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NOTE

from:	Presidency
to:	Delegations
Subject:	Proposal for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites - Information from the Presidency on the state of play

1. INTRODUCTION

1. The Commission adopted its proposal for a *Directive of the EP and of the Council on the accessibility of public sector bodies' websites*¹ on 3 December 2012 with Article 114 TFEU as a legal basis. 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. The proposal aims to introduce mandatory EU standardised accessibility features for certain types of websites

¹ Doc. 17344/12.

2. After first presentation of the proposal and of its impact assessment in January 2013, the Council Working Party on Telecommunications and the Information Society (WP TELE) discussed the proposal under the Irish Presidency. The Progress Report¹ produced by the Irish Presidency highlighted the main issues as raised by delegations, i.e.: the use of standards, scope, legal basis and the costs and benefits of the implementation of the proposal.
3. The delayed adoption of the European Standard hampered progress on the file. Discussions were suspended until the European Standard would have been adopted. European Standard EN 301/549 was finally adopted at the end of February 2014, thus no discussions took place during the Lithuanian Presidency.
4. In the European Parliament, Mr. Jorgo Chatzimarkakis (IMCO committee) was appointed as Rapporteur. EP's CULT and EMPL being the committees for opinion adopted their opinions on 17/10/2013 and 10/10/2013 respectively. Prior to the end of its term of office, the outgoing EP adopted its first reading amendments on 26 February 2014.

2. STATE OF PLAY IN THE COUNCIL

At the WP TELE on 23 May Member States took note of the brief update provided by the Commission on developments in the area of the proposal since the last meeting of the Working Party:

- First, the European Standard EN 301/549 was adopted in February 2014. The chapter 9 of EN 301/549 is on web accessibility and contains WCAG 2.0 AA. This implies that the delegated act to introduce in the legislation the European standard (Article 5) will not be needed anymore. Moreover, 26 Member States have already developed their national web accessibility policies and standards, also broadly based on ISO/IEC 40500:2012 and WCAG 2.0.

¹ Doc 10089/13

- Second, regarding the opinion adopted by the EP several amendments can be seen as positive steps towards the ultimate goal of the proposal but others go beyond the overall intention of the proposal. For example, amendments calling for widening the scope to all public websites are in line with the aim of the proposal while those asking to widen the scope to other areas like private sector websites, authoring tools, or Mobile apps move beyond the intended scope of proposal. Other amendments open possibilities for gradual implementation, e.g. by allowing more time for old content/websites. The Commission repeated their commitment to make the monitoring as light as possible and informed Council about the upcoming study that will examine the monitoring practices in the Member States as a basis for the development of the relevant Implementing act.

Member States in general maintained their positions as follows:

- Delegations generally welcome the objective of increased accessibility of public sector bodies' websites.
- Doubts persist with regard to scope (Annex listing the types of websites), delegated acts for specifying the requirements for web accessibility, monitoring and reporting obligation, transposition deadline and implementation cost.

Furthermore, some delegations were sceptical towards the EP's adopted amendments, in particular those widening the scope of the proposal.
