ONCE RESPONSE TO THE PUBLIC CONSULTATION
ON DIGITAL CONTENT ONLINE IN THE SINGLE MARKET

1. IDENTIFICATION

The Spanish National Organization of the Blind (ONCE) is a non-profit making organization formed by all blind and severely partially sighted people in Spain. ONCE's mission is to provide services to people with special needs stemming from blindness, whether this occurs from birth or through vision loss later in life, promoting their full social integration in society.

This is possible thanks to its participation in the Public Game Sector through the granting of a state concession to manage a lottery called the "Cupón" and, more recently, other types of lotteries. The income derived from these lotteries allows ONCE to provide social services in education, rehabilitation, vocational training, employment, accessibility, culture, new technologies, sport and other fields to its 66,000 plus members.

Moreover, through its Foundation, ONCE contributes also to the integration of people with other disabilities (approximately 4 million Spanish citizens).

This way, ONCE and its Foundation, secure employment to more than 100,000 people, 78% of them being workers with some type of disabilities.

Abroad, and basically through the ONCE Foundation for Solidarity with Blind People in Latin America (FOAL), ONCE also carries out important cooperation programmes aimed at improving the quality of life of other blind people from different parts of the World.

Finally, in the field of the European Union, ONCE has been one of the most active social organizations in the impulse of policies and programmes that have had positive consequences for the disability sector, a work that it carried out in cooperation with Public Institutions and, above all, with European organizations from the social sector to which it belongs.

2. PUBLIC CONSULTATION ON DIGITAL CONTENT ONLINE IN THE SINGLE MARKET

ONCE welcomes very favourably the opening of the consultation process by the European Commission for the future elaboration of a Communication on this subject by the end of 2006.

We are conscious of the constant emerging of new and more and more creative content and services online. In this context, operators, consumers and users, governments and regulators are faced permanently with new challenges.

The availability of contents online may represent an added value for blind or partially sighted people in comparison to people who do not have that disability, as their

building taking into account accessibility principles will allow the access of this group to contents both new and very important that existed only in a medium of difficult access for people who have visual problems.

In its document, the Commission has identified various types of audiovisual content and services, such as, for example:

1. Audiovisual media online
2. Film, television programmes, documentaries, news and blogs/vlogs, videocasts, series online, sports online, etc.;
3. Music online (music downloads, ring tones, video clips etc.);
4. Radio online (for instance podcasting, radio programmes, news, sport, etc.);
5. Games online
6. Online publishing ('printed' material/books/newspapers online, etc.);
7. Educational content;
8. Other creative online services (cultural information, etc.).

The above-mentioned text expresses the tremendous importance that blind or partially sighted people give to the accessibility of electronic media, among which websites and their contents can be found of course as priority areas.

In this sense, we have focused our attention on the questions that have a direct interest for the group we are representing.

3. ONCE's RESPONSE

Consumption, creation and diversity of online content

- *Do you think the present environment (legal, technical, business, etc.) is conducive to developing trust in and take-up of new creative content services online? If not, what are your concerns: Lack of interoperability between devices?*

In our opinion, the current environment still shows some deficiencies that complicate and at times prevent the access to products and services online for people with special needs, such as people with disabilities or elderly people.

So, we emphasize the following environments:

➢ **Legal environment**

ONCE welcomes favourably the fact that the European Union has become a great defender of inclusion in the field Information and Communication Technology, over the last years.

The following are some examples of this situation:

+ Section 4 of the i2010 Communication deals with inclusion and suggests a European initiative on eInclusion for 2008.
+ The 2005 European Commission's communication on eAccessibility requested ICT to be more accessible for people with disabilities.

- The Riga Ministerial Declaration of June 2006 insisted even more on the subject, recognizing the broad "digital divide" that make elderly people and people with disabilities have less possibilities to use systems such as the Internet. The Declaration insists especially on the accessibility needs of people with disabilities. It requests "a coherent approach to eInclusion within the framework of i2010" and according to W3C Web Content Accessibility Guidelines.

ONCE understands that it is very important that the Commission takes advantage of practical opportunities in its capacity as European legislation initiator to enable the aspirations expressed in its Communications to have a practical value. Nevertheless, on many occasions, people with disabilities remain outside these opportunities. The following would be some examples of this:

eBooks
Until now, there is no legal obligation for book providers to indicate the accessibility or security levels of eBooks. Therefore, customers with visual disability cannot know beforehand whether they will be able to have access to a concrete product.

ONCE understands that it is necessary to have a legislation that enables eBooks, as a transmission channel of culture and knowledge, to be accessible for blind or partially sighted people and for all people with disabilities in general.

Another important matter is the problem of the various protection systems of eBooks, which on many occasions prevent the use of specialized instruments by blind or partially sighted people to allow them to read those materials.

ONCE understands that through the use of standards or through the awareness of book distributors, the European institutions should work to achieve that protection systems allow the access to eBooks to blind or partially sighted people.

Here, we are not talking about exoneration from payment when there is one, but rather about having equal access to basic products for the education of citizens, even with the need to pay for them.

It is necessary to go much further in the design of accessibility standards to be used in interactive content, and here we do not refer only to Internet, but also to the vital aspect for blind or partially sighted to have access to services such as radio online, films online, distance learning, blogs, etc.

Digital TV
At present time, there is no European legislation on digital TV either that guarantees:

- That the hardware used (receivers and remote controls) should be accessible for people with disabilities and elderly people.

- That all the text information on the screen, related with services offered, selection of channels, programmes, pay-television administration, Public Service information and access to all interactive services, including the Internet should be equally accessible.

E-Learning

It is important to refer also to the advantages offered to us by e-learning, and the important discrimination that represents not to have access to those innovative systems in our access to education.

Copyrights

At present time, there is no legal requisite at international or European level for national governments to set exceptions in copyright protection to facilitate the access to protected materials by people with visual disabilities.

It is equally necessary to modify the legislation to ensure that it will be possible to transfer the material made accessible under a copyright exception in a particular jurisdiction, to other jurisdictions with their own comparable exceptions.

➢ **Other environments**

Financing

The Commission should also carry on financing projects aimed at improving accessibility.

It is indispensable to apply a policy where all public elements or elements financed in part or totally with public funds will give the example and be accessible for blind or partially sighted people and in general for people with disabilities and elderly people.

Interoperability

We do not believe that there is enough proven interoperability yet between the systems of distribution. This is especially important for people who need to use assistive technology. It is even more complicated when these people need to use more than one access device or system.

- *Do you think that adequate protection of public interests (privacy, access to information, etc) is ensured in the online environment? How are user rights taken into account in the country you live / operate in?*

ONCE believes that the rights of people with disabilities, in relation with access to digital content, are not duly guaranteed, as we have already expressed with some examples in the previous point.

It is indispensable to have some European legislation on the subject that allows for the enjoyment of these services on an equal basis for all European citizens.

Furthermore, there should be mechanisms not only to value the level of accessibility of these services but also to apply sanctions when these rights are not respected.

- *How important for you is the possibility to access and use all online content on several, different devices? What are the advantages and / or risks of such interoperability between content and devices in the online environment? What is your opinion on the current legal framework in that respect?*

All of us are conscious of the great number of opportunities and services offered through digitalization (access to the Internet, services online, etc.)

For this reason, it is easy to guess that people with special needs such as people with disabilities need these products and services to be designed in an inclusive form.

Logically legislation progresses much slower than technology, which makes very difficult the access of all citizens to these services in equal conditions.

- ***What could be the role of national governments / regional entities to foster new business models in the online environment (broadband deployment, inclusion, etc.)?***

ONCE understands that national governments and regional entities could:

- Request that all products related with Information and Communication Technology should be accessible for people with disabilities.
- Promote also the use of WAI guidelines and accessible technology.
- In all cases, governments should consult and work with experts from organizations of people with disabilities to ensure that the needs of people with disabilities are reflected in the final products.
- Anti-discrimination legislation should also play an important role.
- Last but not least, they should also promote new commercial models that would finance feasibility studies and pilot projects.

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