




Basic information	
2012/0340(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Accessibility of the websites and mobile applications of public sector bodies Subject 1.20.05 Public access to information and documents, administrative practice 2.40.02 Public services, of general interest, universal service 2.80 Cooperation between administrations 3.30.06 Information and communication technologies, digital technologies 3.30.25 International information networks and society, internet 4.10.06 People with disabilities	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	IMCO	Internal Market and Consumer Protection	CHARANZOVÁ Dita (ALDE)	17/07/2014
			Shadow rapporteur VERHEYEN Sabine (PPE) WEIDENHOLZER Josef (S&D) VAN BOSSUYT Anneleen (ECR) REDA Felix (Verts/ALE) ZULLO Marco (EFDD)	
	Former committee responsible		Former rapporteur	Appointed
	IMCO	Internal Market and Consumer Protection	CHATZIMARKAKIS Jorgo (ALDE)	18/12/2012
	Former committee for opinion		Former rapporteur for opinion	Appointed
	ECON	Economic and Monetary Affairs	The committee decided not to give an opinion.	
	EMPL	Employment and Social Affairs	DEUTSCH Tamás (PPE)	17/01/2013
	ITRE	Industry, Research and Energy	The committee decided not to give an opinion.	

	TRAN Transport and Tourism	The committee decided not to give an opinion.	
	REGI Regional Development	The committee decided not to give an opinion.	
	CULT Culture and Education	BAGÓ Zoltán (PPE)	09/01/2013
	LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meetings	Date
	Transport, Telecommunications and Energy	3243	2013-06-06
	Transport, Telecommunications and Energy	3350	2014-11-27
	Transport, Telecommunications and Energy	3213	2012-12-20
	Agriculture and Fisheries	3481	2016-07-18
European Commission	Commission DG	Commissioner	
	Communications Networks, Content and Technology	KROES Neelie	
European Economic and Social Committee			

Key events			
Date	Event	Reference	Summary
03/12/2012	Legislative proposal published	COM(2012)0721 	Summary
10/12/2012	Committee referral announced in Parliament, 1st reading		
20/12/2012	Debate in Council		
06/06/2013	Debate in Council		
28/11/2013	Vote in committee, 1st reading		
12/12/2013	Committee report tabled for plenary, 1st reading	A7-0460/2013	Summary
25/02/2014	Debate in Parliament	CRE link	
26/02/2014	Decision by Parliament, 1st reading	T7-0158/2014	Summary
26/02/2014	Results of vote in Parliament		
27/11/2014	Debate in Council		Summary
14/01/2016	Committee decision to open interinstitutional negotiations at 2nd reading		
24/05/2016	Approval in committee of the text agreed at 2nd reading interinstitutional negotiations	PE610.874 PE610.875	
19/07/2016	Council position published	09389/1/2016	Summary
15/09/2016	Committee referral announced in Parliament, 2nd reading		
26/09/2016	Vote in committee, 2nd reading		





29/09/2016	Committee recommendation tabled for plenary, 2nd reading	A8-0269/2016	Summary
25/10/2016	Debate in Parliament	CRE link	
26/10/2016	Decision by Parliament, 1st reading	T8-0414/2016	Summary
26/10/2016	Results of vote in Parliament		
26/10/2016	Final act signed		
26/10/2016	End of procedure in Parliament		
02/12/2016	Final act published in Official Journal		

Technical information	
Procedure reference	2012/0340(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the EU TFEU 114-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/8/02001

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE513.011	27/05/2013	
Amendments tabled in committee		PE514.818	03/07/2013	
Amendments tabled in committee		PE514.740	18/07/2013	
Amendments tabled in committee		PE516.902	23/09/2013	
Committee opinion	EMPL	PE510.606	10/10/2013	
Committee opinion	CULT	PE513.263	17/10/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0460/2013	12/12/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0158/2014	26/02/2014	Summary
Committee draft report		PE589.314	19/09/2016	
Committee recommendation tabled for plenary, 2nd reading		A8-0269/2016	29/09/2016	Summary
Text adopted by Parliament, 2nd reading		T8-0414/2016	26/10/2016	Summary
Committee letter confirming interinstitutional agreement		PE610.875	04/10/2017	
Text agreed during interinstitutional negotiations		PE610.874	04/10/2017	
Council of the EU				
Document type		Reference	Date	Summary

Council statement on its position	10790/2016	08/07/2016	
Council position	09389/1/2016	19/07/2016	Summary
Draft final act	00038/2016/LEX	26/10/2016	

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	SWD(2012)0402 	03/12/2012	
Document attached to the procedure	SWD(2012)0401 	03/12/2012	
Legislative proposal	COM(2012)0721 	03/12/2012	Summary
Commission response to text adopted in plenary	SP(2014)446	26/05/2014	
Commission communication on Council's position	COM(2016)0484 	19/07/2016	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0721	25/01/2013	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
ESC	Economic and Social Committee: opinion, report	CES0575/2013	22/05/2013	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Directive 2016/2102 OJ L 327 02.12.2016, p. 0001	Summary
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Accessibility of the websites and mobile applications of public sector bodies

2012/0340(COD) - 03/12/2012 - Legislative proposal

PURPOSE: to create a harmonised market for the accessibility of public sector bodies' websites.

PROPOSED ACT: Directive of the European Parliament and the Council.

BACKGROUND: in 2009, the website-developer market consisted of some 175 000 enterprises in the 27 EU Member States. It employed some 1 million people and the generated turnover was EUR 144 billion. The European market for web-accessibility related products and services is estimated at EUR 2 billion. It could grow significantly, as less than 10% of websites are accessible.

The number of websites providing e-government services (about 380 500 in the EU) and public sector websites (over 761 000 in the EU) is growing rapidly. Most Member States have already either enacted legislation, or taken other measures on web accessibility. However, significant differences exist between these laws and measures.

The non-harmonised national approaches to web-accessibility create barriers in the Internal Market. Harmonisation of national measures for the public sector at EU level is being proposed as a necessary condition to put an end to this fragmentation and lack of confidence in the web accessibility market.

IMPACT ASSESSMENT: the proposal is accompanied by an [impact assessment](#). An Impact Assessment Steering Group, led by the Directorate General for the Information Society and Media, was established with a wide representation of services and departments of the Commission.

The Commission believes that **harmonisation will lead to better market conditions, more jobs, cheaper web-accessibility and more accessible websites**: a triple win for governments, businesses, and citizens.

In addition, the Directive would support Member States in achieving their national commitments regarding web accessibility, as well as their commitment to the United Nations Convention on the **Rights of Persons with Disabilities** regarding websites of public sector bodies.

LEGAL BASIS: Article 114(1) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the Directive aims at approximating the laws, regulations and administrative provisions of the Member States on the accessibility of public sector bodies' websites, by defining harmonised requirements.

Purpose and scope: the proposal lays down the technical provisions whereby Member States shall make accessible the content of certain types of websites of public sector bodies which **provide information and services that are essential for citizens' participation in economy and society** (e. g. income tax, employment services, social security, personal documents, vehicle registration, police statements, university or higher education enrolment).

Requirements for web-accessibility: the requirements for web-accessibility are defined along two dimensions: (i) user orientation; and (ii) market orientation and interoperability.

The Commission shall be empowered to adopt delegated acts to specify further, where appropriate, the harmonised requirements necessary to ensure the accessibility of the websites concerned.

In order to ensure that current political commitments are promptly achieved, the above provisions are to be implemented by **31 December 2015**.

Harmonised standards and presumption of conformity: this Directive is in line with Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European Standardisation which sets the legal basis for the Commission to request European standardisation organisations to develop harmonised standards to assist stakeholders in providing presumption of conformity.

In one of the Directive's recitals, it is indicated that the Success Criteria and Requirements for Level AA conformance specified in the version 2.0 of the Web Content Accessibility Guidelines (WCAG 2.0) issued by World Wide Web Consortium (W3C), are expected to be taken into account in **the European standard resulting from Mandate 376** and subsequently in the harmonised standard that should be built upon the outcome of this work.. These technology neutral specifications provide the basis for the requirements for web-accessibility.

European and international standards and presumption of conformity: in the absence of harmonised standards, the Directive provides a solution for presumption of conformity with the web-accessibility requirements to the websites concerned which meet European standards or parts thereof that have been determined by the Commission by delegated acts. Mandate 376 is preparing a European Standard that includes web accessibility.

In the absence of such European standard, the Directive also provides a solution for presumption of conformity with the web-accessibility requirements to the websites concerned which meet the parts of the ISO/IEC 40500:2012 covering the Success Criteria and Conformance Requirements for Level AA conformance.

Reports: the accessibility of a website should be continuously monitored, in the light of regular updates of web content. Member States are requested to monitor the public sector bodies' websites concerned, using the methodology established by Commission in accordance with the procedure laid down in the Directive.

BUDGETARY IMPLICATION: there are no implications for the budget of the Union.

DELEGATED ACTS: the proposal contains the provisions for the exercise of delegated acts in line with Article 290 of the TFEU.

Accessibility of the websites and mobile applications of public sector bodies

2012/0340(COD) - 12/12/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Jorgo CHATZIMARKAKIS (ADLE, DE) on the proposal for a directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites.

The parliamentary committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should be to amend the Commission's proposal as follows:

Subject and scope: 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.

The new scope would reflect the binding obligations set out in the United Nations Convention on the Rights of Persons with Disabilities and the commitments in the Digital Agenda for Europe to promote digital inclusion and confidence in the market for barrier-free access.

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

Definitions: Members considered that the definitions proposed by the Commission do not reflect significant technological developments. Online information and services are increasingly obtained by handheld mobile devices as opposed to desktop computers. The definitions on 'website concerned', 'website content' and 'user agents' must explicitly acknowledge this fact.

Furthermore, the report suggested strengthening the **definition of 'website content'** and to include in particular functions provided through websites, which are external to the website of the public body or entity in question.

Requirements for web-accessibility: the amendments stipulated that the websites concerned should be accessible:

- 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;
- in a way which ensures **interoperability** with a broad variety of user agents and assistive technologies at Union and international level
- through a universal design approach.

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.

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.

Monitoring and reporting: Members proposed that the Commission should 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.

Moreover, Member States should designate a **competent authority** (enforcement body) responsible for enforcing the compliance of the websites concerned with the requirements for web accessibility. This authority should be responsible for following up any **complaints** lodged by website users or other interested parties about failures to comply with the requirements for web-accessibility of the websites concerned.

Member States should report to the Commission every two years on the outcome of the monitoring carried out. That report shall be made public in readily accessible formats.

Fines: Member States should take all measures to establish an effective enforcement mechanism laying down the rules on effective and proportionate sanctions applicable to infringements of the national provisions. Member States should notify those provisions to the Commission by 30 June 2014.

Delegated acts: the European Commission requests to be empowered to adopt delegated acts to specify, where appropriate, the harmonised requirement for web-accessibility. The report recommended **restricting** the use of power to adopt delegated acts only to certain situations and purposes without modifying the requirements themselves.

Accessibility of the websites and mobile applications of public sector bodies

2012/0340(COD) - 26/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 593 votes to 40, with 13 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites.

Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission's proposal as follows:

Subject and scope: 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.

The new scope would reflect the binding obligations set out in the United Nations Convention on the Rights of Persons with Disabilities and the commitments in the Digital Agenda for Europe to promote digital inclusion and confidence in the market for barrier-free access.

A new Annex Ia has been introduced which lays down the functionality and content of websites operated by other entities performing the following types of public tasks: network services (gas, heat, electricity, postal services); transport-related services; basic banking and insurance services; education; statutory and complementary social security schemes; health-related services; childcare services; other essential services to facilitate social inclusion; cultural activities and tourist information.

Definitions: Members considered that the definitions proposed by the Commission do not reflect significant technological developments. Online information and services are increasingly obtained by handheld mobile devices as opposed to desktop computers. The definitions on 'website concerned', 'website content' and 'user agents' must explicitly acknowledge this fact.

Furthermore, the report suggested strengthening the **definition of 'website content'** and to include in particular functions provided through websites, which are external to the website of the public body or entity in question.

Requirements for web-accessibility: the amendments stipulated that the websites concerned should be accessible:

- 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;
- in a way which ensures **interoperability** with a broad variety of user agents and assistive technologies at Union and international level
- through a universal design approach.

Accessibility training: Member States should 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.

Member States should 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 experiences and findings from the implementation of conformity of web accessibility requirements. They should also 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.

Monitoring and reporting: Parliament proposed that the Commission should 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.

Enforcement body: Member States should designate a **competent authority** (enforcement body) responsible for enforcing the compliance of the websites concerned with the requirements for web accessibility. The designated competent authority should have the necessary human and financial resources to fulfil its tasks and it should be responsible for following up any **complaints** lodged by website users or other interested parties about failures to comply with the requirements for web-accessibility of the websites concerned.

Member States should report to the Commission every two years on the outcome of the monitoring carried out. That report shall be made public in readily accessible formats.

Fines: Member States should take all measures to establish an effective enforcement mechanism laying down the rules on effective and proportionate sanctions applicable to infringements of the national provisions. Member States should notify those provisions to the Commission by 30 June 2014.

Delegated acts: the European Commission requests to be empowered to adopt delegated acts to specify, where appropriate, the harmonised requirement for web-accessibility. The report recommended **restricting** the use of power to adopt delegated acts only to certain situations and purposes without modifying the requirements themselves.

Application: Member States should apply the measures concerning the requirements for web-accessibility for all new content of websites concerned by one year from the entry into force of the Directive and for all existing content of websites concerned by **three years** from the date of entry into force of this Directive.

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

Accessibility of the websites and mobile applications of public sector bodies

2012/0340(COD) - 27/11/2014

The Council took stock of progress on a proposal to make websites more accessible. Under the draft directive, EU-standardised accessibility features would become mandatory for certain types of public sector bodies' websites. **A report prepared by the Italian presidency** sets out the work accomplished thus far in the Council working party.

Better business conditions and easier web use: a harmonised set of accessibility rules will help website developers to offer their products and services across the EU without extra production costs and other difficulties resulting from different national approaches in the sector. This should improve the functioning of the internal market and contribute to growth and competitiveness.

Certain principles and techniques that make web content more usable are to be applied when creating websites. This will benefit all users, especially people with disabilities, older people and those with temporary disabilities such as a broken hand. Moreover, it is particularly important for the public sector to make its websites more accessible so that they can extend their reach and fulfil their public tasks.

Work in the Council: during the working party discussions, a number of changes were made to the proposal.

- **scope:** the scope has been widened to **cover all public sector websites in their entirety**. This implies the deletion of a number of other parts of the proposal, including the Annex (although an illustrative list of websites covered could still prove useful), as well as minor consequential changes throughout the text. On the other hand, it is not proposed to extend the scope to cover websites published by private entities. However, there is an issue regarding websites supported by public funds or published by public-private partnerships;
- **less red-tape:** the proposal requires Member States to take measures to promote and monitor the application of these rules. Mindful of red tape, the presidency text requires member states to monitor compliance with the rules periodically, instead of continuously as suggested by the Commission. Similarly, the annual reporting obligation proposed by the Commission is to be replaced by less frequent reporting;
- **standards:** Article 5 has been changed to reflect the existence of EN 301 549. This standard now exists and Article 5 provides that compliance with that standard in itself establishes a presumption of conformity with Article 3. EN 301 549 contains accessibility requirements intended for public procurement. However, the focus on public procurement would not appear to pose a problem for making the relevant parts of it applicable also for this Directive, as long as the content of the standard is suitable for that. However, the parts of the standard relevant for this Directive should be identified;
- **deadlines:** the current compromise text suggests that once the directive has entered into force, Member States will have two years in which to adopt national provisions so as to comply with the directive. The web accessibility requirements will be applicable three years from the entry into force of the directive;
- **implementing acts:** the implementing act in Article 7(4) has been replaced by Commission guidelines. All the Articles concerning the exercise of delegation and committee have been deleted.

Next steps: the Italian presidency intends to continue work on the proposal during the remainder of its term. Its aim is to enable the Council to start talks with the European Parliament, so that a deal could be struck under the next presidency.

Accessibility of the websites and mobile applications of public sector bodies

2012/0340(COD) - 26/10/2016 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution on the Council 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.

In line with the recommendation for second reading by its Committee on the Internal Market and Consumer Protection, Parliament **approved the Council position at first reading** without amendment.

The proposed Directive aims at the approximation of the laws, regulations and administrative provisions of the Member States on the accessibility of websites from public sector bodies, in order to improve the functioning of the internal market.

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.

Accessibility of the websites and mobile applications of public sector bodies

2012/0340(COD) - 29/09/2016 - Committee recommendation tabled for plenary, 2nd reading

The Committee on the Internal Market and Consumer Protection adopted the recommendation for second reading contained in the report by Dita CHARANZOVA (ADLE, CZ) on the Council 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 committee recommended the Parliament to **approve the Council position at first reading**.

The proposed Directive aims at the approximation of the laws, regulations and administrative provisions of the Member States on the accessibility of websites from public sector bodies, in order to improve the functioning of the internal market. It lays down the rules according to which Member States must ensure that the websites and mobile applications of public sector bodies respect the accessibility requirements.

Accessibility of the websites and mobile applications of public sector bodies

2012/0340(COD) - 26/10/2016 - Final act

PURPOSE: to lay down common requirements to make public sector websites and mobile applications (apps) more accessible across the EU.

LEGISLATIVE ACT: Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies.

CONTENT: this 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 directive sets out **minimum conditions** allowing member states to establish even stronger requirements. Those requirements shall not impose a disproportionate burden on the public sector bodies.

Member States may exclude from the application of this Directive websites and mobile applications of **schools, kindergartens or nurseries**, except for the content thereof relating to essential online administrative functions.

Presumption of conformity with the accessibility requirements: the Directive provides that the level of accessibility should be equivalent to that ensured by **European standard EN 301 549 V1.1.2 (2015-04)**. The Commission is empowered to adopt delegated acts in order to amend the references to this standard so as to make reference to a more recent version of that standard, or to a European standard replacing it.

By 23 December 2018 at the latest, the Commission will be required to adopt implementing acts establishing technical specifications for mobile applications where no reference to a harmonised standard has been published.

Accessibility statement: Member States shall ensure that public sector bodies provide and regularly update a detailed, comprehensive and clear accessibility statement on the compliance of their websites and mobile applications with this Directive. The statement shall include the following:

- an **explanation** concerning those parts of the content that are not accessible, and the reasons for that inaccessibility and, where appropriate, the accessible alternatives provided for;
- a **link to a feedback mechanism** enabling any person to notify the public sector body concerned of any failure of its website or mobile application to comply with the accessibility requirements ;
- a **link to the enforcement procedure** to guarantee compliance with this Directive to which recourse may be had in the event of an unsatisfactory response to the notification or the request.

Member States shall promote and facilitate **training** programmes, relating to the accessibility of websites and mobile applications and take the necessary measures to raise awareness of the accessibility requirements. They shall **periodically monitor** the compliance of websites and mobile applications of public sector bodies with the accessibility requirements.

ENTRY INTO FORCE: 22.12.2016.

TRANSPOSITION: 23.9.2018.

Member States have **different deadlines** to apply the measures: (i) from 23.9.2019 for websites of public sector bodies; (ii) from 23.10.2020 for existing websites; (iii) from 23.6.2021 for mobile applications of public sector bodies.

Lastly, the Commission shall carry out a **review** of the application of this Directive by 23 June 2022 that shall include a review of technological advances that could make accessibility easier for some types of content excluded from the scope of this Directive.

DELEGATED ACTS: the power to adopt delegated acts shall be conferred on the Commission for an indeterminate period of time from 23 June 2017. The European Parliament or the Council shall have the right to object to a delegated act within a period of two months (extendable for two months) from the date of notification.

Accessibility of the websites and mobile applications of public sector bodies

2012/0340(COD) - 19/07/2016 - Commission communication on Council's position

The Commission supported the results of the interinstitutional negotiations and therefore accepted the Council's position at first reading with a view to the adoption of a proposal for a Directive of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies.

Overall, **the Council accepted the need to legislate in this area** and endorsed the core objectives of the Commission proposal, namely to improve the accessibility of public sector websites. However, the Council made **some changes** on how to achieve those objectives. In particular:

- the scope of the proposal was extended to cover websites and mobile applications of all public sector bodies, with some limited exceptions on the types of body and content covered;
- new provisions allowing public sector bodies to apply the accessibility requirements to the extent that they do not impose a disproportionate burden;
- the definition of 'public sector body' clarifies that the extension to associations formed by one or several authorities or bodies governed by public law covers associations established for the specific purpose of meeting needs of general interest, not having an industrial or commercial character;
- Member States may maintain or introduce measures (in conformity with Union law) which go beyond the minimum requirements provided by the Directive;
- the provisions on standards have been adapted to take account of the adoption of the European standard in 2014 on "Accessibility requirements suitable for public procurement of ICT products and services in Europe" (EN 301 549), resulting from Mandate 376, and also to take account of the fact that there is ongoing standardisation work on mobile applications;
- the Commission will be required to adopt implementing acts within 24 months from the entry into force of the Directive providing technical specifications for mobile applications in cases where no reference to a harmonised standard covering them has been published;
- the text lays down requirements on transparency (public sector bodies will need to publish information on the accessibility of their websites and mobile applications) and for users to request certain content otherwise exempted from accessibility requirements;
- the amended text lays down requirements for an effective enforcement procedure, including the possibility to contact an ombudsman and monitoring and reporting by Member States;
- the Commission is further requested to establish through implementing acts the model statement on accessibility which public sector bodies will be required to publish;
- Member States must transpose the Directive into national law within 21 months after the date of its entry into force. They then have 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 Commission supports this outcome.