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MeAC - Measuring Progress of eAccessibility in Europe

# Assessment of the Status of eAccessibility in Europe

Executive Summary

October 2007

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Bonn, October 2007

*The 'MeAC' study* This is the executive summary of the report from a study on "Measuring Progress of eAccessibility in Europe" (henceforth referred to as the 'MeAC' study). The study was commissioned by the European Commission in 2006 as a follow-up to the eAccessibility Communication of 2005<sup>1</sup>. The basic aim was to provide an evidence-base to support the future development of EU policy in the eAccessibility field.

The full report including annexes is available at:

[http://ec.europa.eu/information\\_society/activities/einclusion/index\\_en.htm](http://ec.europa.eu/information_society/activities/einclusion/index_en.htm)

## The eAccessibility challenge

*eAccessibility concerns disabled, older people and many others...* "eAccessibility" concerns the design of Information and Communication Technology (ICT) products and services so that they can be used by people with disabilities, whether of a permanent or temporary nature, and by older people with age-related changes in functional capacities. For people with visual impairments, hearing impairments and other disabilities, eAccessibility is a sine qua non as ICT products and services become essential ingredients of everyday social and economic life. It is a crucial component of eInclusion and one that will become even more important as the European population ages. In fact, improvement of the accessibility of ICT products and services can be beneficial to everyone, by making ICTs more usable in general as well as facilitating their usage in a wide variety of situations (e.g. hands-free usage, in noisy or poor lighting environments, and so on).

*... and a diverse range of ICTs.* eAccessibility requirements arise across the full spectrum of ICT products and services, including telecommunications services and equipment, TV services and equipment, public and commercial websites, computer hardware and software, self-service terminals such as bank machines, consumer electronics and so on.

*Many millions are affected today...* The scale of the eAccessibility issue is enormous in terms of the numbers of Europeans that are affected. Data suggests that up to one-in-five of the working age population have such a degree of disability that eAccessibility provisions may be needed for them to effectively use ICTs and that, overall, up to 60% would be likely to benefit from eAccessibility provisions. There are also many children with such disabilities and very many older people for whom eAccessibility is essential if they are to be able to avail of everyday ICTs in the same manner as everyone else.

*...and even more will be as the population ages.* This already high level of demand for eAccessibility solutions will increase substantially with the ageing of the population. Already there are more than 33 million Europeans aged 50 years or older with disabilities that are severe enough to pose direct eAccessibility challenges and this is projected to reach 46 million by 2050. In addition, there are currently a further 69 million Europeans aged 50 years and older who have some degree of disability that needs to be taken into account in the design of ICT products and services, with this projected to grow to 94 million by 2050.

*Major socio-economic importance of eAccessibility* Apart from the implications for the large number of individuals concerned, there are major socio-economic implications for Europe as a whole. For example, lack of attention to eAccessibility could substantially inhibit the achievement of the employment rate targets for older workers that have been established within European employment policy. In addition, eAccessibility is crucial if the benefits promised by developments in eGovernment and eHealth are to be realised and reach those who are often the ones that could benefit the most.

## The European policy context

*eAccessibility Communication* Because of its social and economic importance, eAccessibility has been receiving increased policy attention in Europe and internationally in recent years. In this regard, the European Commission's eAccessibility Communication of 2005 provides

<sup>1</sup> Communication on eAccessibility. COM(2005)425 final. Brussels 13.9.2005

(2005) the immediate policy context for the MeAC study. With this Communication, the Commission highlighted the need for improving access to Information and Communication Technologies (ICTs) by people with disabilities. Three key approaches for EU-level policy intervention were identified: the application of accessibility requirements in public procurement (utilising freedoms given to Member States in transposing the Public Procurement Directives); the introduction of a product and service certification scheme; and better use of existing legislation (e.g. in telecommunications and employment).

*Benchmarking to inform policy* Depending on a benchmarking exercise to evaluate the status of, and progress in relation to eAccessibility in Europe, to be presented two years after the publication of the Communication, the Commission reserved the option to consider additional measures including new legislation if deemed necessary. The evidence-base and analysis presented in this report has been prepared as a key input to this.

*i2010* eAccessibility is currently one of the priority themes within 'i2010', the European Commission's strategic policy framework laying out broad policy guidelines for the information society and the media in the years up to 2010. A Communication on eInclusion is expected later in 2007 that will, inter alia, follow-up on the the eAccessibility Communication of 2005. On the part of the Member States, at their meeting in Riga in June 2006 the Ministers agreed on reinforced efforts to improve levels of eAccessibility in Europe.

## The benchmarking approach

*Three key questions* Against the background of the eAccessibility Communication, the evidence-base generated by the MeAC study was intended to be used to answer three core questions:

- what is the current eAccessibility status situation in Europe as a whole and across the Member States?
- how well-developed is current eAccessibility policy at EU-level and across the Member States?
- what conclusions can be drawn in support of decision-making about possible future needs for reinforced or new policy measures at EU-level?

*Major data gathering effort* A major data gathering programme was implemented to compile the necessary information for this purpose, including:

- survey of the policy situation in relation to eAccessibility in each of the Member States and in selected comparison countries (Australia, Canada, United States)
- measurement of the status of eAccessibility in each of these countries on a common set of selected key indicators
- surveys of key stakeholders (ICT industry, user organisations, and public procurement officials).

The dataset generated through these methods provides by far the largest and most representative information on the eAccessibility field in Europe and internationally that has been available anywhere in the world to date.

## Highlight results

*Three key benchmarks* Overall, the results show that whilst some progress towards eAccessibility can be detected in Europe, this has not been enough and further EU-level measures need to be considered. Three key benchmarks underpin this conclusion:

- the eAccessibility 'deficit'
- the eAccessibility 'gap'
- the eAccessibility 'patchwork'.

## The eAccessibility 'deficit'

### A) The 'deficit'

People with disabilities in Europe continue to be confronted with many barriers to usage of the everyday ICT products and services that are now essential elements of social and economic life. Such eAccessibility deficits can be found across the spectrum of ICT products and services, for example telephony, TV, web and self-service terminals.

#### Europe's eAccessibility 'deficit' – some examples

- Text relay services (essential for deaf and speech impaired people) are only available in one-half of the Member States; emergency services are directly accessible by text telephone in only seven Member States
- Mobile operators in only seven Member States provide dedicated information for customers with disabilities on their websites
- On average, less than one-third of national language broadcasts of main public broadcasters in Europe were provided with subtitling (for deaf people) in 2006; there is wide variability (from 95% to none) in the amount of subtitling across individual countries
- On average, less than one-tenth of national language broadcasts of main commercial broadcasters in Europe were provided with subtitling in 2006; most of this is provided in just a few countries
- Public broadcasters in only five Member States provided any of their programmes with audio description (for visually impaired people) in 2006 and, where they did, the levels provided amounted to a very small percentage of their overall programming; only in one country did any commercial broadcaster provide any audio description
- Only a very small proportion of key government web sites in the Member States meet the accepted minimum international standards on accessibility (12,5% passed automated testing and only 5,3% passed both automatic and manual examination)
- The share of key commercial/sectoral web sites (e.g. railways, TV, newspapers, retail banking) providing this minimum level of accessibility is even lower (only 3,9% passed automated testing while not a single site passed both automatic and manual testing)
- Only in six Member States has one of the leading retail banks installed ATMs with 'talking' output (enabling self-service for customers with visual impairments); across countries, on average only 8% of all ATMs that have been installed by the two main retail banks in the EU 25 Member States provide such output, with the bulk of this provided in just a few countries.

### Telephony

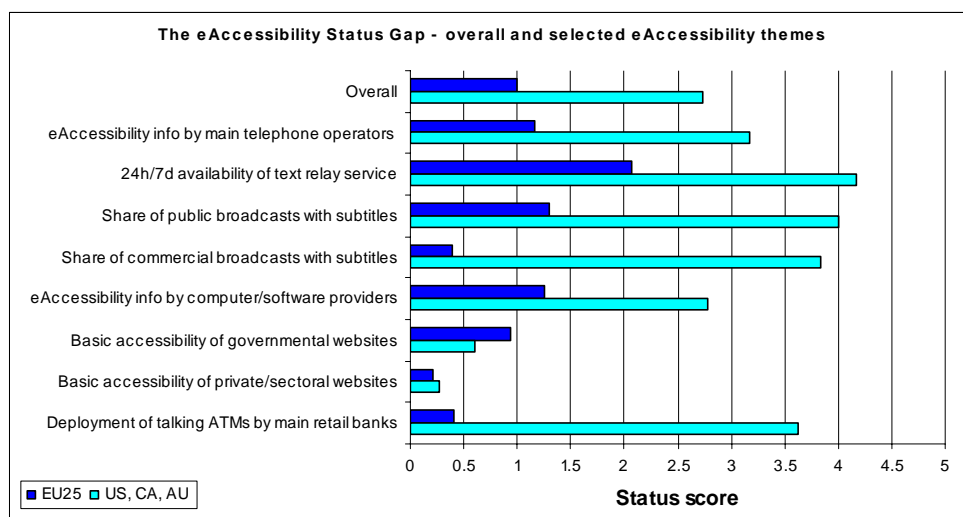
In the case of telephony, the basic eAccessibility yardstick is 'functional equivalence', whereby disabled people have access to the same level and quality of everyday telecommunications services (at the same price and with the same choice) as everyone else. The evidence presented by the MeAC study indicates a substantial lack of availability of key accessibility provisions and a range of factors (e.g. lack of awareness, lack of information and high costs) that act as barriers to take-up of solutions that are available, as well as a perception of limited and slow progress overall. To take just two examples, text telephone relay services are still only available in one-half of Member States and only seven Member States have facilities in place to enable text telephone users directly access the emergency telephone number.

<i>TV broadcasting</i>	In the case of television, the basic eAccessibility yardstick is the extent to which disabled people (in so far as is technologically possible) have access to and can enjoy the same choice of programming as everyone else. The evidence from the MeAC study again indicates a substantial lack of availability of key accessibility provisions and a range of factors (e.g. lack of awareness, lack of information and, in some cases, high costs) that act as barriers to take-up of solutions that are available, as well as a perception of limited and slow progress in general. On average, less than one-third of the national language broadcasts (by the two main public broadcasters) across the Member States are subtitled to ensure that they are accessible for people with hearing impairments, with levels of provision varying from almost none to more than 95% across countries. The comparable figures for commercial channels are very much lower. Public broadcasters in only five Member States provide any audio description to enable accessibility for people with visual impairments and, where they do, the levels provided amount to very small percentages of programming. Only in one country do any of the main commercial broadcasters provide any audio description.
<i>World Wide Web</i>	When the MeAC study tested a similar sample of key public and sectoral/commercial websites in each Member State, only a very small percentage were found to meet accepted international accessibility standards - 8.2% were accessible based on automated testing and just 2.6% when subjected to a more stringent follow-up manual testing. For government websites, percentages accessible were 12.5% and 5.3% for automated and manual testing, respectively. For sectoral/commercial websites, just 3.9% passed the automated test and none passed the manual test. These results mean that only a small proportion of key public websites (national government, national parliament, and key ministries such as social, employment, health and education) meet the accessibility standards and the situation is even worse for key sectoral/commercial websites (e.g. railways, TV, newspapers, retail banking). In a few countries, the majority of the public websites tested met the standards but in many none of them did.
<i>Self-service terminals</i>	The basic eAccessibility yardstick in relation to self service terminals concerns the extent to which people with disabilities (in so far as is technologically possible) can have access to the same level of self-service as everyone else. The evidence from MeAC indicates little progress in the deployment by the banking sector of the accessible ATMs that are now available on the market and even less progress in relation to other self service domains. Only in six Member States has one of the two leading retail banks installed such machines at all and, where they have, in many cases only a few machines have been deployed. Across countries, on average just 8% of all ATMs that have been installed by the two main retail banks in the EU 25 countries provide 'talking' output to ensure accessibility for people with visual impairments, with most of these to be found in just three countries. User organisations also report very limited availability of accessible versions of other types of self-service machines, such as information kiosks and automatic ticket machines.

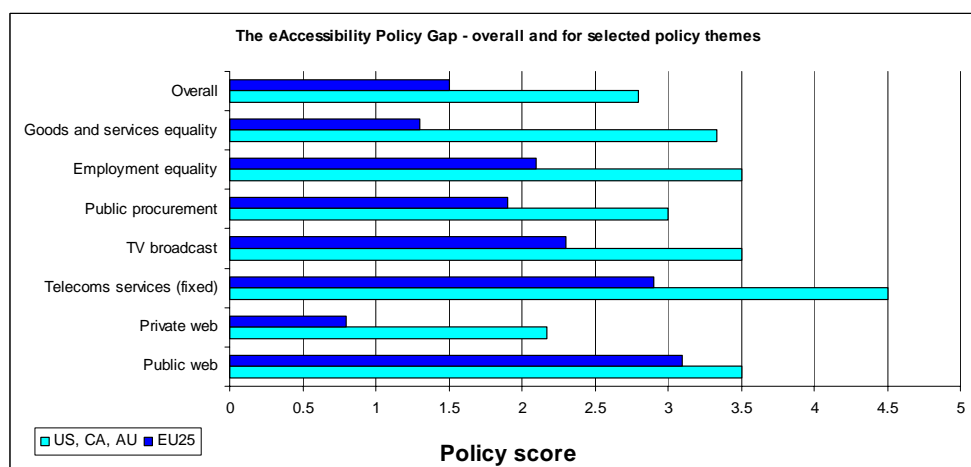
## The eAccessibility 'gap'

<i>B) The 'Gap'...</i>	From a comparative perspective, the eAccessibility situation for people with disabilities across Europe as a whole, in terms of both eAccessibility status and eAccessibility policy, compares very unfavourably with that of their peers in the comparison countries examined in the MeAC study (AU, CA and US). More generally, according to the status and policy yardsticks employed in the MeAC analysis, in absolute terms the overall European eAccessibility situation across the Member States must be assessed as being weak and even very weak in many respects.
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...in eAccessibility status



...and in policy



...shows what can be achieved

Although these 'gaps' show that Europe, as a whole, currently has a less well-developed eAccessibility situation in comparison to key international peers, they also show that it is neither unreasonable nor unrealistic to aim for a much stronger situation in Europe, given that this has already been achieved in the other countries (especially in the US) and in at least one EU country.

## The eAccessibility 'patchwork'

C) The 'Patchwork'

Finally, the situation across Europe for both eAccessibility status and eAccessibility policy is very much a patchwork at present. These patchworks present a picture of many important 'white spaces', of uneven attention across the spectrum of eAccessibility themes and of wide disparities across the Member States.

'White' spaces

The patchworks indicate that there are domains that currently provide no or only a very low level of eAccessibility in almost all EU countries (e.g. accessibility of commercial web sites, provision of access services by commercial broadcasters, self service terminals) and similar "white spaces" appear on the policy side. Such "white spaces" are a lot less visible in the three comparison countries.

Uneven attention to themes

The patchworks also show that the scores for eAccessibility for some ICT domains and for some eAccessibility policy themes tend to be higher than others. In relation to eAccessibility status, for example, the telephony, public broadcasting and computer domains tend to score better when compared with other domains, even if yet far from satisfactory.

Disparities across the Member States

Finally, there is wide variability across the Member States in overall eAccessibility status and policy scores, with very few countries achieving comparatively high scores across many ICT sectors or policy approaches.

## The eAccessibility Status 'Patchwork'

	MeAC overall status index	Telephony		TV		Computer Hard- and software manufacturers provision of accessibility information	Web		Self-service terminals Deployment of accessible cash dispensers
		Telecom operators provision of accessibility information	Availability of text relay service	Share of national language broadcasts with subtitles by two main public broadcasters	Share of national language broadcasts with subtitles by two main commercial broadcasters		Basis accessibility of governmental websites	Basic accessibility of private/sectoral websites	
AT									
BE									
CY									
CZ									
DE									
DK									
EE									
EL									
ES									
FI									
FR									
HU									
IE									
IT									
LT									
LU									
LV									
MT									
NL									
PL									
PT									
SE									
SI									
SK									
UK									
EU25									
AU									
CA									
US									

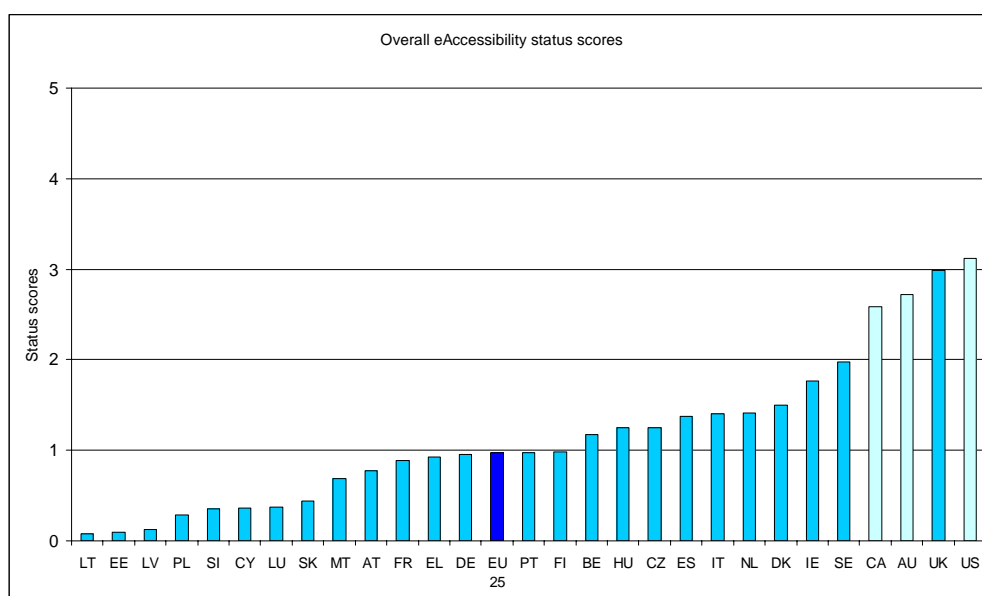
Note: darker shading indicates better eAccessibility status

## The eAccessibility Policy 'Patchwork'

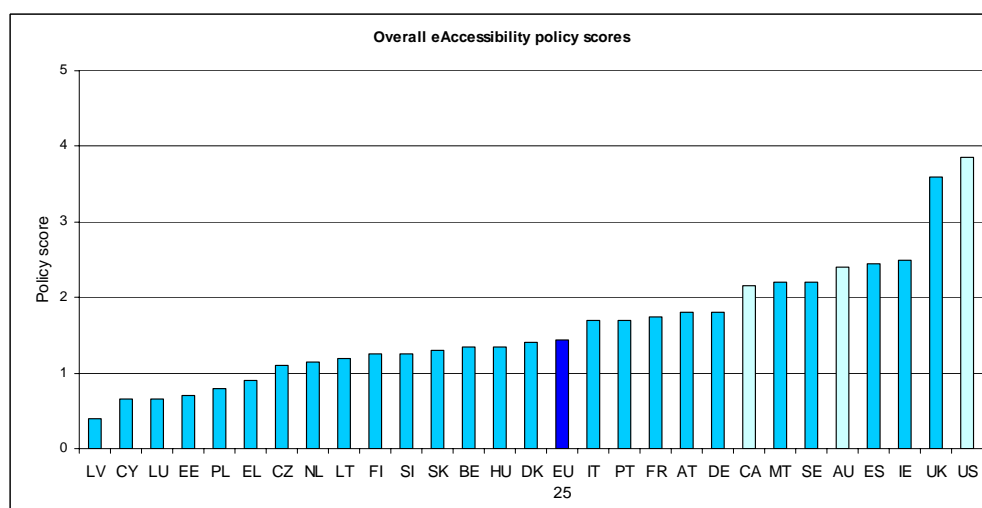
	Sectoral									Horizontal		
	Web		Telecommunications			TV		Other		Public Procurement	Equality / Anti-discrimination	
	Public websites	Other websites	Telecoms services – fixed	Telecoms services – mobile	Telecoms equipment sector	TV services	TV equipment sector	Computer hardware / software	Kiosks, consumer audiovisual etc.		Employment	Goods & Services
AT												
BE												
CY												
CZ												
DE												
DK												
EE												
EL												
ES												
FI												
FR												
HU												
IE												
IT												
LT												
LU												
LV												
MT												
NL												
PL												
PT												
SE												
SI												
SK												
UK												
EU 25												
AU												
CA												
US												

Note: darker shading indicates stronger eAccessibility policy provisions

...in status



...and in policy



*The risk of market fragmentation*

Apart from the direct implications for disabled people because of the widely differing eAccessibility situations across the Member States, these disparities are a source of fragmentation that is not helpful when it comes to market functioning. Differing levels of development of eAccessibility policy may result in differing levels of eAccessibility requirements and obligations on ICT providers and ICT deployers in the different European countries. This has been raised as an important concern by the ICT industry and the need for a 'level playing field' across Europe and internationally has been emphasised.

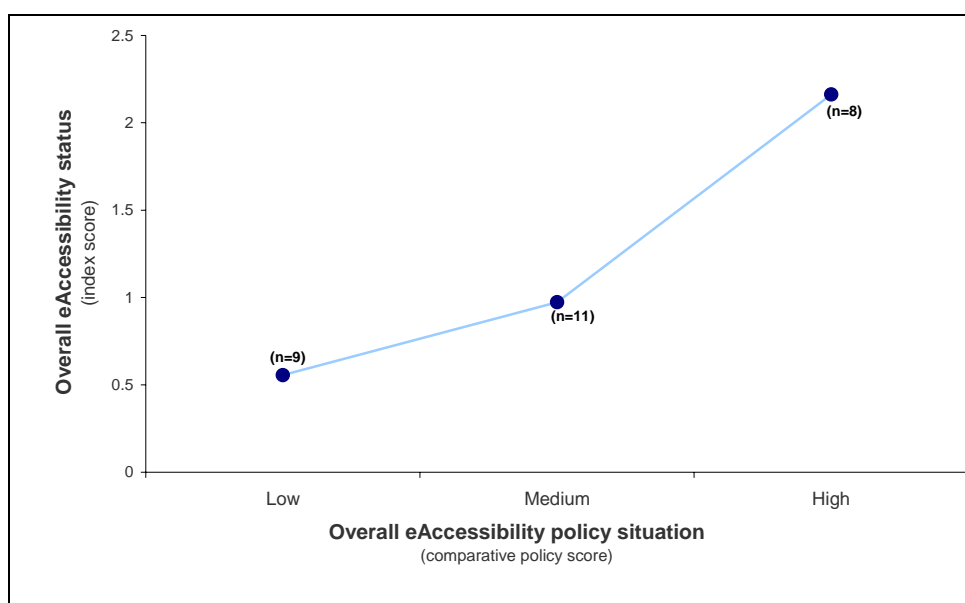
## Policy implications

*Policy can work...*

The results of the MeAC study clearly demonstrate the importance of policy for achieving eAccessibility. In addition to this being suggested in the policy and status comparisons between Europe and the US that were presented in the previous section, the more detailed data and analysis provides clear evidence that well-developed and implemented policies have a strong impact in terms of the achievement of eAccessibility, whether in Europe or the other countries. For example, the following chart shows the strong positive link between overall eAccessibility policy and

overall eAccessibility status scores<sup>2</sup>. Similar patterns are found for each of the specific ICT domains.

*...strong policy has good impacts*



*The case for EU-level measures*

In addition to the evidence of eAccessibility gaps, deficits and patchworks, on the one hand, and of the effectiveness of (good) policy, on the other, the MeAC evidence and analysis also indicates the importance of the role of EU-level policies in progressing eAccessibility in Europe. In this regard, although there is evidence that EU-level measures can have positive impacts, the overall findings and analysis provide a clear indication that further EU-level measures need to be considered if satisfactory progress in eAccessibility is to be achieved within any reasonable timeframe. The following sections outline the EU-level policy considerations that are raised in relation to a number of major sectoral and policy themes.

### Telecommunications services and equipment

*Impacts of EU measures to date*

On the positive side, the evidence from MeAC indicates that in relation to fixed telephony services, at least, some reference to accessibility issues has been made in the transpositions of the EU telecoms directives<sup>3</sup> in almost all countries (although there are a few exceptions). On the negative side, however, in some cases the accessibility themes that are mentioned have not yet been followed-up and implemented in practice.

Overall, the impact of EU policy across Europe as a whole has not been sufficient to bring the 'average' policy situation on accessibility of fixed telephony services to the same level as that in the comparison countries (US, Australia and Canada). Only a small number of Member States compare favourably with these reference countries and the majority compare unfavourably.

Of equal importance is the fact that the situation across the Member States is quite uneven in terms of the strength of requirements implemented in national transpositions of the EU measures and, also, in the dimensions of telecoms accessibility that are addressed. The result is a patchwork of provisions, with differing mixes of accessibility issues being addressed and many gaps.

<sup>2</sup> n = no. of countries. For purposes of this analysis, the 28 countries are grouped into categories according to their overall average policy scores across the various fields outlined in the 'eAccessibility policy patchwork'; countries with an average score of 1.2 or less are included in the 'low' group, those between 1.2 and 1.9 are included in the 'medium' group, and those scoring 2 or above are included in the 'high' group; the graphs show the average overall eAccessibility status scores for each group of countries.

<sup>3</sup> Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services. ("Universal Service Directive"); Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services. ("Framework Directive")

Even if it can be expected that, if left alone, some improvements in eAccessibility policy strength might be expected over time in some countries (especially in those where the laws/regulations are very recent and have not yet been fully implemented in practice), overall the evidence indicates that sufficient progress is unlikely to be achieved without (further) EU-level intervention. In addition, the absence of EU-level provisions in relation to accessibility of mobile telecommunications services and also in relation to the (fixed and mobile) telecommunications equipment sectors<sup>4</sup> is reflected in the fact that very few Member States have implemented any policies in these areas.

*Policy options to consider*

The challenges that are presented suggest a need to consider (some combination of) possible measures at EU level, as listed in the following box.

#### **Policy options for consideration at EU-level: Telecommunications**

- Revision and strengthening of the eAccessibility dimension of the EU telecommunications regulatory package
- Introduction of measures to address the accessibility of telecommunications equipment (as well as services) and, in relation to services, to widen the scope to include mobile services and beyond
- Wider, multi-sectoral measures to help ensure coherence across all relevant policy sectors – telecommunications services, telecommunications equipment, and social policy
- Measures that address affordability as a dedicated issue (including encouragement of mainstreaming of eAccessibility features so that they are provided as standard in popular products and services, and clarification of the role of social policy in relation to issues of affordability and equipment provision)
- Accompanying measures to reach, mobilise and increase the capacity of the various stakeholders (industry, users, policy) in this field.

*Impacts of EU measures to date*

### **Television services and equipment**

Although there have been no EU measures of direct relevance in this field to date, the political agreement on the new Audiovisual Services Directive (amending the Television Without Frontiers - TVWF - Directive) includes accessibility within its scope<sup>5</sup>. On the positive side, the inclusion of accessibility within the Directive can be expected to encourage more and better Member State activity on accessibility of TV broadcasts. On the negative side, the new provisions in the Directive do not seem to require the imposition of mandatory obligations nor do they establish specific targets or indicate a sense of urgency for action.

Even if it can be expected that, over time, the introduction of accessibility in the Audiovisual Services Directive will make a contribution to progressing this field, the evidence from MeAC would suggest that (further) EU-level measures need to be considered if sufficient accessibility of TV services is to be achieved across Europe within any reasonable timeframe. The current absence of EU-level measures addressing the TV equipment sector or the new opportunities and challenges posed by digital TV also needs to be taken into account in this regard.

<sup>4</sup> There are (latent) provisions in the Radio & Telecommunications Terminal Equipment (R&TTE) - Directive 1999/5/EC, but these have yet to be invoked.

<sup>5</sup> [http://ec.europa.eu/avpolicy/docs/reg/modernisation/proposal\\_2005/avmsd\\_cons\\_may07\\_en.pdf](http://ec.europa.eu/avpolicy/docs/reg/modernisation/proposal_2005/avmsd_cons_may07_en.pdf).

*Policy options to consider* The challenges that are presented suggest a need to consider (some combination of) possible measures at EU level, as listed in the following box.

**Policy options for consideration at EU-level: Television**

- Strengthening of the eAccessibility dimension of EU policies on TV services, including measures to address both public and commercial broadcasters
- Introduction of measures to address accessibility of TV equipment (as well as services)
- Introduction of measures to address new issues posed by digital TV
- Wider, multi-sectoral measures to help ensure coherence across all relevant policy sectors – TV services, TV equipment and, where relevant, the social policy sector which continues to play an important role in relation to affordability and equipment provision in some countries
- Accompanying measures to reach, mobilise and increase the capacity of the various stakeholders (industry, users, policy) in this field.

### World Wide Web

*Impacts of EU measures to date*

In relation to public websites, the assessment indicates both positive and negative aspects. On the positive side, there is clear evidence that EU-level policy initiatives are being taken up in the policies of the Member States. Almost all countries have policies in place, in many cases directly triggered by EU-level initiatives such as the Ministerial Resolutions and eEurope<sup>6</sup>. On the negative side, there are still some gaps, with little happening in a few countries, and overall there is quite wide variability in the nature and strength of approaches across countries. Crucially, the evidence shows that the impacts to date on levels of accessibility of key websites have generally been very modest.

In relation to other (commercial) websites, there is no direct EU-level policy currently in place. The absence of leadership from the EU can be detected in the low levels of policy activity across the Member States as well as in the diversity of approaches amongst the countries where there is at least some relevant activity.

*Policy options to consider* The challenges that are presented suggest a need to consider (some combination of) possible measures at EU level, as listed in the following box.

**Policy options for consideration at EU-level: Web**

Public websites

- Accompanying measures to help Member States put the most effective policy approaches in place (linked with wider inclusive eGovernment activity), including use of certification

Other (commercial) websites

- Examination of the scope for introduction of horizontal measures in the equality/anti-discrimination and/or other fields.

<sup>6</sup> COM (2001) 529 Communication from the Commission eEurope 2002: Accessibility of Public Web Sites and their Content; Council Resolution on "eAccessibility" - improving the access of people with disabilities to the Knowledge Based Society, 2-3 December, 2002, 14892/02; EP Resolution on eEurope 2002: Accessibility of Public Web Sites and their Content (2002 (0325))

## Other sectoral themes

*Other sectoral themes* There are also a number of other sectors that need to be taken into account in considering future policy options for the EU. These include:

- Self-service terminals
- Computing and other specific ICT sectors
- Copyright exemptions and Digital Rights Management
- Assistive Technologies
- ICTs in education.

These need to be given appropriate consideration in the context of future eAccessibility policy development at the EU level.

*Policy options to consider* The challenges that are presented in relation to these sectors suggest a need to consider (some combination of) possible measures at EU level, as listed in the following box

**Policy options for consideration at EU-level: Other sectoral themes**

Self-service terminals

- Introduction of legislative or other measures to encourage Member States (and ultimately manufacturers and deployers) to ensure that self-service kiosks are accessible to disabled people
  - equality/anti-discrimination approaches may provide useful models in this regard; specific attention to accessibility of self-service terminals in public procurement and, where relevant, within eGovernment policy also can play an important role
- Accompanying measures to encourage and support accessibility initiatives by other stakeholders, including both manufacturers and deployers of self-service terminals

Computing and other important consumer ICT sectors

- Introduction of measures that encourage greater efforts by industry to mainstream accessibility as a standard feature of computer hardware and software, and other consumer ICTs, and to better communicate achievements to disabled customers across the EU
- Development and implementation of consumer support measures to increase awareness and information on available accessibility solutions, targeting both the demand (user) and supply sides
- Development and implementation of appropriate EU-level initiatives to encourage the development of (public) assistive technology services in the Member States and/or other approaches to subsidising end-user costs (e.g. through social policy)

Copyright exemptions and Digital Rights Management

- This policy area is of great importance for people with visual impairments and others who have difficulties accessing printed materials; the specific provisions for copyright exemptions and the interactions with wider digital rights management vary widely across Europe and this warrants further policy attention at EU-level

Assistive Technologies

- Measures to encourage the provision of comprehensive (public) assistive technology services in the Member States, including attention to affordability issues
- Clearer explication and leveraging of the linkages between assistive technology policy and policies in other fields, such as employment equality
- Measures to support RTD and market development in the field of assistive technology

ICTs in education

- eAccessibility in the educational context needs a high visibility and attention in future EU-level policy on eAccessibility.

## Public procurement

### *Impacts of EU measures to date*

The revised EU public procurement directives offer the potential to significantly contribute to eAccessibility if effectively implemented by the Member States and followed-up by public procurers in their day-to-day work.

On the positive side, provisions in the revised Directives have at least introduced the potential in many EU countries for eAccessibility to be addressed in public procurements of ICTs. In addition, the planned EU standards and toolkit, when available, can be expected to be very helpful as there is a strong reported need on the ground in the Member States. On the negative side, it seems that the intent of the Directives on accessibility has not been fully recognised / implemented in many cases, even if most Member States may not necessarily be aware of this. In addition, there seems to be quite wide variability across the Member States in the specifics of the implementation of the accessibility provisions of the Directives.

Overall, the policy situation in the majority of Member States seems currently to be very weak and the EU situation, as a whole, compares very unfavourably with (two of the) reference countries.

### *Policy options to consider*

The challenges that are presented suggest a need to consider (some combination of) possible measures at EU level, as listed in the following box.

#### **Policy options for consideration at EU-level: Public procurement**

- The possibility of clarifying / reinforcing the accessibility provisions in the EU Directives
- Consideration to making the provisions mandatory
- Introduction of efforts to build synergies with and leverage the eAccessibility impetus being given from the public website accessibility field
  - the procurement implications of accessibility requirements in public website laws and regulations could be spelled out and made more visible
  - in this context, however, there is also a need to raise awareness that the scope covers both customer-facing and internal ICTs
- Synergies and leverage are also possible with equality legislation and with the accessibility dimension now included in the Structural Funds; potential links with public procurement for eAccessibility could be spelled out and made more visible
- Accompanying measures to support the Member States and procurers, including actions directly linked to the EU Directives as well as a more general initiative to put public procurement strongly and visibly on the agenda as a core vehicle for encouraging and achieving eAccessibility in Europe:
  - evidence reinforces the importance of the EU standards bodies work on eAccessibility standards and toolkit for procurers
  - awareness-raising to include education of procurers about eAccessibility
  - measures to re-assure (demonstrate to) procurers that addressing eAccessibility does not add more costs, need not be too complex/time-consuming and so on; at the same time support measures to be put in place to ensure that this is in fact the case
  - encouragement of supplier capacities in eAccessibility would also make a useful contribution

## Certification

### *Impacts of EU measures to date*

There has not yet been any concerted EU-level effort to put into practical effect a European-wide eAccessibility certification regime. Nevertheless, the policy attention given to eAccessibility certification in the eAccessibility Communication of 2005, and in earlier Resolutions and Declarations on eAccessibility and eInclusion, has led to some efforts in relation to web accessibility certification by the European Standards organisations.

More generally, the current situation in relation to availability of and utilisation of eAccessibility certification in Europe poses a number of important challenges that warrant attention at the EU-level. These include:

- the general lack of availability of an appropriate certification regime for use across the Member States
- the fact that only a small number of countries are yet actively using accessibility certification in the one field - web accessibility - where the evidence already shows that 'official' certification schemes can lead to better accessibility outcomes
- the lack of a commonly shared understanding of what accessibility may actually mean in terms of testable criteria when it comes to particular ICT domains which are to be made accessible to different user groupings
- the fact that awareness among users of current labelling practices seems to be rather low and that existing labels are not unanimously perceived as reliable indicators for accessibility at the users' side
- the possibility (already evident in the web accessibility field) that a variety of different national eAccessibility certification schemes, based on differing national standards, will emerge, posing a strong risk of market fragmentation.

*Policy options to consider*

The challenges that are presented suggest a need to consider (some combination of) possible measures at EU level, as listed in the following box.

#### **Policy options for consideration at EU-level: Certification**

- The implementation of an accelerated and reinforced effort to develop and introduce a comprehensive European eAccessibility certification regime (covering all of the key ICT product and service sectors), backed by the necessary European standards, and harmonised as appropriate with relevant international standards
- Possible options to explore:
  - The possibility of addressing this through accelerating / expanding the work of the European Standards Organisations under the existing Mandate 376<sup>7</sup>, in order to provide as soon as possible the groundwork needed to underpin such a European certification regime.
  - Initiation of an additional, dedicated measure directed towards the development of commonly agreed technical standards on eAccessibility across the various ICT domains concerned and implementation of a comprehensive European eAccessibility certification regime linked to this.

### **Equality / anti-discrimination approaches**

*Impacts of EU measures to date*

Although Article 13 of the Treaty of the European Union provides a broad legal basis for combating discrimination based on disability, EU-level measures in the disability field to date have only directly addressed the field of employment equality (through the 'employment equality' directive<sup>8</sup>).

#### Employment equality

The evidence from MeAC suggests that whilst the EU's 'employment equality' Directive has led to the establishment of a good potential to leverage eAccessibility benefits in the Member States this potential is not yet being realised to any appreciable extent.

<sup>7</sup> Standardization Mandate 376 to the European Standards Organizations in support of European Accessibility Requirements for Public Procurement of Products and Services in the ICT domain. M 376 - EN; Brussels, 7th December 2005

<sup>8</sup> Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

On the positive side, EU employment equality policy as presented in the Directive seems to broadly be implemented in most, but not all Member States. On the negative side, the MeAC evidence shows that the current implementations and follow-up activity in the Member States have important limitations in relation to the achievement of eAccessibility policy objectives, including:

- not much impact to date in terms of visibility of and attention to eAccessibility in the Member States, probably at least in part due to the fact that this is not directly emphasised in the current text
- it seems that the link in the Directives between reasonable requirements and available public supports for employers is not yet being made in most Member States in relation to public supports for assistive technologies for employers/employees.

#### Equality of access to goods and services

This approach seems to offer good potential as a vehicle to reach producers and deployers of ICT goods and services in relation to eAccessibility. However, there are no direct EU-level measures addressing this as of yet. This is reflected in less overall attention to this aspect in Member State legislation as well as in wide variability in the extent to which there are equality/anti-discrimination laws addressing goods and services in place at all, and in the strength and other characteristics of the laws that are in place.

#### *Policy options consider*

The challenges that are presented suggest a need to consider (some combination of) possible measures at EU level, as listed in the following box.

#### **Policy options for consideration at EU-level: Equality / anti-discrimination**

##### Employment equality

- Next revision of the Directive could incorporate more specific reference to eAccessibility issues
- Direct linkage and fostering of synergies between employment equality policy and policy in relation to assistive technologies
- Accompanying measures to better leverage existing legislation; these might include stimulation of exchange of good practice amongst Member States and implementation of targeted support measures such as awareness-raising, technical support / guidance, etc.
- Development and implementation of more proactive approaches targeting eAccessibility in employment

##### Goods and services equality

- Examination of the potential to invoke the equality provisions of Article 13 of the Treaty of the European Union across all policy areas of relevance to eAccessibility; possibilities to implement both rights of redress and positive duties or other proactive actions to foster wider systemic change could be considered in this regard; links with the concept of "services of general interest" also could be examined in this context
- Development and implementation of an EU-level measure (Directive) on equality/anti-discrimination in relation to access to goods and services, to include a strong and explicit coverage of eAccessibility within this
- Accompanying measures to help support other relevant stakeholders to address eAccessibility in the equality/anti-discrimination context (e.g. Member State equality agencies, adjudicating bodies, and disability NGOs), including technical guidance and support

## An integrated approach

### *Three main strands...*

Overall, the evidence from the study suggests a need to consider an EU-level approach that combines three main strands:

- better leveraging of existing EU-level measures
- strengthening of existing EU-level measures
- introduction of new measures.

An integrated approach involving a combination of these three elements would seem most likely to be effective in achieving Europe's eAccessibility objectives within an acceptable timeframe.

### *...better leveraging...*

To begin with, there are various EU-level measures already in place (e.g. in relation to telecommunications, public websites, public procurement and employment equality) where the evidence suggests that efforts to better leverage their potential could be considered. The evidence shows that, when well implemented, such approaches can have positive impacts on the status of eAccessibility for people with disabilities.

### *...strengthening...*

In addition to this minimalist approach, the evidence suggests that strengthening of some of the existing measures also warrants serious consideration. This applies especially in the case of existing measures in relation to telecommunications and TV, and possibly also in other areas such as public procurement and employment equality. Existing efforts in relation to certification also need concerted attention and strengthening.

### *...and new measures*

Finally, the evidence also suggests a need to give serious attention to the possibility of introducing new measures. This may be warranted in order to address a number of important challenges presented by the current situation, including:

- reaching the 'white spaces', the ICT sectors and deployer sectors that are not being reached by existing EU-level measures
- addressing the European 'patchwork' whereby there are wide disparities across Member States in the strength of policy attention being given to different aspects of eAccessibility
- achieving co-ordination and synergies across the different (and potentially complementary) policy approaches.

In addition, a new concerted effort would seem to be required in order to close the eAccessibility gap between the EU, as whole, and the reference countries.

## Possible new measures for consideration

As regards possible new measures to be considered, two (not necessarily mutually exclusive) options might warrant more detailed examination. These are the introduction of:

- an EU-level directive on equality of access to goods and services
- a wider, overarching and cross-cutting EU-level eAccessibility instrument.

### *Equality of access to goods and services*

As noted earlier, there is currently no EU-level instrument addressing equality of access to goods and services. Some countries have implemented legislation of varying forms but many have not yet initiated anything in this regard. The evidence shows that this can be a useful mechanism for reaching ICT and deployer sectors that may otherwise be difficult to address through direct sectoral policies. For these reasons, an examination of the possibility of introducing a Directive on equality of access to goods and services, to include a strong eAccessibility component, seems warranted.

*Wider  
eAccessibility  
instrument*

In addition, the evidence suggests a need to give serious consideration to the possibility of introducing at EU-level a wider, overarching and cross-cutting eAccessibility instrument. This would seem to be the most effective way of supporting the development of a coherent approach across the Member States and of avoiding the emergence of unhelpful market fragmentation in relation to eAccessibility. Linked to the equality/anti-discrimination approach, it might also be an effective way to reach ICT sectors and deployer sectors that may otherwise be difficult to directly address. It would also provide a mechanism for effective policy co-ordination and for the identification and achievement of the potential synergies that exist across policy approaches.

**Policy option for consideration at EU-level: Overarching, cross-cutting instrument**

- Outlining a comprehensive perspective on eAccessibility that will support a shared view on eAccessibility (and all of its dimensions) across the Member States and of the mix of policy approaches that can best support its achievement
- Making the cross-policy linkages that are needed to ensure coherence across EU-level (and, ultimately, Member State level) measures and foster the achievement of the cross-policy synergies that are possible
- Instituting whatever specific legislative/regulatory measures that might be needed, to include strengthening of existing measures and introduction of new measures as appropriate
- Specifying accompanying measures to better leverage existing legislative / regulatory measures and to help support the other stakeholders in their efforts to address eAccessibility.