessing ICT to promote smart, sustainable & innovative Government', the Commission called for action to develop eGovernment services that ensure inclusiveness and accessibility. At the same time, more efforts are needed

for the effective implementation of the e-Inclusion policy, which aims to reduce gaps in information and communication technology (ICT) usage and to promote the use of ICT to overcome exclusion, and to improve economic performance, employment opportunities, quality of life, social participation and cohesion, including democratic consultations.

¹⁹ COM(2010) 743 final – Not published in the Official Journal

Amendment 7

Proposal for a directive Recital 4

Text proposed by the Commission

(4) In its Communication ‘A Digital Agenda for Europe’²⁰ the Commission announced that public sector websites should be fully accessible by 2015.

Amendment

(4) In its Communication of **19 May 2010 entitled ‘A Digital Agenda for Europe’, a Europe 2020 initiative**, the Commission announced that public sector websites (**and websites providing basic services to citizens**) should be fully accessible by 2015.

²⁰ COM(2010) 245 final/2

Amendment 8

Proposal for a directive Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Elderly people are at risk of digital exclusion, due to factors such as lack of ICT skills and lack of access to the Internet. The European i2010 initiative on e-Inclusion "To be part of the information society" seeks to ensure that all groups of users have the best possible opportunities to use the Internet and to become familiar with ICTs. The Digital Agenda for Europe proposes a series of

measures to promote the use of the new ICTs by disadvantaged groups of users such as elderly people.

Amendment 9

Proposal for a directive Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In accordance with the UN Convention, the universal design approach should serve as a basis for the development of new technologies.

Amendment 10

Proposal for a directive Recital 7

Text proposed by the Commission

Amendment

(7) The European Disability Strategy 2010-2020²³ builds on the UN Convention and contains actions in several priority areas, including web accessibility, with the objective 'to ensure accessibility to goods and services including public services and assistive devices for people with disabilities.'

(7) The Commission Communication of 15 November 2010 entitled 'European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe', which aims to break down the barriers that prevent persons with disabilities from participating in society on an equal basis, builds on the UN Convention and contains actions in several priority areas, including web accessibility, with the objective "to ensure accessibility to goods and services including public services and assistive devices for people with disabilities."

²³ *COM(2010) 636 final - Not published in the Official Journal*

Amendment 11

Proposal for a directive Recital 8 a (new)

(8a) The European Parliament resolution of 25 October 2011^{24a} stresses that innovative and knowledge-based economies cannot develop without accessible content and forms for people with disabilities governed by binding legislation, such as accessible websites for the blind and subtitled content for the hard of hearing, including mass media services, online services for people using sign language, smart phone applications and tactile and vocal aids in public media.

^{24a} *European Parliament resolution of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 (OJ C 131 E, 8.5.2013, p. 9).*

Amendment 12

Proposal for a directive Recital 8 b (new)

(8b) The Digital Agenda for Europe stresses that positive action to help persons with disabilities to access cultural content is key to the full enjoyment of Union citizenship and calls for full implementation of the Memorandum of Understanding on Digital Access for persons with disabilities. The production of documents, such as reports, books and legislative acts, made available on public websites in such a way as to make them fully accessible, alongside the support for the private sector that has been called for with a view to encouraging investment in that area, could make a major contribution towards meeting that objective and promote the development of skills and service providers within the Union.

Amendment 13

Proposal for a directive Recital 9

Text proposed by the Commission

(9) The fast growing **web-accessibility** market comprises a range of economic operators such as those developing websites or software tools to create, manage and test web pages, developing user agents such as web browsers and related assistive technologies, implementing certification services **and** training providers.

Amendment

(9) The fast growing **web accessibility** market comprises a range of economic operators such as those developing websites or software tools to create, manage and test web pages, developing user agents such as web browsers and related assistive technologies, implementing certification services and training providers **and integrated social media feeds on websites. In this respect, the efforts made in the framework of the Grand Coalition for Digital Jobs, which is a follow-up to the Employment Package and which addresses ICT specialists and aims to respond to the skills gaps, including literacy and working skills in the ICT sector, are of great importance.**

Amendment 14

Proposal for a directive Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The guarantee of net neutrality is essential for public sector bodies' websites to remain accessible now and in the future, and for the Internet to be open.

Amendment 15

Proposal for a directive Recital 13

Text proposed by the Commission

(13) The approximation of national measures at Union level, based on an agreement on accessibility requirements for public sector bodies' websites, is necessary in order to put an end to

Amendment

(13) The approximation of national measures at Union level, based on an agreement on accessibility requirements for public sector bodies' websites **and for websites operated by entities performing**

fragmentation. It would reduce uncertainty for web-developers and would foster interoperability. **By using** accessibility requirements **which are** technology neutral, **innovation** will not **be hampered** and may possibly even **be stimulated**.

public tasks is necessary in order to put an end to fragmentation. It would reduce uncertainty for web-developers and would foster interoperability. **Member States should encourage the use of adequate and interoperable** accessibility requirements **when putting contracts for website contents out to tender**. Technology neutral **accessibility requirements** will not **hamper innovation** and may possibly even **stimulate it**.

Amendment 16

Proposal for a directive Recital 14

Text proposed by the Commission

(14) A harmonised approach should also allow Union public sector bodies and enterprises to gain economic and social benefits from extending the provision of on-line services to include more citizens and customers. This should increase the potential of the internal market for **web-accessibility** products and services. The resulting market growth should allow undertakings to contribute to economic growth and jobs creation within the Union. Strengthening the internal market should make investment in the Union more attractive. Governments should benefit from cheaper provision of **web-accessibility**.

Amendment

(14) A harmonised approach should also allow Union public sector bodies and enterprises to gain economic and social benefits from extending the provision of on-line services to include more citizens and customers. This should increase the potential of the internal market for **web accessibility** products and services **and further the completion of the digital single market**. The resulting market growth should allow undertakings to contribute to economic growth and jobs creation within the Union. Strengthening the internal market should make investment in the Union more attractive. Governments should benefit from cheaper provision of **web accessibility**.

Amendment 17

Proposal for a directive Recital 15

Text proposed by the Commission

(15) Citizens should benefit from wider access to online public **sector** services and should receive services and information which will facilitate the enjoyment of their rights across the Union, notably their right

Amendment

(15) Citizens should benefit from wider access to online public services, **should be able to access news, cultural and entertainment content enabling them to play a full part in social and working life,**

to move and reside freely within the territory of the Union and their freedom of establishment and to provide services.

and should receive services and information which will facilitate ***their daily lives and*** the enjoyment of their rights across the Union, notably their right to move and reside freely within the territory of the Union, ***their right of access to information*** and their freedom of establishment and to provide services.

Amendment 18

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Online services play an increasingly important role in society. The Internet is a key tool for access to information and education and for engaging in society. Therefore, in the interests of social inclusion, there should be universal accessibility to public sector bodies' websites, as well as to websites providing basic services for the public, e.g. important news pages and media libraries, banking services (online banking) and interest group information and services.

Amendment 19

Proposal for a directive Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) It should be possible for the public authorities of the Member States to require certain websites to be carried on servers within the Union in order to prevent spying by parties outside the Union or leaks of information and to ensure that parties outside the Union cannot close down services which are important on security grounds.

Amendment 20

Proposal for a directive Recital 19

Text proposed by the Commission

(19) **The** Directive should aim at ensuring that **certain types of** public sector bodies' websites that are essential to the public are made accessible. **Such** types **were identified in the 2001 E-government benchmarking exercise²⁵ and have been used as a basis for the list** in the Annex.

²⁵ <http://ec.europa.eu/digital-agenda/en/news/egovernment-indicators-benchmarking-europe>

Amendment

(19) **This** Directive should aim at ensuring that **all** public sector bodies' websites **and websites operated by entities performing public tasks** that are essential to the public are made **fully** accessible **to persons with disabilities to facilitate their living independently and their full participation in all aspects of life as stated in the UN Convention**. **The types of websites operated by entities performing public tasks to be covered by this Directive should be listed** in the Annex. **The deadlines for complying with the requirements laid down in this Directive should be staggered so that its scope can be widened to include all public sector bodies' websites providing services directly to the public.**

Amendment 21

Proposal for a directive Recital 20

Text proposed by the Commission

(20) This Directive lays down **web-accessibility** requirements for **certain types of** public sector bodies' **websites**. In order to facilitate the conformity of websites concerned with those requirements it is necessary to provide presumption of conformity for the websites concerned that meet harmonised standards that are drawn up and published in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council **on European Standardisation, amending**

Amendment

(20) This Directive lays down **web accessibility** requirements for **all** public sector bodies' websites **and for websites operated by entities performing public tasks**. In order to facilitate the conformity of websites concerned with those requirements it is necessary to provide presumption of conformity for the websites concerned that meet harmonised standards that are drawn up and published in accordance with Regulation (EU) No 1025/2012 of the European Parliament and

Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Decision 87/95/EEC and Decision No 1673/2006/EC, for the purpose of expressing detailed technical specifications for those requirements. Pursuant to *this* Regulation, Member States and the European Parliament shall be able to object to the harmonised standards which they consider that do not entirely satisfy the web accessibility requirements laid down in this Directive.

of the Council^{25a} for the purpose of expressing detailed technical specifications for those requirements. Pursuant to *that* Regulation, Member States and the European Parliament shall be able to object to the harmonised standards which they consider that do not entirely satisfy the web accessibility requirements laid down in this Directive.

^{25a} **Regulation (EU) No 1025/2012 of 25 October 2012 of the European Parliament and of the Council on European Standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).**

Amendment 22

Proposal for a directive Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) In the preparation and potential future revisions of the relevant European and harmonised standards, the responsible European Standardisation Organisations should be strongly encouraged to ensure coherence with the relevant international standards (currently ISO/IEC 40500), in order to avoid any fragmentation or legal

uncertainty.

Amendment 23

Proposal for a directive Recital 24

Text proposed by the Commission

(24) The conformity with **web-accessibility** requirements should be continuously monitored from the initial construction of the **public sector bodies'** website to all subsequent updates of its content. A harmonised monitoring methodology would cover a way of verifying, on a uniform basis in all Members States, the degree of compliance of the website with the requirements for **web-accessibility**, the collection of representative samples and the periodicity of the monitoring. Member States should report **annually** on the outcome of the monitoring and more generally on the list of actions taken in application of this Directive.

Amendment

(24) The conformity with **web accessibility** requirements should be continuously monitored from the initial construction of the website **concerned** to all subsequent updates of its content. **Designating a competent authority in each Member State as the enforcement body would be an adequate way to ensure that the conformity with web accessibility requirements is monitored and rigorously enforced, with close involvement of stakeholders through the setting up of a complaint mechanism in identified cases of non-compliance.** A harmonised monitoring methodology would cover a way of verifying, on a uniform basis in all Members States, the degree of compliance of the website **concerned** with the requirements for **web accessibility**, the collection of representative samples and the periodicity of the monitoring. Member States should report **every two years** on the outcome of the monitoring and more generally on the list of actions taken in application of this Directive.

Amendment 24

Proposal for a directive Recital 24 a (new)

Text proposed by the Commission

Amendment

(24a) The first methodology used to monitor the compliance of the websites concerned with the requirements for web accessibility on a continuous basis should be adopted by means of implementing acts no later than a year after the entry into

force of this Directive.

Amendment 25

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) In a harmonised framework, the **web-developers** industry should face fewer barriers to operate in the internal market, while costs for governments and others procuring **web-accessibility** products and services should be reduced.

Amendment

(25) In a harmonised framework, the **web development** industry should face fewer barriers to operate in the internal market, while costs for governments and others procuring **web accessibility** products and services should be reduced, **which would contribute to economic growth and employment.**

Amendment 26

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) In order to ensure that the websites concerned are made accessible in accordance with the requirements for **web-accessibility** laid down by this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to **specify further**, where appropriate, **these** requirements and to determine the European **standard** or parts thereof which, in the absence of harmonised standards, would provide presumption of conformity with the **web-accessibility** requirements for the websites concerned which meet such standard or parts thereof. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the

Amendment

(26) In order to ensure that the websites concerned are made accessible in accordance with the requirements for **web accessibility** laid down by this Directive **and to ensure that those requirements are clear and understandable for the stakeholders involved in its implementation, including external web developers and in-house staff of public sector bodies and other entities performing public tasks**, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to **provide further details**, where appropriate, **concerning those** requirements, **without modifying them** and to determine the European **standards** or parts thereof which, in the absence of harmonised standards, would provide presumption of conformity with the **web accessibility** requirements for the websites concerned which meet such standard or parts thereof. It is of particular importance

European Parliament and to the Council.

that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment 27

Proposal for a directive

Recital 28

Text proposed by the Commission

(28) Since the objective of this Directive, namely, the establishment of a harmonised market for the accessibility of public sector bodies' websites, cannot be sufficiently achieved by the Member States, because it requires the harmonisation of different rules currently existing in their respective legal systems **and can, therefore**, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

Amendment

(28) Since the objective of this Directive, namely, the establishment of a harmonised market for the accessibility of public sector bodies' websites **and websites operated by entities performing public tasks** cannot be sufficiently achieved by the Member States, because it requires the harmonisation of different rules currently existing in their respective legal systems **but can rather**, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective. **Adopting a harmonised approach to web accessibility throughout the Union would cut costs for website development companies and, therefore, also for the public bodies that use their services. In future, access to information and services provided via websites will be increasingly important for the public in exercising their fundamental rights, including access to employment,**

Amendment 28

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive aims **at approximating** the laws, regulations and administrative provisions of the Member States **related** to the accessibility of the content of public sector bodies' websites to all users, in particular **people with functional limitations including** persons with disabilities.

Amendment

1. This Directive aims **to approximate** the laws, regulations and administrative provisions of the Member States **in relation** to the accessibility **to all users** of the content of public sector bodies' websites **and websites operated by entities performing public tasks to the public**, in particular **to** persons with disabilities **and elderly persons**.

Amendment 29

Proposal for a directive Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Ia. According to the UN Convention, persons with disabilities include those having long-term physical, mental, intellectual or sensory impairments, which, may in conjunction with other barriers, hinder their full and effective participation in society on an equal basis with others.

Amendment 30

Proposal for a directive Article 1 – paragraph 2

Text proposed by the Commission

2. It lays down the rules according to which Member States shall make accessible the content of websites belonging to public sector bodies, **the types of which are specified in the Annex**.

Amendment

2. It lays down the rules according to which Member States shall make accessible:

(a) the functionality and content of websites belonging to public sector bodies;
and

(b) the functionality and content of websites operated by other entities performing the types of public tasks

specified in Annex Ia.

Member States may extend the application of this Directive beyond the types of public tasks specified in Annex Ia.

Amendment 31

Proposal for a directive Article 1 – paragraph 3

Text proposed by the Commission

3. Member States *may* extend the application of this Directive to other types of **public sector** websites than those referred to in paragraph 2.

Amendment

3. Member States ***shall be encouraged to*** extend the application of this Directive to other types of websites than those referred to in paragraph 2.

Amendment 32

Proposal for a directive Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may decide not to apply this Directive to microenterprises as defined in Commission Recommendation 2003/361/EC^{27a} if they perform the types of public tasks specified in Annex Ia.

^{27a} ***Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 136).***

Amendment 33

Proposal for a directive Article 2 – point -1 a (new)

Text proposed by the Commission

Amendment

(-1a) ‘Public sector body’ means the State, regional or local authorities, bodies governed by public law as defined in point

4 of Article 2(1) of Directive 2014/24/EU of the European Parliament and of the Council^{27b+}, and associations formed by one or several such authorities or one or several such bodies governed by public law.

^{27b} **Directive 2014/24/EU of the European Parliament and of the Council of ... on public procurement and repealing Directive 2004/18/EC (OJ L ...).**

⁺ **OJ: Please insert the date of adoption and publication reference of the Directive in the footnote.**

Amendment 34

**Proposal for a directive
Article 2 – point -1 b (new)**

Text proposed by the Commission

Amendment

(-1b) 'Websites belonging to public sector bodies' means websites developed, procured, maintained or co-financed by public sector bodies or co-financed by Union funds.

Amendment 35

**Proposal for a directive
Article 2 – point -1 c (new)**

Text proposed by the Commission

Amendment

(-1c) 'Websites operated by entities performing public tasks' means websites operated by entities performing the types of public tasks specified in Annex Ia.

Amendment 36

**Proposal for a directive
Article 2 – point 1**

Text proposed by the Commission

(1) ‘Websites concerned’ means those referred to in Article 1(2) *of this Directive*.

Amendment

(1) ‘Websites concerned’ means all *versions* of those *websites*, referred to in Article 1(2), *including those designed to be accessed from a mobile device or by any other means. If an application designed by the owners of a website offers services connected to the website, this definition also applies to such an application.*

Amendment 37

Proposal for a directive
Article 2 – point 2

Text proposed by the Commission

(2) ‘Content of websites’ means information to be communicated to the user by means of a user agent, including code or mark-up that defines the content's structure, presentation, and interactions.

Amendment

(2) ‘Content of websites’ means information *and user interface components* to be communicated to the user by means of a user agent, including code or mark-up that defines the content's structure, presentation, and interactions. *Content of websites includes textual and non-textual information, the possibility to download documents and forms as well as two-way interaction such as the processing of digital forms and the completion of authentication, identification and payment processes. It also includes functions provided through websites, which are external to the website concerned, for instance, through the use of web links, on the condition that the external website is the only means by which the information or service is provided to the user. Content of websites also includes user-generated content and, whenever technically possible, social media, when that is embedded within a website. It includes not only the parts of the website concerned offering a specific service, but the entire website related to it.*

Amendment 38

Proposal for a directive Article 2 – point 2 a (new)

Text proposed by the Commission

Amendment

2a. 'Authoring tool' means any web-based or non-web-based application that can be used by authors (alone or collaboratively) to create or modify web content for use by other authors or end users.

Amendment 39

Proposal for a directive Article 2 – point 3

Text proposed by the Commission

Amendment

(3) 'User agent' means any software that retrieves and presents web contents for users, including web browsers, media players, plug-ins, and other programs that help in retrieving, rendering, and interacting with web content.

(3) 'User agent' means any software that retrieves and presents web contents for users, including web browsers, media players, plug-ins, and other programs that help in retrieving, rendering, and interacting with web content, ***regardless of the type of device used to interact with content, including mobile devices.***

Amendment 40

Proposal for a directive Article 2 – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) 'Web accessibility' means principles and techniques to be observed when constructing websites concerned in order to render the content of those websites accessible to all users, in particular persons with disabilities and elderly persons. Web accessibility refers in particular to principles and techniques that enhance users' perception, navigation, operation, interaction and understanding, and includes the use of assistive technology or augmentative and

alternative communication.

Amendment 41

Proposal for a directive Article 2 – point 3 b (new)

Text proposed by the Commission

Amendment

(3b) 'Assistive technology' means any hardware or software that acts as a user agent or along with a mainstream user agent to provide functionality to meet the requirements of users with disabilities that go beyond those offered by mainstream user agents. This includes alternative presentations, alternative input methods, additional navigation or orientation mechanisms, and content transformations.

Amendment 42

Proposal for a directive Article 2 – point 3 c (new)

Text proposed by the Commission

Amendment

(3c) 'Universal design' means the design of products, environments, programmes and services to be used by all people, to the greatest extent possible, without the need for adaptation or specialised design, as defined in the UN Convention. It shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Amendment 43

Proposal for a directive Article 2 – point 8

Text proposed by the Commission

Amendment

(8) 'Public sector body' means the State, regional or local authorities, bodies governed by public law as defined in

deleted

Article 1 (9) of Directive 2004/18/EC, and associations formed by one or several such authorities or one or several such bodies governed by public law.

Amendment 44

Proposal for a directive
Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) in a consistent and adequate way for users' perception, operation and understanding, including adaptability of content presentation and **interaction**, when necessary, providing an accessible electronic alternative;

Amendment

(a) in a consistent and adequate way for users' **autonomous** perception, **navigation**, operation, **interaction**, **readability** and understanding, including adaptability of content presentation, when necessary, providing an accessible electronic alternative;

Amendment 45

Proposal for a directive
Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) in a way which **facilitates** interoperability with a variety of user agents and assistive technologies at Union and international level.

Amendment

(b) in a way which **ensures** interoperability with a **broad** variety of user agents and assistive technologies at Union and international level;

Amendment 46

Proposal for a directive
Article 3 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) through a universal design approach.

Amendment 47

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall apply the provisions of paragraph 1 by 31 December 2015 at the latest.

deleted

Amendment 48

Proposal for a directive Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 8, **to specify further**, where appropriate, the requirements for **web-accessibility** referred to in paragraph 1.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 8, **to provide further details**, where **appropriate, concerning** the requirements for **web accessibility** referred to in paragraph 1, **without modifying those requirements**.

Amendment 49

Proposal for a directive Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. As long as the references of the European standards referred to in paragraph 1 have not yet been determined, the websites concerned that meet the **parts of the ISO/IEC 40500: 2012** covering the Success Criteria and Conformance Requirements for Level AA conformance, shall be presumed to be in conformity with the **web-accessibility** requirements set out in Article 3.

3. As long as the references of the European standards referred to in paragraph **1 of this Article** have not yet been determined, the websites concerned that meet the **international technical standard WCAG 2.0**, covering the Success Criteria and Conformance Requirements for Level AA conformance, shall be presumed to be in conformity with the **web accessibility** requirements set out in Article **3(1)**.

Amendment 50

Proposal for a directive Article 6 – paragraph 1

Text proposed by the Commission

1. Member States shall **promote** that the websites concerned provide a statement on their accessibility, in particular on their compliance with this Directive and with possibly additional accessibility information **in support to** users.

Amendment

1. Member States shall **ensure** that the websites concerned provide a **clear and concise** statement on their accessibility, in particular on their compliance with this Directive, **including information on the degree of compliance with web accessibility requirements related to live audio content**, and with possibly additional accessibility information **to support users in assessing the degree of accessibility of the websites concerned. That information shall be provided in accessible format.**

1a. The Commission shall establish a model statement on accessibility by means of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 9(2).

Amendment 51

**Proposal for a directive
Article 6 – paragraph 2**

Text proposed by the Commission

2. Member States shall take measures to facilitate the application of the **web-accessibility** requirements **as defined** in Article 3 to all **public sector bodies'** websites beyond those concerned, in particular, to **public sector bodies'** websites covered by existing national laws or relevant measures on **web-accessibility**.

Amendment

2. Member States shall take measures to facilitate the application of the **web accessibility** requirements **set out** in Article 3(1) to all websites beyond those concerned, in particular, to websites covered by existing national laws or relevant measures on **web accessibility**.

Amendment 52

**Proposal for a directive
Article 6 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Member States shall promote and support web accessibility training programmes for relevant stakeholders,

including staff of public sector bodies and entities performing public tasks, to create, manage and update web pages, including their content.

Amendment 53

Proposal for a directive Article 6 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall take the necessary measures to raise awareness of the web accessibility requirements set out in Article 3(1), their benefits to users and website owners and of the possibility to lodge complaints in cases of non-compliance with the requirements of this Directive, as set out in Article 7a.

Amendment 54

Proposal for a directive Article 6 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. Member States shall take the necessary measures to promote the use of authoring tools that support the achievement of the objectives of this Directive.

Amendment 55

Proposal for a directive Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall support appropriate mechanisms for consultations on **web-accessibility** with relevant stakeholders and make public any developments in **web-accessibility** policy together with the experiences and findings from the implementation of conformity of **web-**

3. Member States shall support appropriate mechanisms for consultations on **web accessibility** with relevant stakeholders and **organisations representing the interests of people with disabilities and of the elderly, and** make public any developments in **web accessibility** policy together with the

accessibility requirements.

experiences and findings from the implementation of conformity of *web accessibility* requirements.

Amendment 56

Proposal for a directive Article 6 – paragraph 4

Text proposed by the Commission

4. Member States shall cooperate *at Union level* with industry and civil society stakeholders, with facilitation by the Commission, in order to review, for the purpose of the *annual* reporting referred to in Article 7(4), market and technological developments and progress in *web-accessibility* and to exchange best practices.

Amendment

4. Member States shall cooperate, *at national and Union level*, with *relevant social partners*, industry and civil society stakeholders, with facilitation by the Commission, in order to review, for the purpose of the reporting referred to in Article 7b, market and technological developments and progress in *web accessibility* and to exchange best practices.

Amendment 57

Proposal for a directive Article 6 – paragraph 4 a(new)

Text proposed by the Commission

Amendment

4a. Member States shall take the necessary measures to ensure that the relevant social partners participate in the development and application of the training programmes and awareness-raising schemes, referred to respectively in paragraphs 2a and 2b.

Amendment 58

Proposal for a directive Article 7 – title

Text proposed by the Commission

Monitoring *and reporting*

Amendment

Monitoring

Amendment 59

Proposal for a directive Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall establish an expert group to meet at least every two years, upon the Commission's invitation, in order to discuss the results of the monitoring, to exchange best practices regarding the implementation of this Directive and to assess the need for any additional specifications of the web accessibility requirements as defined in Article 3(1). That expert group shall consist of governmental and private experts, including relevant stakeholders, including elderly persons, persons with disabilities and their representative organisations.

Amendment 60

Proposal for a directive Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall report annually on the outcome of the monitoring carried out according to paragraph 4 including the measurement data and, where appropriate, the list of the websites referred to in Article 1(3).

deleted

Amendment 61

Proposal for a directive Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. This report shall also cover the actions conducted pursuant to Article 6.

deleted

Amendment 62

Proposal for a directive Article 7 – paragraph 4

Text proposed by the Commission

4. The Commission **establishes**, by **way** of implementing acts, the methodology for the monitoring of the conformity of the websites concerned with the requirements for **web-accessibility** as set out in **Article 3**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9(3). The methodology will be published in the Official Journal of the European Union.

Amendment

4. The Commission **shall establish**, by **means** of implementing acts, the methodology for the monitoring of the conformity of the websites concerned with the requirements for **web accessibility** as set out in **Article 3(1)**. **That methodology shall be transparent, transferable, comparable and reproducible and it shall be prepared in close consultation with relevant industry and civil society stakeholders including, in particular, representative organisations of persons with disabilities**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9(3). **The first methodology shall be adopted by ...***. The methodology will be published in the Official Journal of the European Union.

*** OJ: Please insert: one year after the entry into force of this Directive.**

Amendment 63

Proposal for a directive Article 7 – paragraph 5 – point b a (new)

Text proposed by the Commission

Amendment

(ba) in accordance with methodology of research which combines experts analysis with user experience, including users with disabilities.

Amendment 64

Proposal for a directive Article 7 – paragraph 6

Text proposed by the Commission

Amendment

6. The arrangements for reporting by Member States to the Commission shall be established by the Commission by way of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 9(2).

deleted

Amendment 65

Proposal for a directive Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Enforcement body

1. Member States shall designate a competent authority (enforcement body) responsible for enforcing the compliance of the websites concerned with the requirements for web accessibility set out in Article 3(1). Member States shall ensure that, to the extent possible, the designated competent authority cooperates closely with relevant stakeholders, including elderly persons, persons with disabilities and their representative organisations.

2. Member States shall ensure that the designated competent authority has the necessary human and financial resources to fulfil the following tasks:

(a) monitor compliance of the websites concerned with the requirements for web accessibility, as set out in Article 7;

(b) set up a complaint mechanism to enable any natural or legal person to notify any failures to comply with the requirements for web accessibility of the websites concerned; and

(c) examine any complaints lodged.

3. Member States may assign responsibility for the implementation of

additional measures as set out in Article 6 to the enforcement body.

4. Members States shall inform the Commission about the designated enforcement body by*

** OJ: Please insert: date of transposition.*

Amendment 66

Proposal for a directive Article 7 b (new)

Text proposed by the Commission

Amendment

Article 7b

Reporting

1. Member States shall report to the Commission every two years on the outcome of the monitoring carried out in accordance with Article 7 including in relation to the measurement data and, where appropriate, the list of the websites referred to in Article 1(3).

2. That report shall also cover the measures adopted pursuant to Article 6 including possible general conclusions drawn by relevant enforcement bodies on the basis of the monitoring.

3. That report shall be made public in readily accessible formats.

4. The arrangements for reporting by Member States to the Commission shall be established by means of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 9(2).

Amendment 67

Proposal for a directive Article 7 c (new)

Text proposed by the Commission

Amendment

Article 7c

Amendment of Annex Ia

In order to take account of technological progress, the Commission shall be empowered to adopt delegated acts, in accordance with Article 8, to amend Annex Ia.

Amendment 74

**Proposal for a directive
Article 7 d (new)**

Text proposed by the Commission

Amendment

Article 7d

Penalties

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that the penalties are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Member States shall notify those provisions to the Commission by *XXXX and shall notify it without delay of any subsequent amendment affecting them.**

**** OJ: Please insert: six months from the date of entry into force of this Directive.***

Amendment 75

**Proposal for a directive
Article 10 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. Member States shall apply the measures referred to in Article 3(1) for all

*new content of websites concerned by *XXXX and for all existing content of websites concerned by **XXXX.*

** OJ: Please insert: one year from the date of entry into force of this Directive.*

*** OJ: Please insert: three years from the date of entry into force of this Directive.*

Amendment 70

Proposal for a directive Article 10 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The application deadlines set out in paragraph 1a shall be extended by two years as regards the requirements for web accessibility related to live audio content.

Amendment 71

Proposal for a directive Article 11

Text proposed by the Commission

Amendment

*The Commission shall carry out a review of the application of this Directive within **three** years from *its* entry into force.*

*On the basis of Member States' reports referred to in Article 7b, the Commission shall carry out a review of the application of this Directive, **in particular Annex Ia thereof**, within ...* **and shall make the findings of that review public.***

** OJ: Please insert: two years from the date of entry into force of this Directive.*

Amendment 72

Proposal for a directive Annex

Text proposed by the Commission

Amendment

Types of public sector bodies' websites **deleted**
(as referred to in Article 1(2))

(1) Income taxes: declaration, notification of assessment

(2) Job search services by labour offices

(3) Social-security benefits: unemployment benefits, child allowances, medical costs (reimbursement or direct settlement), student grants.

(4) Personal documents: passports or driving license

(5) Car registration

(6) Application for building permission

(7) Declaration to police, e.g. in case of theft

(8) Public libraries, e.g. catalogues and search tools

(9) Request and delivery of birth or marriage certificates

(10) Enrolment in higher education or university

(11) Notification of change of residence

(12) Health-related services: interactive advice on the availability of services, online services for patients, appointments.

Amendment 73

Proposal for a directive Annex I a (new)

Text proposed by the Commission

Amendment

Annex Ia

Types of public tasks referred to in point (b) of Article 1(2)

(1) Network services: gas, heat, electricity and water services; postal services; electronic communication network and services;

- (2) Transport-related services;***
- (3) Basic banking and insurance services (including at least the following: basic payment account, home contents and building insurance, life insurance and medical insurance);***
- (4) Primary, secondary, higher and adult education;***
- (5) Statutory and complementary social security schemes covering the main risks of life (including at least those linked to health, ageing, occupational accidents, unemployment, retirement and disability);***
- (6) Health-related services;***
- (7) Childcare services;***
- (8) Other essential services provided directly to the public to facilitate social inclusion and safeguard fundamental rights;***
- (9) Cultural activities and tourist information.***