
MeAC - Measuring Progress of eAccessibility in Europe

Final project summary report - D10
**Summary of main research activities
and outcomes**

December 2008

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Annex 1: Summary of the workshop held on 19th April 2007

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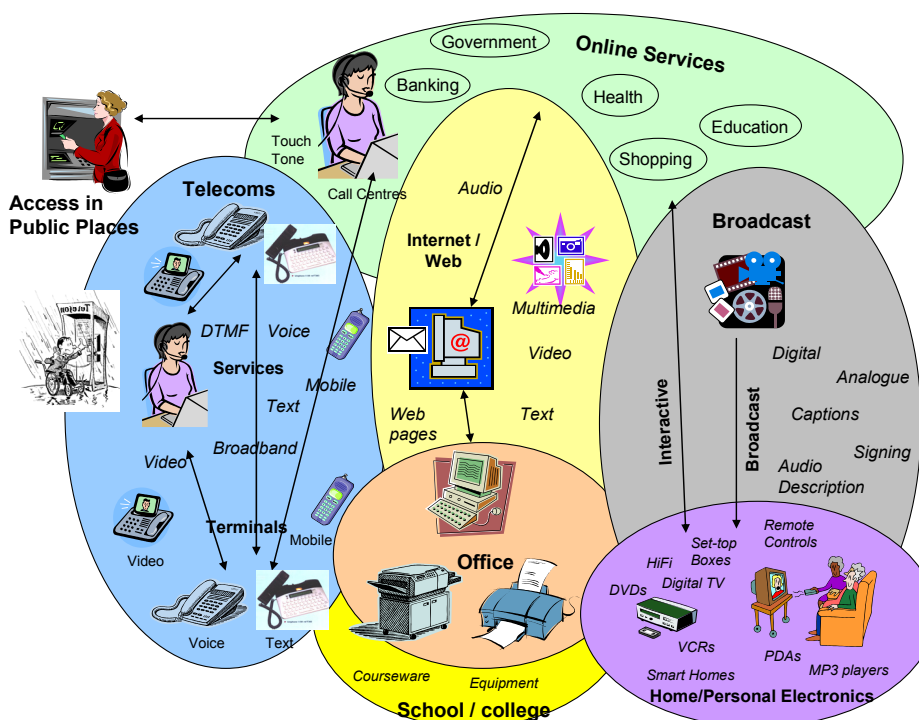
1 Introduction

1.1 Research context

"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).

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. Exhibit 1 presents an indication of just some of the wide spectrum of ICT-based technologies and services of relevance. Apart from the eAccessibility issues posed by already available technologies there is also a need to keep pace with the fast moving developments in the technology field.

Exhibit 1 The spectrum of relevant ICT technologies and services



The scale of the eAccessibility issue is considerable 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.

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 2050.¹ 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.

1.2 Brief of the study

Because of its social and economic importance, eAccessibility has been receiving increased policy attention in Europe and internationally in recent years. In Europe, the European Commission has stated that eAccessibility is “a social, ethical and political imperative”² as well as having a high economic and market importance. The eAccessibility Communication of 2005³ provided 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: (1) the application of accessibility requirements in public procurement (utilising freedoms given to Member States in transposing the Public Procurement Directive), (2) the introduction of a product and service certification scheme, and (3) better use of existing legislation (e.g. in telecommunications and employment).

Depending on an evaluation of 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. Against this background, the MeAC study was launched in the beginning of 2006. The major aim of the MeAC study was to prepare a comprehensive evidence base as a key background input to this, mainly focusing on 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?

1.3 Structure of this report

The remainder of this document provides a summary of the main strands of work that have been pursued throughout the overall study’s life cycle, and the main outcomes that have been generated. This starts with a global benchmarking of the current eAccessibility situation and an analysis of possible further EU-level measures in this field respectively (section 2.1). Following to this, section 2.2 outlines the development of an online repository as a ‘living’ source of information that enables a more in-depth understanding of the eAccessibility situation in a given country. Outcomes of two expert workshops that were held in the framework of the study are sketched in section 2.3. Finally, a conclusive summary is presented in Chapter 3

¹ C.f. empirica and WRC (2005): Various Studies on Policy Implications of Demographic Changes in National and community Policies – LOT7: The Demographic Change – Impacts of New Technologies and Information Society, p 54.

² Communication on eAccessibility. COM(2005)425 final. Brussels 13.9.2005

³ COM(2005) 425

2 Main research activities and outcomes

This chapter presents the main research activities carried out throughout the life cycle of the overall study and outcomes yielded respectively:

- global benchmarking of eAccessibility policy and status
- public inventory/up-dating of relevant developments in terms of online country profiles
- stake holder interaction (workshops / online interaction)

2.1 Global benchmarking of the eAccessibility situation

The conceptualisation and implementation of a major data gathering programme to compile the necessary information required for a global benchmarking concerning both eAccessibility related policies and status was at the core of the study. To this end a dedicated conceptual and methodological approach needed to be developed.⁴ From an extensive literature analysis conducted during the overall study's start-up phase it became clear that no such an approach was available 'off-the-shelf'. Therefore, conceptualising and conducting 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. The basic data gathering and analytic perspective adopted for these purposes is indicated in Exhibit 2 overleaf. The main focus of the data gathering and hence of the empirical evidence-based generated by the MeAC study was on the shaded components in the schema. Thus, the focus has been on generating two main types of indicators - policy indicators and eAccessibility status indicators - that, taken together, enable an assessment to be made of the status of, and progress in relation to eAccessibility in Europe.

On the policy side, the main focus was on legislative/regulatory measures, that is, on 'hard' policy approaches as opposed to 'softer' approaches such as research. In this regard, extensive effort was directed towards assessing the current policy situation and progress in relation to eAccessibility across the EU Member States⁵ and also in selected comparison countries (US, Canada and Australia)⁶. This covered the core themes addressed in the 2005 Communication - certification, public procurement and the broad range of other relevant legislative / regulatory approaches referred to in the Communication.

Extensive effort was also directed towards assessing the current eAccessibility status situation and progress in 25 EU Member States and key comparison countries (USA, CA, AU). The aspects of eAccessibility to be measured were selected to give a broad

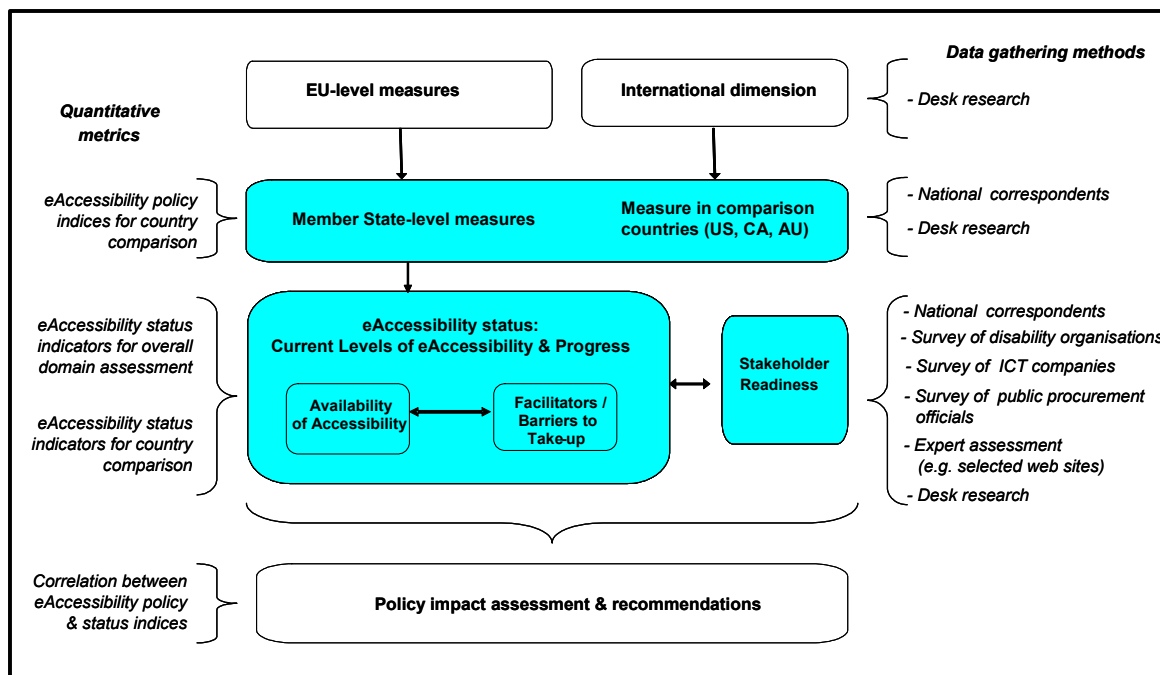
⁴ For a detailed description of the conceptual and methodological approach see Empirica, WRC, RNIB, RNID, eWORX (2007): MeAC - Measuring Progress of eAccessibility in Europe Assessment of the Status of eAccessibility in Europe (Main Report), http://ec.europa.eu/information_society/activities/einclusion/library/studies/meac_study/index_en.htm

⁵ The 25 Member States at the end of 2006

⁶ These were deemed to be the most useful countries against which to compare the EU situation

representation across ICT domains and disability groups, as well as to include dimensions that could be expected to be impacted upon by policy efforts in the Member States.

Exhibit 2 Basic data gathering and analytic perspective



Source: MeAC 2007 ©

2.1.1 The eAccessibility policy situation in Europe and beyond

The policy-related assessment conducted in the framework the MeAC benchmarking exercise concerns specific policy themes that were highlighted in the eAccessibility Communication of 2005 and/or that have a high importance on the European Union's policy agenda.⁷ These include policies addressing particular ICT sectors such as websites (public; commercial), telecommunications (services; equipment) and TV (services; equipment) as well as horizontal policies (i.e. policies that are not linked to specific ICT sectors) such as public procurement and equality / anti-discrimination policy concerning the fields of 'employment' and 'goods & services'. The indicators on these themes are developed in a rigorous manner, based on systematically gathered information on the policy situations in the 28 countries and systematic assessment of this using transparent scoring systems developed to be appropriate to the characteristics of each policy theme. A detailed description of the scoring systems applied is provided in the main benchmarking report "Assessment of the Status of eAccessibility in Europe" and its Annexes⁸.

The other theme highlighted in the Communication - eAccessibility certification - has a somewhat different set of characteristics that cross-cut both the policy and the eAccessibility status levels. It is therefore addressed in the analysis both as an element of policy (e.g. in reinforcing the effectiveness of policies on website accessibility) and as an element of eAccessibility status (the extent to which eAccessibility certification is currently being used with products and services, and the perceptions of stakeholders on its role and importance). A number of indicators are developed and applied in relation to these aspects.

In addition, the study has also generated information on some other policy themes that are also addressed in the 2007 benchmarking report, although more briefly than the other

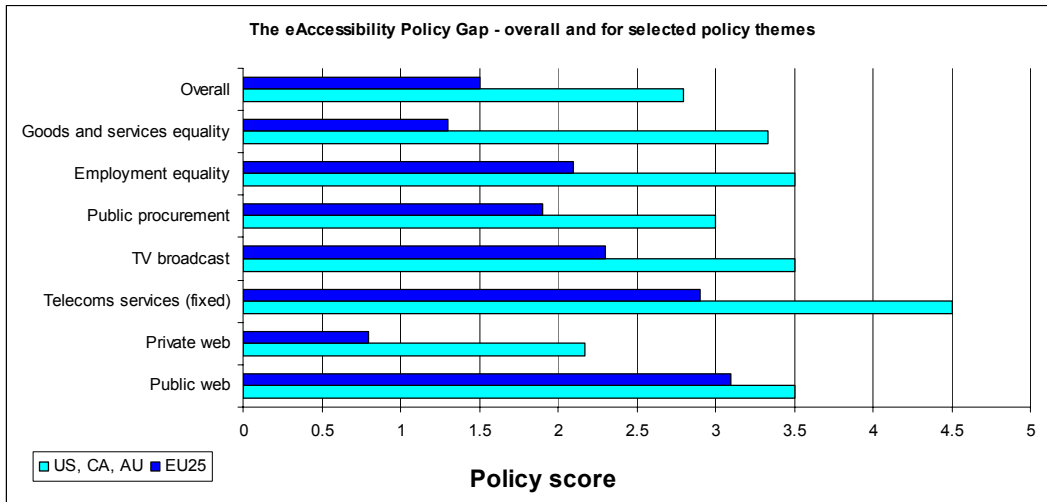
⁷ For a detailed description of the conceptual and methodological approach see Empirica, WRC, RNIB, RNID, eWORX (2007): MeAC - Measuring Progress of eAccessibility in Europe Assessment of the Status of eAccessibility in Europe (Main Report), http://ec.europa.eu/information_society/activities/einclusion/library/studies/meac_study/index_en.htm

⁸ ididem

themes mentioned above. These include assistive technology services, copyright legislation (and related policies addressing accessible print / eBooks), cross-sectoral eAccessibility policies that encompass a range of sectors and/or types of measure, and eAccessibility in educational contexts. These also need to be taken into account in the consideration of possible future policy development at the EU level

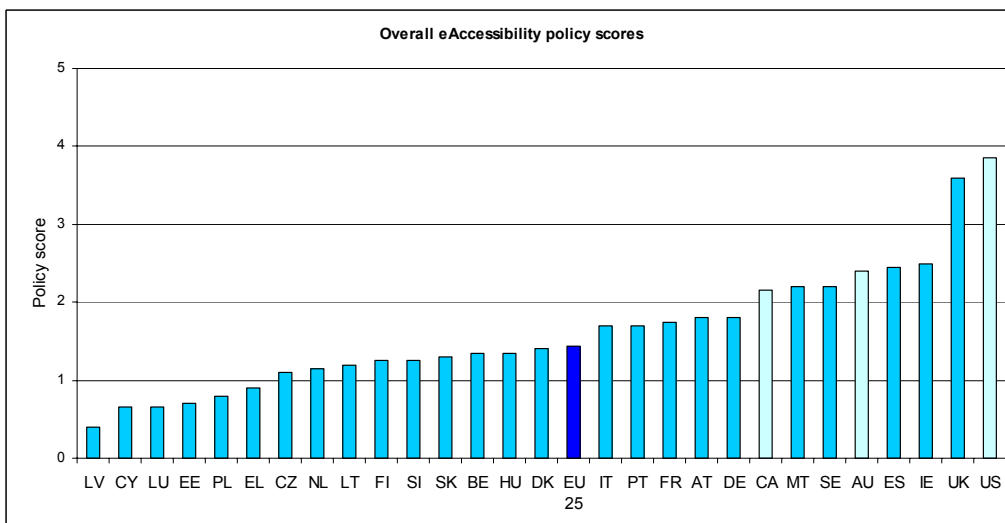
From a comparative perspective, the eAccessibility policy situation across Europe as a whole (Exhibit 3) compares very unfavourably with that in the comparison countries examined in the MeAC study (AU, CA and US). More generally, according to the policy yardsticks employed in the MeAC analysis, in absolute terms the overall European situation across the Member States must be assessed as being weak and even very weak in many respects.

Exhibit 3: The eAccessibility policy 'Gap' according to compound MeAC policy indicators



Also, the situation across Europe is very much a patchwork at present (Exhibit 5). This patchwork presents a picture of many important 'white spaces', of uneven attention across the spectrum of eAccessibility themes and of wide disparities across the Member States. There are domains that are currently less well addressed when compared with others and some have even remained entirely unaddressed. Such "white spaces" are a lot less visible in the three comparison countries. The patchworks also show that the scores for some eAccessibility policy themes tend to be higher than others.

Exhibit 4: eAccessibility policy disparities according to compound MeAC policy indicators



Finally, there is wide variability across the Member States in overall eAccessibility policy scores (Exhibit 4), with very few countries achieving comparatively high scores across many ICT sectors or policy approaches.

Exhibit 5: The eAccessibility policy 'Patchwork' according to compound MeAC policy indicators

	Sectoral										Horizontal		
	Web		Telecommunications			TV		Other		Public Procurement	Employment	Equality / Anti-discrimination	Goods & Services
	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.				
AT													
BE													
CY													
CZ													
DE													
DK													
EE													
EL													
ES													
FI													
FR													
HU													
IE													
IT													
LT													
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MT													
NL													
PL													
PT													
SE													
SI													
SK													
UK													
EU 25													
AU													
CA													
US													

Note: Darker shading indicates stronger eAccessibility policy provisions

2.1.2 The eAccessibility status situation in Europe and beyond

The assessment of the eAccessibility status situation addresses a number of dimensions. A detailed description of the conceptual and methodological approach adopted for that purpose is again provided in the 2007 benchmarking report and its Annexes⁹. Particular attention has been given to developing indicators on the extent of eAccessibility in five core domains that are crucial in everyday life for disabled people - telephony, TV, the world wide web, computing and self-service terminals. Indicators have been developed for each domain, again based on systematically generated data from 28 countries and systematic assessment of this using transparent scoring systems developed to be appropriate to the nature of the eAccessibility issues in each domain. As well as examining the eAccessibility situation, the analysis also looks at factors that present barriers to or facilitate take-up of available solutions by disabled people who can benefit from them, including awareness, information and costs. In addition, the analysis also focuses not just on the current status quo but also on the extent to which there has been progress in relation to the experience of eAccessibility by people with disabilities in recent years. Here the perspective of users is presented and analysed, based on the results of a European-wide survey of user organisations. Finally, the analysis also addresses the important issue of stakeholder readiness to contribute to improving the eAccessibility situation. Based on representative surveys, the current situation is analysed in relation to attitudes and capacities of three key stakeholder groupings - public procurers, ICT industry and user organisations.

The data collated in relation to the extent of eAccessibility in the five core ICT domains covered by the study suggest that 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

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 were still only available in about one-half of Member States at the end of 2007 and only seven Member States had facilities in place to enable text telephone users directly access the emergency telephone number.

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 were subtitled during 2006 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 were very much lower. Public broadcasters in only five Member States provided any audio description to enable accessibility for people with visual impairments and, where they did, the levels provided amounted to very small

⁹ Empirica, WRC, RNIB, RNID, eWORX (2007): MeAC - Measuring Progress of eAccessibility in Europe Assessment of the Status of eAccessibility in Europe (Main Report), http://ec.europa.eu/information_society/activities/einclusion/library/studies/meac_study/index_en.htm

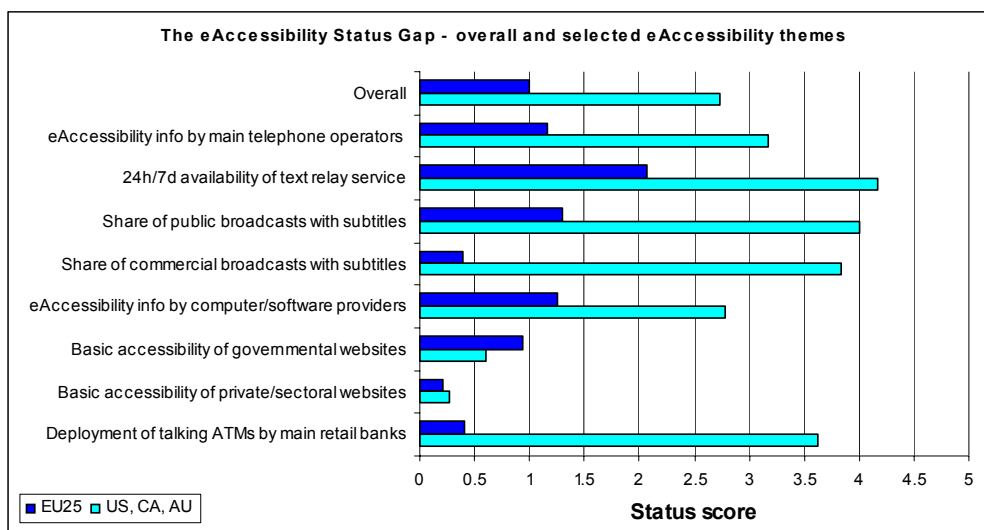
percentages of programming. Only in one country did any of the main commercial broadcasters provide any audio description.

When the MeAC study tested a similar sample of key public and sectoral/commercial **websites** in each Member State during the summer of 2007, 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.

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 had one of the two leading retail banks installed such machines at all in 2007 and, where they had, in many cases only a few machines had been deployed. Across countries, on average just 8% of all ATMs that had 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 reported very limited availability of accessible versions of other types of self-service machines, such as information kiosks and automatic ticket machines.

From a comparative perspective, again the MeAC data suggest that the eAccessibility situation for people with disabilities across Europe as a whole in terms of eAccessibility status compares very unfavourably with that of their peers in the comparison countries examined in the MeAC study (Exhibit 7). According to the status yardsticks employed in the MeAC analysis, in absolute terms the overall European eAccessibility situation across the Member States must again be assessed as being weak and even very weak in many respects. Although these 'gaps' show that Europe, as a whole, currently has a less well-developed eAccessibility situation in comparison to key international peers, they however 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.

Exhibit 7: The eAccessibility status 'Gap' according to quantitative MeAC status indicators



As in the case of the eAccessibility policy scores, there is wide variability across the Member States in overall eAccessibility status, with very few countries achieving comparatively high scores across many ICT sectors or policy approaches (Exhibit 8).

Finally, the situation across Europe for eAccessibility status (Exhibit 9) is again very much a patchwork at present which presents a picture of many important ‘white spaces’, of uneven attention across the spectrum of eAccessibility themes and of wide disparities across the Member States.

Exhibit 8: The eAccessibility status 'Gap' according to quantitative MeAC status indicators

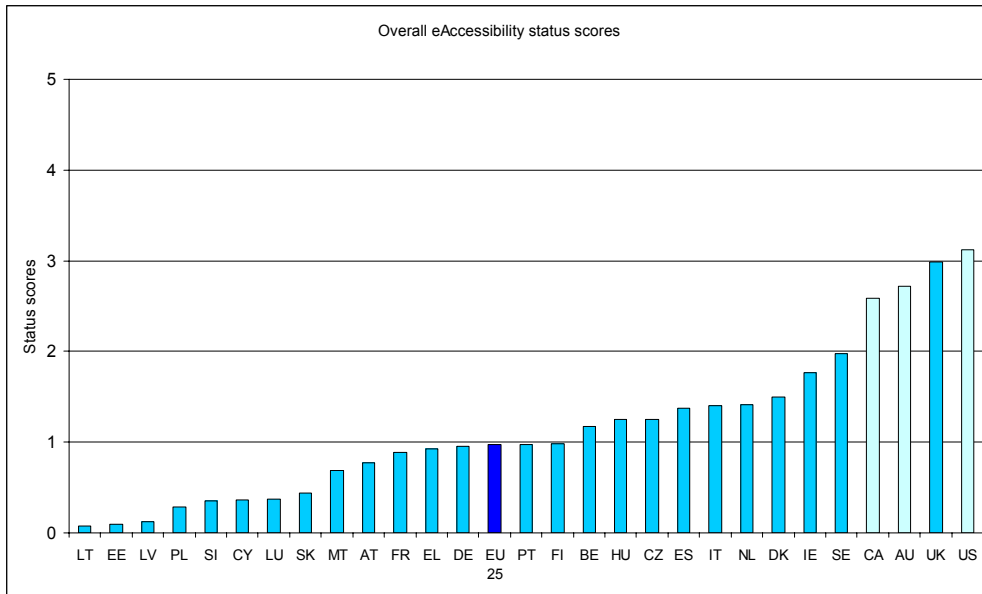


Exhibit 9: The eAccessibility status 'Patchwork' according to quantitative MeAC status indicators

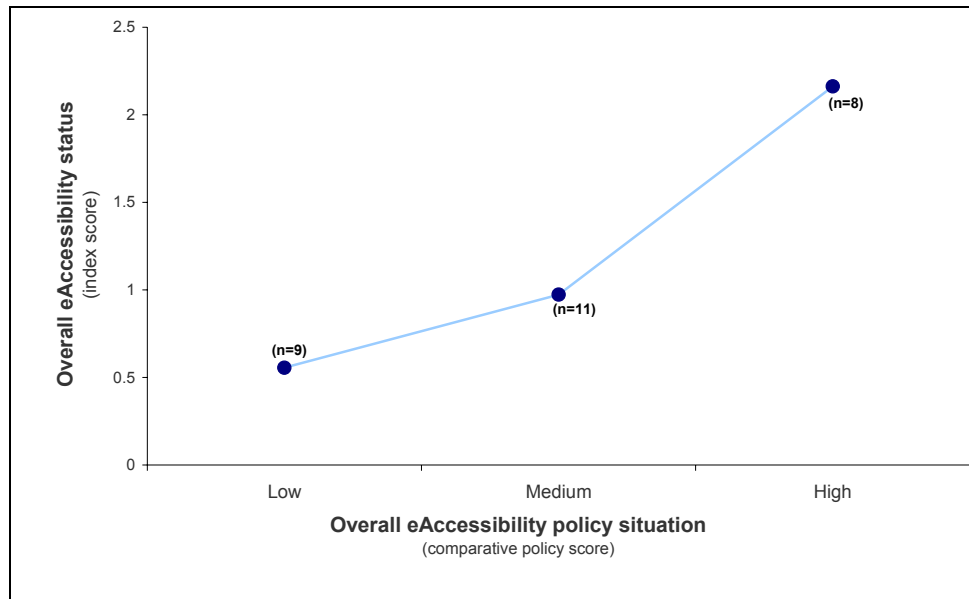
MeAC overall status index	Telephony		TV		Computer Hard- and software manufacturers provision of accessibility information	Web		Self-service terminals Deployment of accessible cash dispensers
	Telecom operators provision of accessibility information	Availability of text relay service	Share of national 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								
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EU25								
AU								
CA								
US								

Note: Darker shading indicates better eAccessibility status

2.1.3 Policy implications

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, Exhibit 10 below shows the strong positive link between overall eAccessibility policy and overall eAccessibility status scores. Similar patterns are found for each of the specific ICT domains¹⁰.

Exhibit 10: Correlation between national level accessibility-related policies and achieved accessibility (EU25, USA, CA, AU)



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

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 directives¹¹ 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.

¹⁰ 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.

¹¹ 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")

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.

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 sectors¹² is reflected in the fact that very few Member States have implemented any policies in these areas.

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.

Television services and equipment

Although there have been no EU measures of direct relevance in this field to date, the new Audiovisual Services Directive (amending the Television Without Frontiers - TVWF - Directive) includes accessibility within its scope¹³. 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

¹² There are (latent) provisions in the Radio & Telecommunications Terminal Equipment (R&TTE) - Directive 1999/5/EC, but these have yet to be invoked.

¹³ Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities

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.

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 appropriate 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

In relation to public websites, the assessment indicates both positive and negative aspects. On the positive side, there is evidence that EU-level policy initiatives have been taken-up to at least some degree in the policies of the Member States. Almost all countries have some policies on this in place, in many cases directly triggered by EU-level initiatives such as the Ministerial Resolutions and eEurope¹⁴. 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.

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.

¹⁴ 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

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.

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: 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

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.

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

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.

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 376¹⁵, 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

Although Article 13 of the Treaty of the European Union provides a broad legal basis for combating discrimination based on disability, EU-level measures to date in the disability field have only directly addressed the field of employment equality (through the 'employment equality' directive¹⁶).

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.

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

¹⁵ 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

¹⁶ Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

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, although a proposal for an 'equal treatment' Directive has recently been published. 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.

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

Overall, the evidence from the study suggest 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.

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.

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.

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 employer 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

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.

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 employer 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.

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 employer 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.

2.2 Public online repository of eAccessibility-related developments in the Europe and beyond

Following the publication of the main benchmarking report, one focus of the project's efforts has been to make the large body of information gathered throughout the study's lifecycle available in the form of an interactive online repository (www.eaccessibility-progress.eu). The website provides general information about the study and its main outputs but also presents 28 detailed individual country profiles (Exhibit 11). The profiles provide an overview of relevant policies and levels of eAccessibility actually achieved in the 28 countries covered by the study (EU25, AU, CA, USA). This is an important new contribution to the field and can be expected to serve as a key point of reference for some time to come.

Exhibit 11: The MeAC Online Repository

MeAC - Measuring Progress of eAccessibility in Europe

NEW: Country Profiles

NEW: Country Profiles

The eAccessibility Country Profiles currently presented at this web site summarise key outcomes of our research activities for 19 European Member States and the United States of America. Further Country Profiles will be published in the coming weeks, covering further EU Member States, Canada and Australia.


The following Country Profiles are currently available:

- Austria
- Belgium (new)
- Cyprus (new)
- Czech Republic (new)
- Denmark (new)
- Estonia (new)
- Finland (new)
- France
- Germany
- Greece (new)
- Hungary (new)
- Ireland
- Italy
- Malta (new)
- Poland (new)
- Portugal
- Spain
- Sweden
- United Kingdom
- United States of America

» The MeAC project
» The MeAC approach
» The MeAC team

» Key results:
eAccessibility in Europe
» The eAccessibility deficit
» The eAccessibility gap
» The eAccessibility patchwork
» Get the full report

» **NEW: Country Profiles**


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MeAC - Measuring Progress of eAccessibility in Europe is a study by empirica and Work Research Center, in collaboration with The Royal National Institute of the Blind, The Royal National Institute for Deaf People and eWorx on behalf of the European Commission, DG Information Society and Media.

In particular, the MeAC country profiles offer an opportunity to interested visitors of the online knowledge base to gain a more in-depth understanding of the current state of affairs in a given country. At the same time they represent a 'living' source of information, with a view to gather any new developments that may have been emerged in individual countries since the publication of the main benchmarking report in 2007. This has been achieved by various means. To begin with the online repository provides various features to gather feedback on information provided to the user as well as submission of additional evidence in an online

mode (e.g. a blog, a dedicated comment function provided in relation to thematic subsections of the overall profile). In particular, visitors were asked to provide any corrections and/or additional information that may help the study team to update and/or improve the current understanding of the current state of affairs in a given country. Moreover, individual measures were followed up through direct contacts with relevant parties/institution in the individual countries concerned in order to gain a deeper understanding of how relevant policies have been implemented, and outcomes of these activities have been incorporated in the relevant country profiles.

Beyond this, it was decided to follow up the eAccessibility status situation according to the quantitative yardstick used for the purposes of the comparative analysis presented in the main benchmarking report in a subset of countries (AT, FR, DE, IE, IT, PT, ES, SE, UK, USA), with a view to identifying whether any significant unexpected changes may have occurred since the publication of the main benchmarking report. Data on relevant status indicators was collected during the summer of 2008 according to the same methodological approach used in the main benchmarking exercise¹⁷. The results showed that no significant changes in the overall eAccessibility status had taken place and that the situation concerning the three key benchmarks as described in the previous section still persisted, i.e. the eAccessibility 'deficit', the 'gap' and the 'patchwork'. All in all, progress in relation to the indicators used was very limited and from a statistical point of view not significant. Although, the overall analysis presented in the main benchmarking report has remained valid the newly gathered status information gathered for the selected countries were incorporated in the relevant country profiles respectively.

All information gathered throughout the research process has been used for updating the online repository on an ongoing basis so that the current version represents an up-to-date single source of information on the eAccessibility situation across Europe and beyond.

2.3 Workshops

A further main strand of work concerned the conduction of two stakeholder workshops in the framework of the overall study.

The first workshop was held on 19th April 2007 in Brussels. This workshop aimed at examining different legislative and regulatory approaches to achieving eAccessibility in order to assess their strengths and weaknesses and to explore their potential for wider implementation across the Member States and even at EU level. This examination was intended to provide input to the evaluation announced in the eAccessibility Communication of 2005¹⁸, thereby contributing to the formulation of the eInclusion strategy. It was organised as part of the European Commission's consultation process on the future development of eAccessibility policy in Europe, and in the framework of the eAccessibility work of the i2010 eInclusion Sub-group. Attendees included experts in eAccessibility policy and research, delegates from Member States who have first-hand experience of good examples of how eAccessibility is being addressed in current legislation and regulations across Europe, and the relevant Commission Services. Participants were invited in a personal capacity, and the workshop was intended to be exploratory in nature rather than a consultation with wide representation.

Overall, it was felt that the lack of a commonly shared and comprehensive perspective on what eAccessibility encompasses - across the full spectrum of ICTs and of disabilities - hampers the development of a coherent policy approach. There seems to be considerable variation across countries as regards the extent and nature of the attention being given to eAccessibility across the different ICT sectors and in the dimensions of accessibility being addressed within a given sector (a more detailed summary report is provided in Annex 1).

¹⁷ For details on the methodological approach adopted see Empirica, WRC, RNIB, RNID, eWORX (2007): MeAC - Measuring Progress of eAccessibility in Europe Assessment of the Status of eAccessibility in Europe (Main Report), http://ec.europa.eu/information_society/activities/einclusion/library/studies/meac_study/index_en.htm

¹⁸

The second workshop was held on 10th November 2008 in Brussels. The workshop aimed to assess, with the help of relevant policy makers and experts from the Member States, whether the MeAC indicators (as well as other current EU and Member State indicators) could be useful for an ongoing monitoring of eAccessibility. In procedural regard, the workshop included presentation and discussion of the MeAC measurement approach and indicators as well as selected examples eAccessibility related monitoring at the level of the Member States.

Overall, it was felt that one key challenge for the implementation of comprehensive eAccessibility policy and monitoring (to cover all of the sectors and issues of relevance) is that in most countries there does not seem to be a single “place”, e.g. a Ministry, where eAccessibility as a whole is covered. Overall, much of the eAccessibility monitoring activities that can be found in the Member States seem to focus on accessibility of web sites rather than other ICT domains, and this may reflect the fragmented overall situation when it comes to eAccessibility related policies more generally, e.g. in terms of eAccessibility themes addressed and approaches used (a more detailed summary report is provided in Annex 2).

3 Conclusive summary

The "Measuring progress of eAccessibility in Europe" (MeAC) study was implemented in early 2006 as part of the follow-up to the European Commission's Communication on eAccessibility of 2005. The evidence base generated throughout the overall study's life cycle 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.

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 if satisfactory progress in eAccessibility is to be achieved within any reasonable timeframe. 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.

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). A clear **eAccessibility gap** between Europe and the non-European comparison countries can be observed. Although these 'gaps' show that Europe, as a whole, currently has a less well-developed eAccessibility situation in comparison to key international peers, they however 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.

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.

To address these issues, the report presents a range of policy options for consideration. These include better leveraging of existing measures, strengthening of existing measures and introduction of new measures. Overall, the evidence from the study suggests that 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. Also, the results show a need to work towards a coherent approach across the Member States and of avoiding the emergence of unhelpful market fragmentation in relation to eAccessibility.

Annex 1

Summary of outcomes of the workshop entitled “Legislative and Regulatory Approaches to eAccessibility in Europe”

Brussels, 19th April 2007

Exploring strengths and weaknesses of existing legislative and regulatory approaches to eAccessibility

“eAccessibility” concerns the design of Information and Communication Technology (ICT) products and services so that they can be used by people with disabilities and by older people with age-related changes in functional capacities. It is a crucial component of eInclusion and one that will become even more important as the European population ages. Given the wide range of relevant ICT products and services, and the various sectors and activities within which eAccessibility issues arise (everyday life, employment, education, using public and private services, and so on), it is not surprising that a variety of legislative and regulatory approaches to eAccessibility have emerged across Europe and internationally.

Against this background, this workshop aimed at examining different legislative and regulatory approaches to achieving eAccessibility in order to assess their strengths and weaknesses and to explore their potential for wider implementation across the Member States and even at EU level. This examination was intended to provide input to the evaluation announced in the eAccessibility Communication of 2005¹⁹, thereby contributing to the formulation of the eInclusion strategy. It was organised as part of the European Commission's consultation process on the future development of eAccessibility policy in Europe, and in the framework of the eAccessibility work of the i2010 eInclusion Sub-group.

Attendees included experts in eAccessibility policy and research, delegates from Member States who have first-hand experience of good examples of how eAccessibility is being addressed in current legislation and regulations across Europe, and the relevant Commission Services. Participants were invited in a personal capacity, and the workshop was intended to be exploratory in nature rather than a consultation with wide representation.

Horizontal legislation and regulation with relevance to eAccessibility

In Europe and beyond, policy approaches have emerged that address eAccessibility of ICT products and services in horizontal manner, i.e. not exclusively in relation to a specific ICT domain. Such approaches have for instance been implemented in an **antidiscrimination** context, e.g. in Spain and the UK where different packages of legislation-related instruments have been put in place. The fact that the civil rights context within which such measures tend to be implemented provides individuals (or organisations) with a possibility to enforce eAccessibility through legal action was discussed as a possible strength of such an approach. With reference to equality legislation introduced in the UK, for instance, it was highlighted that this aspect appears to have induced changing practices on the part of service providers. On the other hand, it was noted that there may be some reluctance towards taking a legal action on the part of individual citizens (e.g. due to costs involved, 'nerve' required). Also courts may not always possess required technical expertise to properly adjudicate upon an individual case. It was felt that individual rights to redress therefore need to be supported by a body helping to practically enforce them (as e.g. in the UK through the Disability Rights Commission).

Another aspect that was raised during the debate concerns the potential of horizontal approaches to achieve eAccessibility in a more coherent manner across different ICT domains, either by directly referring to various ICT sectors or more indirectly by impacting on sectoral practice. Again in the UK, with reference to the Disability Discrimination Act, it was also noted that the equality legislation has been a strong reference point for attention to eAccessibility issues which now has moved into the public procurement domain, e.g. in relation to web sites.

¹⁹

However, the discussion also indicated that mere implementation of horizontal legislation, on its own, may not be enough to yield strong outcomes in terms of tangible eAccessibility provision available to the end user. In this regard, various accompanying measures were mentioned to be helpful in effectively leveraging horizontal legislative approaches for that purpose:

- when framing horizontal legislation, to include positive obligations directed towards eAccessibility as well as requirements not to negatively discriminate through non-accessibility of products/services
- to provide interpretative guidance (e.g. by means codes of practice, clear specification of eAccessibility requirements, technical standards)
- to put in place effective mediating bodies (e.g. equality agencies, ombudsmen), monitoring and redress mechanisms.
- to empower individuals and disability organisations to enforce their rights (e.g. by taking legal actions).

Beyond equality legislation, other legislative fields are also relevant when it comes to addressing eAccessibility in a horizontal manner. It was for instance noted that experiences available from the USA and Italy demonstrate that noticeable impacts were yielded when consideration of accessibility criteria in **public procurement** of ICTs became mandatory. These include, on the one hand, direct improvements in eAccessibility that are passed on to the clients and/or employees of public agencies when the agencies ensure that the devices and services they purchase meet eAccessibility requirements. On the other hand, it was felt that important impacts have also been achieved in a more indirect manner, in terms of giving more general signals and impetus to ICT industry to give greater attention to accessibility of their products and services.

It was felt that the achievement of comprehensive and efficient eAccessibility results through public procurement would be best enabled where the approach is incorporated within the mainstream public procurement laws, regulations and practices. To date, however, it seems that existing efforts to address eAccessibility in public procurement in the European Member States has been mainly linked to eAccessibility- and/or disability-focused legislation (or eGovernment measures) rather than through the mainstream public procurement legislation / regulations (which might be expected to have been invoked following the revisions of the EU Public Procurement Directives in 2004). This might result in a limiting of the focus and scope to certain themes, such as public web sites, and efforts to encourage wider (mainstream) invocation of the eAccessibility dimension of the public procurement directives were considered necessary. Also interlinkage of other measures emerging in the Member States with the mainstream public procurement legislation/regulations was deemed useful.

Further to this, it was discussed that the nature and strength of provisions seem to vary a lot across those Member States that have introduced some kind eAccessibility-related public procurement measure. This concerns for instance the extent to which obligations to address eAccessibility are mandatory: accessibility of web sites seems more often to be a mandatory requirement whereas implementation of such requirements in relation to other ICTs is more likely to be optional (to the extent that it is being addressed at all). Also, sanction mechanisms counteracting non-compliance with existing regulation seem to be generally not well developed. Finally, a tendency to cover central administration bodies rather than regional and local bodies was highlighted. In conclusion, a need for stronger and more direct incorporation of eAccessibility requirements in mainstream procurement was noted.

Beyond this, a number of practical barriers towards wider consideration of eAccessibility requirements in mainstream public procurement were identified. At the practical level the public procurement process is complex and there seems to be a concern in some countries that consideration of accessibility might make the process more complex and thus less acceptable to procurement officials. In relation to this aspect, a need for practical support and guidance (e.g. in terms of awareness rising, clear definitions and specifications of accessibility requirements, “toolkits”, education/training of procurers) was noted.

ICT sector-specific legislation with relevance to eAccessibility

The debate also focused on the role of legislative/regulative approaches addressing specific ICT domains (e.g. telecommunications, web, TV, computing and so on) and the impacts that such approaches can have in relation to Accessibility. It was felt that such approaches have an important role in addressing with the specific accessibility issues and sectoral characteristics applying in the respective domains. There was also some discussion on whether the emergence of a range of sector-specific approaches, without some overarching and co-ordinating approach, may bear a general risk of fragmentation in terms of different levels of eAccessibility that may be achieved across different ICT domains.

With reference to the **telecommunications sector**, it was highlighted that legislation which is primarily aimed at controlling the telecommunications market can hardly be expected to yield strong impacts with regard to eAccessibility if not purposefully framed towards such an objective. In relation to the current EU directives comprising the so-called “telecommunications package” it was discussed that these do not seem to be very well aligned with each other with a view to ensuring eAccessibility (e.g. when it comes ensuring accessibility of both services and terminals), and that lacking specification of the concept of “access” leaves room for interpretations when it comes to transposition into national regulation. In this context it was noted as well that eAccessibility should be regarded as a moving target as new technological solutions are continuously emerging. Therefore any EU-level regulation should ensure that those Member States that want to go further than others should be allowed to do so (e.g. in relation to mobile services, value added services provided over internet, VoIP, broadband).

It suggested that the comprehensiveness and effectiveness of provisions made under the ambit of universal service regulation in the telecommunications sector may depend on the availability of appropriate funding, which seems to differ considerably across countries. This also has implications for the further development of current universal service provisions in technological regard (e.g. more advanced relay service solutions). In general it was felt that operators designated to provide universal service tend to be reluctant to make own investments into further developing current service offerings. Another aspect that was felt to not be appropriately addressed by current universal service regulation is non-affordability of services and equipment, which constitutes an important barrier to access for many people with disabilities.

Beyond universal service regulation, in the telecommunications and other sectors other approaches such as sectoral agreements and codes of practice (as can be found in Germany and the UK, for example) may have potential to improve the eAccessibility situation as well. Although these may not necessarily be enshrined in existing legislation and thus may be less binding, they may have a role to play in addressing upcoming eAccessibility challenges in flexible manner. However, it was felt that outcomes of such approaches in terms of tangible eAccessibility provisions available to the end user are difficult to assess on the basis of current experiences.

High-level issues for further policy development

Overall, it was felt that the lack of a commonly shared and comprehensive perspective on what eAccessibility encompasses - across the full spectrum of ICTs and of disabilities - hampers the development of a coherent policy approach. There seems to be considerable variation across countries as regards the extent and nature of the attention being given to eAccessibility across the different ICT sectors and in the dimensions of accessibility being addressed within a given sector. In addition, it was pointed out that, although a range of guidelines do exist, there was no “common voice”.

The following needs emerged from the debate in regard to what would help in framing a more comprehensive and coherent legislative / regulatory environment:

- a clear and comprehensive presentation of what eAccessibility practically means in relation to the various ICT domains and issues concerned
- a good conceptual and analytic presentation of the types of legislative and regulatory measures that can be invoked to address eAccessibility and of how the various approaches work in practice
- guidance on how to allocate eAccessibility within the legislative and policy making processes, with a view to directing the right legislative efforts to the right places
- implementation of a comprehensive set of measures to achieve truly European solutions (the universality of action was seen as a strong argument for EU-level intervention).

Annex 2

Summary of outcomes of the workshop entitled “eAccessibility-related Monitoring”

Brussels, 10th November 2008

Introduction

This document summarises the outcomes of an international workshop held at the premises of the European Commission, DG Information Society & Media on 10th November 2008. The event was organised in the framework of the “MeAC - Measuring Progress of eAccessibility in Europe” study funded by the European Commission.

The MeAC study generated two sets of eAccessibility indicators, one to reflect the implementation of eAccessibility-related policies and the other to reflect levels of eAccessibility achieved in different ICT domains. One key purpose of this endeavour was to create a global benchmark of the eAccessibility situation across Europe and internationally with the aim to support policy making in the field on the European level. The workshop aimed to assess, with the help of relevant policy makers and experts from the Member States, whether the MeAC indicators (as well as other current EU and Member State indicators) could be useful for an ongoing monitoring of eAccessibility. To this end, workshop participants were provided with a short briefing document in advance highlighting a number of more specific questions for discussion at the event:

- To what extent could the monitoring framework developed through MeAC feed into the development of an EU-wide eAccessibility monitoring framework?
- How well do the MeAC indicators and methods work to monitor eAccessibility on an ongoing basis? Are there any important eAccessibility issues that would need to be monitored further to these? If so, what would need to be monitored and in what way?
- What other data sources exist in the EU and beyond which measure eAccessibility on an ongoing basis? How can these be exploited for the purposes of ongoing eAccessibility monitoring at the European level?

In procedural regard, the workshop included:

- presentation and discussion of the MeAC measurement approach and indicators,
- presentation and discussion of selected examples eAccessibility related monitoring at the level of the Member States
- discussion of transferability of current monitoring approaches.

The remainder of this document presents the main outcomes of each of these aspects of the workshop.

Presentation and discussion of the MeAC measurement approach and indicators

To set the scene, the study team presented the measurement approach and indicators developed for the purpose of the MeAC benchmarking exercise. A key aim of MeAC was to assess the status of eAccessibility and progress in the field across the 25 EU Member States and three comparison countries (AU, CA, US) with a view to producing benchmarking data to support eAccessibility-related policy making at the EU level (as a follow-up to the 2005 eAccessibility Communication). Since eAccessibility covers a wide range of different ICTs and related eAccessibility issues, the MeAC study focused on a number of important areas, selecting status indicators according to their measurability, policy linkage, suitability for benchmarking and feasibility within the scope of the study. The resulting indicator set is the first framework of that kind to have ever been developed and covers five key ICT areas: telephony (fixed-line, mobile, and a special focus on relay services and accessibility of emergency services), television (primarily the provision of TV access services, i.e. subtitling, sign-language interpretation, audio description), World Wide Web (according to W3C's WCAG1.0), computer hard- and software, and self-service terminals (with a special focus on accessible ATMs). Data on all these indicators was collected in the 28 countries under

observation in 2007 with the help of national correspondents in each country. The outcomes were presented in a benchmarking report and in the form of online country profiles via an online repository available at <http://www.eaccessibility-progress.eu>.

The presentation of the MeAC approach raised a number of questions and statements from the attendees directed towards a better understanding of what was monitored and how data were gathered.

Beyond this, a discussion arose around the monitoring of relay service provision in particular. Here, the issue was raised that monitoring whether such a service was available or not may not be sufficient. Rather "deeper" indicators which also reflect the quality of a given service may be required to provide a more accurate picture to what extent a given relay service provides a functional equivalent to ordinary voice telephony.

More generally, it was felt that text telephone relay services have been implemented in a number of countries, but that much less existed for users of sign language (such as video relay) and the issue of how such schemes could be funded was raised. It was reported that this seems to be a problem in some countries. It was noted that different approaches have been implemented in different countries, for example, direct public funding in Sweden and levies on phone bills in the US.

In one country video relay service was being set up on a trial basis and this was seen as an important step in showing the need and benefits of the services. The pilot service is used by only 350 people, and it was felt to be important to discover why the uptake is low when in countries such as the U.S.A a high and consistent demand has been shown.

Examples of Monitoring the eAccessibility situation in Member Countries

A number of presentations were given to illustrate eAccessibility-related monitoring efforts in various ICT domains

Web accessibility

Steven Sintini from CNIPA presented how web accessibility monitoring is being carried out in Italy. There proactive monitoring is carried out through various methods and there is a benchmarking scheme and logo available for the more accessible websites. There is also a centre that has been set up to promote web accessibility where webmasters can be trained in accessibility and have links with experts who can provide audits of sites.

A key finding of the work has been that one can have a comparatively large impact through relatively small and inexpensive dedicated informed groups. From a practical point of view, in some cases it seems important to look at what is feasible under given circumstances, and to encourage the best level of accessibility that can be achieved rather than compliance with a full set of existing requirements. It was felt that there may always be a need for exceptions, but it is important to look at how these are made or you can quickly reach the situation where everyone feels they have a reason to not be accessible. Various solutions currently used were put forward including a formal system for vetting reasons.

More generally, the efforts pursued so far have uncovered various problems around monitoring websites.

- 1) How do you define what is accessible
- 2) Just having guidelines does not guarantee an accessible website
- 3) Measuring accessibility of a website can depend on many factors including technical, structure and the skill level of the visitor.
- 4) Automatic testing is limited and you do need human assessors
- 5) The sheer number of websites makes it hard to conduct ongoing monitoring.

It was suggested that there may be a need for reflection on the Riga target of 100% accessibility for public websites - whether this is worth the cost or even possible at all. Obviously there are public websites where it is vitally important to provide full accessibility, but what should be done about old, rarely visited websites where the cost of redeveloping them to be more accessible might be high. It was suggested that it might be worth considering prioritising the most visited sites and let users know when there is a problem with a website.

From these points, a debate arose concerning whether automatic testing was sufficient, and it was felt by several participants that manual testing was required as well to adequately reflect the level of accessibility a web site has achieved. On the other hand, the issue was raised that quite a large number of web sites may be required to be monitored on a continuous basis in relation to compliance with relevant national legislation, and that combined automatic and manual testing may be difficult to achieve from a practical point of view. There was also mentioning of flanking monitoring activities covering people responsible for the creation of websites, i.e. webmasters, with a view to better understanding how web accessibility is implemented in practical terms.

More generally, the issue arose whether simple metrics that are currently used for web site monitoring may be discouraging for many web site owners as they may not give recognition to improvements that may have actually been achieved. More differentiated metrics may be required here, e.g. a border-line fail could be presented as a certain percentage of full compliance and not simply as “fail”. On the other hand it was argued that existing legislation may require a clear “yes” or “no” answer when it comes to compliance monitoring.

One other thought to come out of the session concerned how far accessibility rules can be pushed out from public sites to private companies, people’s personal websites and closed forums. This often varies according to a country’s individual implementation of eAccessibility.

TV broadcasting and telecommunications

Katie Hanson presented the state of access services in broadcast and relay services in the UK and the role of the regulator, OFCOM. In the UK, access service levels in broadcast have been set through legislation. All channels that have an audience share of 0.05% are expected to provide access services as long as the cost is no more than 1% of annual turnover. By 2013 targets have been set for 80% subtitling, 10% audio description and 5% sign language. Annual interim targets have been set for the channels affected.

The presentation emphasised the importance to have independent monitoring of channels to ensure targets are met and that users are involved in the monitoring process. As targets in the UK become higher, with some channels now aiming for 100% subtitling, users are now starting to look more at the quality of services rather than just quantity as was previously the case. Attendees felt this is something they had also seen and would expect to see more of in the future as targets continue to rise.

OFCOM monitors the actual levels of access services provided by all channels and is in regular communication with services providers. It has the power to ensure broadcasters meet their targets and if they fall below these targets they can introduce penalties. Instead of financial penalties broadcasters that have not reached their targets are most often required to meet an even higher target (not just to catch up) than they would otherwise have had to in the following quarter. There are also rules for electronic programme guides (EPGs) to ensure that there are standard indications for access services so users can easily identify those programmes most likely to meet their needs. OFCOM has recently changed the way that smaller channels can provide sign language by allowing them to pay an amount similar to the cost of providing sign translated material to a trust which will provide signed programmes on their behalf. One area that is still a problem in the UK is about informing users of the services available. Audio description is a hugely valued service but many users simply do not know it is available or how to get it.

As regards telecommunications services, OFCOM also monitors relay services provided in the UK under the Universal Service regulations. Monitoring includes looking at areas such as response times, dropped calls and call quality.

A debate following the presentation touched on which programmes should have subtitles and also on how to assess quality. Issues identified included how to define what meaningful dialogue was and providing a text equivalent for sounds, for example some children's programs just have sounds but no actual spoken words.

More generally, it was felt that mutual exchange of experience with monitoring of eAccessibility in the area of broadcasting and telecommunications would be helpful. It was noted that there is currently not much exchange on that matter among regulators in the various Member States. At least in part, this may be due to the fact that national monitoring activities seem to be closely related to the given legislative situation (i.e. requirements imposed by relevant regulation/legislation) which varies considerably across countries. It was for instance discussed that legislation in the UK does not just enable OFCOM to monitor any given legal quota for provision of TV access services, but also to develop secondary legislation in the form of regulation, e.g. in terms of standards. This has been used to develop quality standards for TV access services, which are now monitored as well.

Cross-sector Monitoring

Natividad Enjuto García from Dirección General de Coordinación de Políticas explained the situation in Spain and the legal framework under which this operates (see Appendix 4). In Spain there is a law concerning accessibility requirements and a strict procedure to be followed in the case of non compliance. If a person feels that they have a problem they first have to approach the company involved and see if it can be resolved directly. If this is not possible then the complaint is escalated and may be taken to arbitration. If this is still not successful then the route is open for the case to go to court where the possibility exists for financial penalties.

From 1 January 2009 all government websites must be accessible to all, so if there is a problem, people can complain then. Accessibility of TV in Spain is still not directly regulated, but it is hoped that it will be in the future.

Transferability of current monitoring approaches

A discussion was held about the suitability of current monitoring approaches for purposes of ongoing monitoring in the future. It was highlighted that over-simplistic monitoring should be avoided. More generally, it was noted that there are many ICT areas not yet covered, so the question arose how these could be addressed and how cross-country methods could be made comparable?

One challenge for the implementation of comprehensive eAccessibility policy and monitoring (to cover all of the sectors and issues of relevance) is that in most countries there does not seem to be a single "place", e.g. a Ministry, where eAccessibility as a whole is covered. Overall, much of the eAccessibility monitoring activities that can be found in the Member States seem to focus on accessibility of web sites rather than other ICT domains, and this may reflect the fragmented overall situation when it comes to eAccessibility related policies more generally (e.g. in terms of eAccessibility themes addressed and approaches used). In this context, the issue of the relationship between eAccessibility and eInclusion was raised, and the possibility to build future eAccessibility monitoring within the wider eInclusion context. In several countries policies and related monitoring efforts are directed towards eInclusion which is broader than eAccessibility. eAccessibility is quite a large field in its own right but eInclusion can be considered to be even broader, looking at wider areas of society.

Another issue that was raised concerns the question how exactly to define what should be monitored. Especially with areas such as web sites do you only look at government/public services and where do you draw the line? Related to this, a discussion emerged on how to compare results between different countries. The discussion suggested that web accessibility has up to now received most policy/legislative attention, but every country appears to approach monitoring in a slightly different way and it is difficult, if not impossible, to compare results between countries. If possible it would be good to have a set of defined criteria that would allow direct comparison between countries. This direct comparison would potentially become a useful tool in encouraging those countries which are falling behind to improve.