

# **Consultation Workshop on web- accessibility and e-accessibility**

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## **Summary of Outcomes**

Rapporteurs:

David McDaid, London School of Economics

Lutz Kubitschke, empirica Gesellschaft für Kommunikations- und Technologieforschung mbH

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## **1 Introduction**

This document summarises the outcomes of a public consultation workshop organised on 10<sup>th</sup> June 2008 as part of the European Commission's consultation process on the future development of e-accessibility policy in Europe.

Building upon evidence collated by means of previous activities, this consultation workshop aimed at gathering expertise and views in relation to both web-accessibility and general e-accessibility from a number of key stakeholders, especially Member States (notably the members of the eInclusion sub-group), users and industry, in order to assess the need for and elements of possible legislative approaches to these issues.

Participants were provided with a briefing paper in advance, outlining the general aim of the workshop as well as particular themes for discussion and available evidence respectively (see Annex). In conceptual and organisational regard, the workshop was divided into two thematic core parts. While the first and larger part focused on a possible EU-level intervention in the field of web-accessibility, the second part focused on a possible horizontal EU-level approach towards e-accessibility. In the following subsections outcomes of both parts are summarised.

## **2 Summary of outcomes of the session on web-accessibility**

The debate on a possible EU-level intervention in the field of web accessibility was structured according to the following core questions:

- Is there a need for EU-level intervention?
- What scope should it have?
- What time frame for achieving accessibility should be set?
- What standards are to propose?
- Is there a need for web-accessibility contact points in the Member States?
- Is there a need for monitoring of achievements?
- What costs and benefits are involved?

For each of these sub-themes an introductory presentation was given that outlined the current state of affairs and highlighted key issues for discussion in the plenum. In the following a summary of the debate is presented according to the themes listed above.

### **2.1 Rationale for EU-level intervention**

An EU-level intervention in the field of web accessibility was unanimously appreciated by the workshop participants. There was, however, some debate on the preferred nature of such an intervention.

Some Member States' representatives, notably those from France and the Netherlands, called for a non-binding EU recommendation. The argument was brought forward that such an intervention would deliver needed guidance to the Member States, while at the same time leave sufficient flexibility to address the web-accessibility theme in the context of their particular national situation. In relation to the Netherlands, it was stressed that the market was not yet ready for any binding legislation in this field, one important reason being that there was not enough knowledge and organisational capacity on the part of website owners to actually implement existing web accessibility guidelines such as WCAG 1.0. Legislation alone would thus not guarantee any progress on the ground. It was felt that rather than legislation, a "culture change" among web owner and developer communities was required. Measurement of compliance was also mentioned as a challenge in this context. In relation to web-accessibility policy pursued in France, it was stressed that an EU-level recommendation would be helpful in convincing the private sector about the relevance of the web-accessibility

theme through setting a good example in the public domain which could then be followed by commercial website owners on a voluntary basis.

User representatives, notably from EDF, ANEC and AGE, expressed their concerns that a non-binding EU-level intervention would not yield the desired effects. It was recalled that progress in the Member States was insufficient despite the fact that these had already made a clear commitment concerning accessibility of public websites in the framework of the Riga process. It was argued that the Commission's benchmarking study showed a positive link between the existence of legislation and levels of accessibility achieved on the ground, and that standardised technical guidance on how to practically achieve web-accessibility was available in terms of W3C guidelines. An EU Directive was called for in order to effectively address the current lack of implementation. It was argued that such an instrument would also leave flexibility to the Member States to cater for any national peculiarities. Concerns were expressed that there was a risk of further fragmentation without binding intervention by the European Commission.

Further issues were highlighted by other workshop participants. It was stressed that by providing focus, an EU-level intervention might help to overcome ambiguity that was observable in relation to existing national legislation, e.g. when it comes to provision made in relation to compliance. As an example, it was mentioned that the Disability Discrimination Act in the UK would not refer to compliance at all. Also, it was stressed that there was a need for harmonisation in the field of assistive technologies, regardless of which type of intervention instrument ultimately was to be used. Further, it was argued that kiosk and self-service technology increasingly relied upon internet technologies and that there was a general lack of awareness of e-accessibility issues among relevant technology provider and deployer communities.

## **2.2 Scope for intervention**

User representatives stressed that in principle all websites should be accessible, including intranets as far as these were work-related. The argument was put forward that the distinction between public and private websites would become less relevant as more and more services were provided by the private sector on behalf of the public sector. Measures should be put in place that effectively encourage all website owners to ensure accessibility of their sites. The Disability Discrimination Act in the UK was mentioned as an example of legislation that requires public authorities to ensure accessibility of their online services to people with disabilities. It was mentioned that commercial parties in the UK have started to show interest in web-accessibility as well and that there were some good examples supporting a business case for web accessibility in the commercial arena, the large retailer Tesco representing perhaps the most prominent one. In this context, it was stressed that examples such as Tesco would be needed in other countries as well.

Member States' representatives stressed that it was impossible to cover all websites by means of legislation. It was proposed that the content of a given website may provide suitable decision criteria on whether it should be covered by legislation. The approach pursued by the recent UN convention on equal rights of people with disabilities, which would set minimum standards linked to sustainable development, was mentioned as a possible example to look at.

Other participants stressed that from a user's perspective, accessibility of both public and private websites was equally important. It was argued that it would be more important to focus on achieving a basic level of accessibility for the widest possible range of websites rather than higher levels of accessibility for a subsection of sites only. Once basic standards are widely implemented these could then be upgraded over time.

From a business point of view, it was stressed that retrofitting of accessibility into existing websites can involve considerable costs. Meaningful prioritisation of relevant content may thus be a suitable way forward. Criteria for prioritising web-accessibility efforts to be made by businesses that were mentioned include whether costs would be prohibitive and the impacts these would have in terms of improved accessibility experienced by the users.

Attention was also drawn to a recent study commissioned by ANEC regarding small scale enterprises. Outcomes suggest that the focus should not just be on implementing accessibility standards for web content but for web authoring tools as well. It was stressed that availability of authoring tools that provide appropriate guidance on web-accessibility played an important role in achieving good outcome in terms of accessible websites, particularly for small scale businesses.

### **2.3 Timeframe**

It was reiterated that retrofitting of accessibility into existing websites was more time consuming when compared with designing it in right from the beginning. The suggestion was made that phasing web accessibility in for all new websites and prioritisation of existing websites for retrofitting might be a suitable way forward.

There was some debate about whether current design tools and customer management systems were sufficiently well developed to support accessible web design. Also, it was stressed that the web developer community in some countries was not yet ready for implementing accessibility standards. Against this background it was felt difficult to take a decision on deadlines for achieving accessible websites without further discussions with the web developer community.

In relation to the next version of W3C's web content accessibility guidelines (WCAG 2.0) which is expected to be adopted in the near future, one participant stressed that it was not clear whether WCAG 2.0 techniques were supported by all web technologies. A road map to adapt technologies to WCAG was called for.

ANEC expressed the view that a discussion about a timeframe for implementing web-accessibility standards was irrelevant if the instrument of a non-binding recommendation was chosen because the latter would not, in any case, have any impacts on the ground.

### **2.4 Web Content Standards**

Member States' representatives expressed the view that it was important to be realistic about what can be achieved given the differences in the Member States. It was felt that a coordinated voluntary approach may be more efficient than putting something into force that some Member States will find difficult to achieve. It was suggested that the European Commission could recommend a minimum standard that can be achieved across all Member States, preferably referring to WCAG 1.0. at this point in time and to WCAG 2.0 at a later stage.

In relation to the latter, there was some debate about the need for translating W3C's web accessibility guidelines into national languages. One participant expressed his concern about the user-friendliness of the new version of the web-accessibility guidelines. He called for an easier packaging of the guidelines that would make them more digestible for policy making and practitioners as well. Another participant highlighted that there was an attempt on W3C's website to make the guidelines understandable. What were needed, however, were easy-to-use testing tools. Also, it was stressed that an EU-wide consensus was required on supportive technologies that can be used to ensure web-accessibility.

### **2.5 Conformance assessment**

The general importance of accessibility-related labelling from a consumer's point of view was emphasised by user representatives. In relation to sign language interpretation of textual web content in particular, a lack of a common standard which could be followed by practitioners was stressed.

Other participants emphasised the potentials that labelling holds generally for raising current levels awareness of the web-accessibility theme and pointed to information available at W3C's website in this regard. There was some debate about whether conformance assessment practices that follow simple "yes" or "no" criteria were really helpful to users and

web developers. Also, a broader perspective was called for on what should be considered a “website” in view of rapid technological development.

Member States’ representatives emphasised that labelling was by no means a guarantee for accessible websites. Rather, provision of suitable tools and guidance to web developers and web site owners was seen as being more important. Voluntary schemes were regarded as most appropriate if labelling was required by website owners. Also, it was stressed that well-working schemes as they exist in some Member States should not be overlooked.

During the debate it was recalled that a dedicated workshop of the European Committee for Standardisation (CEN) has already examined the issue of conformance assessment concerning web accessibility and produced recommendations in this regard. Also, it was stressed that the second phase of the Mandate No. 376 which was given to the European standardisation bodies includes the possibility of developing conformance schemes. Further, it was mentioned that W3C is developing testing procedures to accompany the web-accessibility techniques included in WCAG 2.0.

There has been some debate about the usefulness of accessibility statements that go beyond mere labelling which are today provided on some websites. It was stated by some that evidence available from recent research suggested that current practice lacks usefulness from the user’s point of view because of the largely technical nature of such statements as they can be found today.

## **2.6 National contact points**

Various participants welcomed the establishment of national contact points with a view to enabling cross-national networking and avoiding fragmentation in terms of strategic focus and practical implementation of policy intervention in the field.

There was, however, some debate on how such an approach might best be implemented in practical terms, and no clear picture emerged from this discussion. The issue was raised that different legislative approaches may require different types of bodies operating at the national level when it comes to responsibilities, powers and expertise. As an example, Italy was mentioned as a country where accessibility issues were addressed on the basis of procurement law whereas in the UK the legal basis for intervention was equality law.

It was stressed that regulatory practice in other policy fields such as the Alternative Dispute Resolution Mechanism (SOLVIT) that has been set up to help EU citizens and businesses who have been denied the possibility to exercise their European Internal Market rights may provide useful lessons to be learned with regard to the web-accessibility theme.

## **2.7 Monitoring**

Some Member States’ representatives reported on monitoring efforts pursued in their countries. These vary in terms of scope and methodological approach. It was stressed that there is a danger that with different approaches pursued in the various countries, website owners will only do the minimum that is required from them according to the monitoring approach practiced in their respective countries.

With a view to self-service machines, concerns were raised that accessibility-related innovation may be hampered if the bar is raised too high through monitoring efforts.

## **2.8 Costs and benefits**

Member States’ representatives emphasised that national web-accessibility policies were motivated by e-inclusion related policy goals rather than cost-benefit considerations, a side effect being that hard evidence about costs is scarcely available today. In the Netherlands, projects have been started to collate evidence on costs involved in achieving accessible websites. In France, it has been estimated that costs for achieving accessibility of government websites may amount to up to 20% of overall maintenance costs. When it comes to benefits for the wider society, it was emphasised that extensive research would be

required to establish a definite picture. It was argued that societal and other costs incurred by non-accessibility of websites would need to be taken into account as well. With reference to available evidence from private sector examples such as Tesco in the UK, it was stressed that benefits for website owners may be substantial.

Other participants emphasised that a general statement about additional costs involved in making a website accessible to people with disabilities was difficult to make because of the variety of factors that influence the effort ultimately required. It was stated that if web standards were properly and consistently used, costs for accessible web design would be a lot lower than if this was not the case. With reference to existing examples it was emphasised that for a bespoke development with pure technical compliance, the cost would be negligible. Additional user testing would of course add further costs. Also, the need to work around constraints of existing customer management systems may induce further costs. It was stressed that if accessibility issues were approached too late in a website's life cycle, cost could become prohibitive. Research was called for in order to shed light on such cost aspects.

With reference to the earlier mentioned CEN workshop on conformance testing in the field of web-accessibility, it was stressed that most enterprises were likely to be prepared to take costs for certification if this provided certainty that they were compliant with any existing regulation / legislation concerning web-accessibility.

### **3 Summary of outcomes of the session on a horizontal approach towards e-accessibility**

The concept of a horizontal approach towards e-accessibility was widely appreciated. Arguments that were brought forward in this context included the rapid technological development and the blurring of existing technology domain boundaries. The internet which was now becoming a platform for all types of mobile and fixed applications was mentioned as an example for this trend. It was stressed, however, that it was not possible to make everything accessible for everyone. Radio on the internet for completely deaf people was mentioned as an example here.

With reference to a paper on horizontal e-accessibility legislation jointly published by ANEC and EDF, ANEC suggested the adoption of a horizontal e-accessibility EU Directive. It was stressed that such an approach would also be in line with the recent UN Convention on equal rights of people with disabilities.

It was felt by some participants that a horizontal legislative approach would need to be more precisely defined. One participant pointed to the USA where a combination of market-related legislation addressing particular ICT domains as well as anti-discrimination legislation cutting across various domains had been put in place.

When being asked for any particular technologies that would need to be considered when it comes to developing an EU-level horizontal approach towards e-accessibility, participants mentioned a wide range of technologies and applications. These included:

- current and next generation mobile technologies for personal communication, payment and broadcasting,
- digital broadcasting in general,
- broadband services,
- access to emergency services,
- access to digital libraries,
- social web applications, and
- electronic components of the built environment such as user interfaces for elevators.





## **Annex**

### **Workshop briefing paper**



Brussels, 02.06.2008

## **Consultation Workshop on web-accessibility and e-accessibility**

### **Brussels, 10 June 2008**

*Document prepared jointly by the study "Accessibility to ICT products and services by elderly and people with disabilities" and the ICT for Inclusion Unit.*

#### **4 Background**

As announced in the 2007 Communication on the European e-Inclusion Initiative, the European Commission<sup>1</sup> intends to explore the need for and elements of possible legislative measures in e-accessibility.

As the Information Society matures, ICTs have become a ubiquitous and essential feature of everyday social and economic life. This presents both new opportunities and new challenges for the goal of access and participation for all. e-Accessibility is one of the core issues in this regard, focusing on ensuring that ICTs are designed so that their technical or functional features do not present barriers to particular groups.

e-Accessibility is especially relevant for people with disabilities and also for a much wider range of older people. The numbers concerned are very large:

- People with disabilities constitute about 15% of the European population;
- Older people (65+) currently represent about 17% of the European population and this is expected to rise to 30% by 2050;
- It has been estimated that up to 60% of people of working age would also be likely to directly benefit from improved e-Accessibility.

Because of its social and economic importance, e-Accessibility has been receiving increased policy attention in Europe and internationally in recent years. The European Commission has stated that e-Accessibility is “a social, ethical and political imperative” as well as having a high economic and market importance<sup>2</sup>. Reflecting this, e-Accessibility has been established as a key element within the i2010 initiative and the European Ministers agreed on significant e-Accessibility measures at their meeting in Riga in June 2006<sup>3</sup>.

e-Accessibility has been addressed in various ways in EU policy and action since as far back as the early 1990s. A Communication from the Commission on e-Accessibility in 2005 provided the first overall stock-taking of the situation in Europe. The Communication pointed to a variety of problems, including insufficient attention to e-Accessibility by industry, inconsistent implementation of existing EU-level measures and growing fragmentation across the Member States, as well as lack of support for consumers (such as certification and labelling). Because of this unsatisfactory situation, it was concluded that both reinforcement of existing measures and the introduction of new measures needed to be considered, including the possibility of new legislation. To support decision-making in relation

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<sup>1</sup> [Communication on European e-Inclusion Initiative](#), COM(2007)694, 8.11.2007

<sup>2</sup> [Communication on e-Accessibility](#), COM(2005)425 final, Brussels 13.9.2005

<sup>3</sup> [Ministerial Declaration](#), 11 June 2006, Riga, Latvia

to this, a study was launched to measure progress in e-Accessibility in Europe and the results were published in 2007<sup>4</sup>.

Reflecting the outcomes of the benchmarking study, the Commission Communication on e-Inclusion of 2007<sup>5</sup> concluded that there has been insufficient progress in e-Accessibility in Europe and that further steps are needed. In particular, the Communication stated that the possibilities of a horizontal legislative approach would be explored, while also the particular issue of lack of progress on web accessibility was highlighted.

It is considered that further information is needed at this stage both for a possible vertical measure addressing website accessibility, and to better understand the possible more general horizontal legislative approach on e-Accessibility (addressing ICTs in general). A study as input for impact assessment is currently being conducted.

⇒ *The consultation workshop aims to gather expertise and views in relation to both web-accessibility and general e-accessibility from a number of key stakeholders, especially Member States, users and industry, in order to assess the need for and elements of possible legislative approaches to these issues.*

## 5 Web accessibility

### Background

The web has evolved in a manner that often presents major accessibility barriers. This is mainly due to a lack of attention to accessibility by web developers rather than to any inherent properties of the web as a medium, per se.

The scale of the web accessibility problem in Europe is substantial: the majority of websites, be they public or private, do not comply with basic internationally accepted accessibility guidelines.

Some examples:

- 3% of public websites across Europe were fully compliant with the accessibility guidelines (2005).
- 5,3% of government websites and none of the key commercial/sectoral websites were fully compliant with the basic accessibility guidelines (2007)<sup>6</sup>.

This continuing poor picture arises despite a relatively long-standing EU policy commitment to public web sites accessibility and various common commitments made by the Member States.<sup>7</sup> The 'Riga Dashboard' in 2007<sup>8</sup> graphically illustrated the scale of the challenge facing by Europe if the public web accessibility targets are to be met and noted the need for further policy intervention. In response to this, the Communication on e-Inclusion in 2007 called upon Member States to agree by mid 2008 on a roadmap for accessibility of public websites.

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<sup>4</sup> Empirica, WRC, RNIB, RNID, eWORX (2007): MeAC - Measuring Progress of e-Accessibility in Europe Assessment of the Status of e-Accessibility in Europe (Main Report), [http://ec.europa.eu/information\\_society/activities/einclusion/library/studies/meac\\_study/index\\_en.htm](http://ec.europa.eu/information_society/activities/einclusion/library/studies/meac_study/index_en.htm)

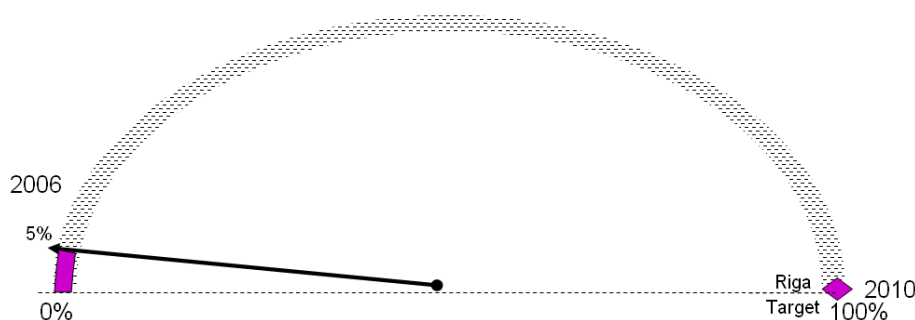
<sup>5</sup> Communication "European i2010 initiative on e-Inclusion - to be part of the information society". November 2007

<sup>6</sup> Survey of 314 government and key commercial/sectoral websites of major public interest (e.g. railways, TV, newspapers, retail banking) in Europe.

<sup>7</sup> COM (2001) 529 Communication from the Commission eEurope 2002: Accessibility of Public Web Sites and their Content; Council Resolution on "e-Accessibility" - 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))

<sup>8</sup> Measuring progress in e-Inclusion - Riga Dashboard, 2007. [http://ec.europa.eu/information\\_society/activities/einclusion/docs/i2010\\_initiative/rigadashboard.doc](http://ec.europa.eu/information_society/activities/einclusion/docs/i2010_initiative/rigadashboard.doc)

## Accessibility of Public Websites in Europe



### The current legislative situation in the Member States

Many Member States have started to address web accessibility by means of dedicated interventional measures, for instance:

- In AT, IT, CZ, *sector-specific legislation* makes reference to web accessibility e.g. in the framework of eGovernment and/or public procurement legislation;
- In IE, UK, DE, web accessibility is addressed in *anti-discrimination and equality legislation*.
- Other countries (DK, NL, SI) have adopted *interventional measures* such as ministerial resolutions, national action plans, strategic policy frameworks which can place a concrete obligation on particular parties to make their web sites accessible to people with disabilities in a given time frame.

These efforts vary quite a lot in terms of scope and implementation mechanisms that have been put in place:

**Scope of application:** the majority of measures pursued so far are directed towards owners of **public websites**, whereas private web sites seem to be addressed to a much lesser extent and with a less forceful notion (e.g. by means of recommendations rather than legally binding obligations).

There are also variations across the Union as regards the administrative levels that are targeted by existing interventions. While in some countries web sites owned by public bodies operating at the **national, regional and local levels** are explicitly addressed - either by means of legislation or by means of other regulative instruments - in other countries current efforts seem to address primarily public bodies operating at the **national level**.

**Technical requirements:** the available evidence base suggests that the **Web Content Accessibility Guidelines 1.0 (WCAG 1.0)** constitute a key reference point in almost all countries that have introduced some kind of interventional measure.

This does, however, not necessarily mean that these are applied in a one to one manner. In a number of cases further guidelines or standards are being drawn upon, e.g. accessibility guidelines available from NGOs or other bodies of expertise. Also, guidelines developed by the US Department of Justice, in the framework of the Section 508 of the US Rehabilitation Act are being applied in some cases. Also, there is evidence that some countries are currently revisiting their technical requirements in the light of the ongoing development of **WCAG 2.0**.

**Accompanying measures:** some countries have adopted measures such as **awareness-raising** among public parties targeted by interventional measures, **networking** of relevant actors with a view to providing more practical guidance and capacity building.

Once accessibility has been achieved it should take relatively little effort to maintain accessibility over time, but effective procedures need to be in place to ensure that this happens. In the UK, national

surveys of local authority websites found that almost 14% passed the accessibility test in 2007 just 13% did in 2008 and, of the total of 64 websites that passed in 2007 just 14 passed in 2008.<sup>9</sup>

These developments suggest that the introduction of legislation may not per se lead to ever rising levels of accessibility in the web arena. Moreover, carefully targeted accompanying measures such as awareness-raising and **organisational capacity** building may be required to establish a sustainable “culture of accessibility”.

**Monitoring:** regular **benchmarking** efforts are pursued only in few countries. Annual benchmarking seems to remain an exception. Also, **monitoring** efforts seem to vary a lot in terms of scope (e.g. number and types of sites sampled) and methodological approach adopted (self-assessment vs. assessment from external parties).

**Certification:** Accessibility related **certification/labelling** schemes can be found in a number of Member States, but in the majority of countries no such schemes have emerged yet. In many cases the implementation of a **labelling scheme** seems to be driven by disability organisations or commercial parties. Only in few cases has a certification/labelling scheme emerged from dedicated government policy.

⇒ *Overall, the available evidence provided by the MeAC study<sup>10</sup> suggests that the greatest levels of success in terms of web accessibility are being achieved in Member States that have implemented a combination of strong legislation and a strong programme of accompanying measures. Also, countries with accessibility certification linked to the legislative/regulatory approach seem to have greater success.*

### Objectives of EU intervention

One option to improve the situation as regards availability of accessible websites is to strengthen legislative support at EU level for web-accessibility.

Generally, EU legislative measures can take the form of a Directive, a Regulation or a Recommendation, the latter being considered the softest legislative approach. An EU-level legislative measure related to web-accessibility would *de facto* be accompanied by a number of accompanying measures as support is currently being given to Member States’ coordination (i2010 e-Inclusion subgroup), standards development (Mandate 376), benchmarking (Riga Dashboard) and R&D projects.

Such a measure could aim at:

A rapid improvement in levels of web accessibility in all Member States – Current levels of accessibility are far behind the common targets that have been established in the Riga Declaration and failure to maintain accessibility once achieved appears to be commonplace.

Prevention of fragmentation in the internal market – risks of fragmentation may happen at different levels:

- From the consumer/user perspective, barriers of access to the internal market and to free movement are posed by (lack of) web accessibility;
- From the online business perspective, the eCommerce dimension of the internal market should function effectively, namely in a manner that both promotes web accessibility and avoids accessibility-related barriers to cross-border trade;
- From the public procurement and web-accessibility related goods and services industry perspectives (web developer software, user agents, independent web design/development/maintenance services), the internal market should likewise function effectively.

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<sup>9</sup> SOCTIM (2008) A world denied: A supplement to *Better connected 2008* on web accessibility

<sup>10</sup> Measuring progress of e-accessibility.

A culture change amongst web owners and designers – Culture changes are needed within the web owner and web design/developer communities so that accessibility comes to be embraced as an integral part of an organisation's approach to effective web presence. This requires awareness-raising, motivation and training in the benefits of accessibility and its overlaps with good design more generally.

### **Questions related to Web-accessibility**

*The text below highlights some key questions for discussion at the workshop as a trigger for the discussion (without attempting to be exhaustive).* This includes the general nature of a possible instrument, its scope in terms of websites concerned and its key elements.

Binding or non-binding

Binding legislation (Directive or Regulation) would be expected to have more consistent impact across the Member States.

Non binding legislation (Recommendation) might be better suited to the realities of the situation in the Member States, where most of them already have some legislative or other measures in place (mainly addressing public websites) but there is considerable diversity of approach and effectiveness.

An additional important issue related to this question is the availability of standards. Currently there is no European standard for web-accessibility. W3C's WCAG 1.0 guidelines, though most frequently referred to, are not a European standard. WCAG 1.0 has also not been quite satisfactory as an unambiguous and up-to-date reference point. W3C has been developing a new set of guidelines, WCAG 2.0, which aims to remove previous ambiguity and to be adapted to new web technologies. WCAG 2.0 is well progressed to become an official W3C recommendation. However, it will still take time to arrive at a European standard (generally expected to take WCAG 2.0 strongly into account: see work of Mandate 376).

Scope and key elements

#### **a) Scope of application**

A second issue concerns the scope of a possible web accessibility legislative measure.

As more and more activities and services are carried out through the internet today, lack of accessibility of websites can lead to significant exclusion for persons with functional limitations, including many old people.

Accessibility of intranets for people working within an organisation is also important for equal opportunities in employment.

It may be envisaged that web accessibility requirements be only applicable to new websites, i.e. those websites created or significantly updated after a certain date. Requesting accessibility for existing websites may mean more important adjustments and thus costs.

Making a website or a tool accessible requires adjustments (technical, organisational...) that, in some cases, may be considered disproportionate given size, economical power, in-house expertise, etc. of the organisations concerned.

This may need to be taken into account when considering implementing web accessibility requirements, e.g. by foreseeing exemptions to the scope of application or indicating levels of accessibility as referred above.

Questions related to the scope are:

- Which websites should be accessible (public, private, intranet)? Which types of websites should be concerned?
- Should there be some exemptions?

- Should only new websites be required to be accessible? Or also websites undergoing a significant update? Or all websites?

#### **b) Standards**

Work carried out by the World Wide Web Consortium provides a reference for web accessibility requirements across the world. A new version (2.0) of the Web Accessibility guidelines is in the process of being adopted by W3C. These concern respectively web content in the Web Content Accessibility Guidelines, WCAG 2.0, user agent technologies in the User Agent Accessibility Guidelines UAAG 2.0, and authoring tools in the Authoring Tools Accessibility Guidelines ATAG 2.0.

An important question here is whether the common references for web content accessibility at this moment in time should be WCAG 2.0 or WCAG 1.0?

#### **c) Conformity assessment**

Certification schemes, testing processes and related labelling (i.e. conformity assessment) have as a purpose to verify compliance with accessibility requirements and to ensure visibility of compliant websites.

The question here is whether a (common) conformity assessment scheme is necessary?

#### **d) National contact points for e-accessibility**

In order to allow users in a simple way to ask questions about web-accessibility or to make it possible to complain about lack of web-accessibility a central contact point can be envisaged.

Is such a national contact point necessary? What would be its possible tasks? What are the costs and benefits associated to it?

#### **e) Costs and benefits of web-accessibility**

Web-accessibility may carry a cost: even if ideally achieved automatically, by using web-design tools that produce accessible websites, human intervention and additional work and testing may also be necessary. At the same time, web accessibility brings quantitative and qualitative benefits. The Commission seeks to gather additional information on the estimated costs and benefits of making websites accessible.

What are the costs and benefits of making a website accessible?

#### **f) Reporting**

Is regular reporting of the state of play of web accessibility desirable? By whom should it be carried out? What is the associated cost?

## 6 Horizontal e-Accessibility approach

### Background

A difficulty in relying solely on sector-specific approach is that ‘white spaces’ (sectors / technologies / applications not covered by e-Accessibility legislation) inevitably remain for as long as it takes for the relevant sectoral legislation to emerge, assuming there is a need for legislative action. The current European patchwork, for example, shows that ICT equipment, mobile telephony, private websites, self-service terminals and consumer electronics more generally are largely effectively ‘white spaces’ in terms of existing e-Accessibility legislation. In reality, it may also be impracticable to expect a sufficiently large suite of vertical legislation to emerge to cover the full spectrum of ICTs and their applications; nor would such an approach be likely to be desirable from the point of view of regulatory efficiency.

Another difficulty is that technological evolution and the increasing convergence across sectors is blurring what were previously relatively clear-cut distinctions so that accessibility to key ICT products and services can fall through the net. For example, telephony over the Internet often falls outside the scope of legislation dealing with accessibility of voice telephony and there is a lack of clarity as to whether interactive TV is a broadcast or a telecommunications service, or neither of these but a new class of service from an e-Accessibility regulatory point of view.

The existing patchwork of vertical/sectoral legislation across Europe is also leading to a situation where the e-Accessibility requirements for the same ICT product or service may differ because of different requirements / standards in the different pieces of legislation / regulation. This adds to the geographical fragmentation emerging across the Member States and, if left unaddressed, could soon begin to pose substantial market barriers in Europe and internationally.

⇒ *Against this background, there is the intention to explore the need for and possible elements of a horizontal legislative approach in the field of e-Accessibility. Such an approach would aim at a coherent and joined-up approach to e-Accessibility, one that reaches all relevant users and sectors, avoids fragmentation and ensures a well-functioning internal market. It could be a way to reach ICT sectors and deployer sectors that are difficult to directly address through specific sectoral legislation. It could put a process in place to address e-accessibility in a future proof, sustainable way, as and when ICTs continue to evolve.*

### Relevance of a horizontal approach

*At the workshop it is the intention to make a first inventory of observations on a possible horizontal approach, for which the text below provides some triggers.*

The main question in this case is whether a horizontal legislative approach on e-accessibility would make a major difference on the availability of accessible ICTs?

Moreover, the same issues as explained in the web-accessibility section come up, such as:

As regards the scope, a horizontal legislative framework needs to define the scope of ICT that should be accessible. The question is what the appropriate criteria are for defining the scope and exemptions.

The parties who should comply with e-accessibility obligations should be identified. A distinction should be made between providers of ICTs and companies/organisations buying and using those ICTs. To optimise the effects of accessibility, obligations could be imposed upon both sides.

Various approaches to verify compliance with accessibility obligations are possible (conformance) as well as various information schemes about the degree of accessibility. E.g. they can be mandatory or voluntary, and performed by an independent 3rd party or by the provider of the ICT. The approach may also depend on the type of ICT.

E-accessibility obligations might increase the cost of ICTs, which can either be charged directly to disabled users (or indirectly covered through social support schemes) or to all users. Accessibility obligations should not lead to the lack of provision of some ICTs, nor hamper new developments and innovation. The question is what are the costs and benefits of e-accessibility obligations for ICTs development and innovation.



While framework legislation should provide the main orientations, detailed e-accessibility requirements would have to be established and regularly reviewed to keep pace with the evolution of markets, technologies and user needs. Setting accessibility requirements implies linking with standardisation activities and cooperating of stakeholders (users, industry, authorities). Enforcing these requirements means that mechanisms must be put into place for checking compliance and handling complaints. The question is which appropriate mechanisms can be envisaged.