



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Internal Market and Consumer Protection

2012/0340(COD)

27.5.2013

*****|**

DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council
on the accessibility of public sector bodies' websites
(COM(2012)0721 – C7-0394/2012 – 2012/0340(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Jorgo Chatzimarkakis

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	29

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites
(COM(2012)0721 – C7-0394/2012 – 2012/0340(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0721),
 - having regard to Article 294(2) and Article 114(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0394/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee¹,
 - after consulting the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Employment and Social Affairs and the Committee on Culture and Education (A7-0000/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive

Title

Text proposed by the Commission

Amendment

on the accessibility of public sector bodies'

on the accessibility of public sector bodies'
websites *and websites operated by entities*

¹ Not yet published in the Official Journal.

websites

providing basic services to the public

Or. en

Amendment 2

Proposal for a directive Recital 2

Text proposed by the Commission

Amendment

(2) Web-accessibility refers to principles and techniques to be observed when constructing websites in order to render the content of these websites accessible to all users, in particular people with functional limitations, including persons with disabilities. The content of websites includes textual as well as non-textual information, and also the downloading of forms and two-way interaction, e.g. the processing of digital forms, authentication, and transactions like case handling and payments.

deleted

Or. en

Amendment 3

Proposal for a directive Recital 13

Text proposed by the Commission

Amendment

(13) The approximation of national measures at Union level, based on an agreement on accessibility requirements for public sector bodies' websites, is necessary in order to put an end to fragmentation. It would reduce uncertainty for web-developers and would foster interoperability. By using accessibility requirements which are technology neutral, innovation will not be hampered and may

(13) The approximation of national measures at Union level, based on an agreement on accessibility requirements for public sector bodies' websites **and for websites operated by entities providing basic services to the public** is necessary in order to put an end to fragmentation. It would reduce uncertainty for web-developers and would foster interoperability. By using accessibility

possibly even be stimulated.

requirements which are technology neutral, innovation will not be hampered and may possibly even be stimulated.

Or. en

Amendment 4

Proposal for a directive Recital 15

Text proposed by the Commission

(15) Citizens should benefit from wider access to online public *sector* services and should receive services and information which will facilitate the enjoyment of their rights across the Union, notably their right to move and reside freely within the territory of the Union and their freedom of establishment and to provide services.

Amendment

(15) Citizens should benefit from wider access to online public services and should receive services and information which will facilitate the enjoyment of their rights across the Union, notably their right to move and reside freely within the territory of the Union and their freedom of establishment and to provide services.

Or. en

Amendment 5

Proposal for a directive Recital 19

Text proposed by the Commission

(19) The Directive should aim at ensuring that *certain types of* public sector bodies' websites that are essential to the public are made accessible according to common requirements. *Such types were identified in the 2001 E-government benchmarking exercise and have been used as a basis for the list* in the Annex.

Amendment

(19) The Directive should aim at ensuring that *all* public sector bodies' websites *and websites operated by entities providing basic services* that are essential to the public are made accessible according to common requirements. *The types of websites operated by entities providing basic services to be covered by this Directive should be listed* in the Annex.

Or. en

Amendment 6

Proposal for a directive Recital 20

Text proposed by the Commission

(20) This Directive lays down web-accessibility requirements for ***certain types of public sector bodies' websites***. In order to facilitate the conformity of websites concerned with those requirements it is necessary to provide presumption of conformity for the websites concerned that meet harmonised standards that are drawn up and published in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European Standardisation, ***amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Decision 87/95/EEC and Decision No 1673/2006/EC***, for the purpose of expressing detailed technical specifications for those requirements. Pursuant to this Regulation, Member States and the European Parliament shall be able to object to the harmonised standards which they consider that do not entirely satisfy the web accessibility requirements laid down in this Directive.

Amendment

(20) This Directive lays down web-accessibility requirements for ***all*** public sector bodies' websites ***and websites operated by entities providing basic services***. In order to facilitate the conformity of websites concerned with those requirements it is necessary to provide presumption of conformity for the websites concerned that meet harmonised standards that are drawn up and published in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European Standardisation for the purpose of expressing detailed technical specifications for those requirements. Pursuant to this Regulation, Member States and the European Parliament shall be able to object to the harmonised standards which they consider that do not entirely satisfy the web accessibility requirements laid down in this Directive.

Or. en

Amendment 7

Proposal for a directive Recital 24

Text proposed by the Commission

(24) The conformity with web-accessibility

Amendment

(24) The conformity with web-accessibility

requirements should be continuously monitored from the initial construction of the **public sector bodies'** website to all subsequent updates of its content. A harmonised monitoring methodology would cover a way of verifying, on a uniform basis in all Members States, the degree of compliance of the website with the requirements for web-accessibility, the collection of representative samples and the periodicity of the monitoring.. Member States should report **annually** on the outcome of the monitoring and more generally on the list of actions taken in application of this Directive.

requirements should be continuously monitored from the initial construction of the website **concerned** to all subsequent updates of its content. A harmonised monitoring methodology would cover a way of verifying, on a uniform basis in all Members States, the degree of compliance of the website with the requirements for web-accessibility, the collection of representative samples and the periodicity of the monitoring. Member States should report **regularly** on the outcome of the monitoring and more generally on the list of actions taken in application of this Directive.

Or. en

Amendment 8

Proposal for a directive Recital 26

Text proposed by the Commission

(26) In order to ensure that the websites concerned are made accessible in accordance with the requirements for web-accessibility laid down by this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to **specify further**, where appropriate, **these** requirements and to determine the European **standard** or parts thereof which, in the absence of harmonised standards, would provide presumption of conformity with the web-accessibility requirements for the websites concerned which meet such standard or parts thereof. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a

Amendment

(26) In order to ensure that the websites concerned are made accessible in accordance with the requirements for web-accessibility laid down by this Directive **and to ensure that those requirements are clear and understandable for the stakeholders involved in the Directive's implementation, including external web-developers and public administrations' in-house staff**, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to **provide further details**, where appropriate, **concerning those** requirements, **without amending them** and to determine the European **standards** or parts thereof which, in the absence of harmonised standards, would provide presumption of conformity with the web-accessibility requirements for the websites concerned which meet such

simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

standard or parts thereof. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Or. en

Amendment 9

Proposal for a directive Recital 28

Text proposed by the Commission

(28) Since the objective of this Directive, namely, the establishment of a harmonised market for the accessibility of public sector bodies' websites, cannot be sufficiently achieved by the Member States, because it requires the harmonisation of different rules currently existing in their respective legal systems and can, therefore, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

Amendment

(28) Since the objective of this Directive, namely, the establishment of a harmonised market for the accessibility of public sector bodies' websites **and websites operated by entities providing basic services to the public** cannot be sufficiently achieved by the Member States, because it requires the harmonisation of different rules currently existing in their respective legal systems and can, therefore, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

Or. en

Amendment 10

Proposal for a directive Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive aims at approximating the laws, regulations and administrative provisions of the Member States related to the accessibility of the content of public sector bodies' websites to all users, in particular **people with functional limitations including** persons with disabilities.

Amendment

1. This Directive aims at approximating the laws, regulations and administrative provisions of the Member States related to the accessibility of the content of public sector bodies' websites **and websites operated by entities providing basic services to the public** to all users, in particular persons with disabilities.

Or. en

Amendment 11

Proposal for a directive Article 1 – paragraph 2

Text proposed by the Commission

2. It lays down the rules according to which Member States shall make accessible the content of websites belonging to public sector bodies, the types of which are specified in the Annex.

Amendment

2. It lays down the rules according to which Member States shall make accessible the content of websites belonging to public sector bodies **and websites operated by entities providing basic services to the public**, the types of which are specified in the Annex.

Or. en

Amendment 12

Proposal for a directive Article 1 – paragraph 3

Text proposed by the Commission

3. Member States may extend the application of this Directive to other types of **public sector** websites than those

Amendment

3. Member States may extend the application of this Directive to other types of websites than those referred to in

referred to in paragraph 2.

paragraph 2.

Or. en

Amendment 13

Proposal for a directive Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. This Directive shall not apply to microenterprises as defined in Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.

Or. en

Amendment 14

Proposal for a directive Article 2 – paragraph 1 – point -1 a (new)

Text proposed by the Commission

Amendment

(-1a) ‘Public sector body’ means the State, regional or local authorities, bodies governed by public law as defined in Article 1 (9) of Directive 2004/18/EC, and associations formed by one or several such authorities or one or several such bodies governed by public law.

Or. en

Amendment 15

Proposal for a directive Article 2 – paragraph 1 - point -1 b (new)

PE513.011v01-00

12/31

PR\937414EN.doc

Text proposed by the Commission

Amendment

(-1b) ‘Websites belonging to public sector bodies’ means websites developed, procured, maintained or co-financed by public sector bodies.

Or. en

Amendment 16

Proposal for a directive

Article 2 – paragraph 1 - point -1 c (new)

Text proposed by the Commission

Amendment

(-1c) ‘Websites operated by entities providing basic services to the public’ means websites referred to in the Annex.

Or. en

Amendment 17

Proposal for a directive

Article 2 – point 1

Text proposed by the Commission

Amendment

(1) ‘Websites concerned’ means those referred to in Article 1(2) ***of this Directive.***

(1) ‘Websites concerned’ means ***all versions of*** those ***websites*** referred to in Article 1(2), ***including those designed to be accessed with a mobile device or by any other means.***

Or. en

Amendment 18

Proposal for a directive

Article 2 – point 2

Text proposed by the Commission

(2) ‘Content of websites’ means information to be communicated to the user by means of a user agent, including code or mark-up that defines the content's structure, presentation, and interactions.

Amendment

(2) ‘Content of websites’ means information **and user interface components** to be communicated to the user by means of a user agent, including code or mark-up that defines the content's structure, presentation, and interactions. ***Content of websites includes textual as well as non-textual information, the downloading of documents and forms as well as two-way interaction such as the processing of digital forms and the completion of authentication, identification and payment processes. Content of websites also includes functions provided through websites, which are external to the website concerned, for instance, through the use of web-links, on the condition that the external website is the only means by which the information and service is provided to the user.***

Or. en

Amendment 19

**Proposal for a directive
Article 2 – point 3**

Text proposed by the Commission

(3) ‘User agent’ means any software that retrieves and presents **web** contents for users, including web browsers, media players, plug-ins, and other programs that help in retrieving, rendering, and interacting with **web** content.

Amendment

(3) ‘User agent’ means any software that retrieves and presents **website** contents for users, including web browsers, media players, plug-ins, and other programs that help in retrieving, rendering, and interacting with **website** content, ***regardless of the device used to interact with content. If a mobile application offers the same or an enhanced set of services as the website concerned, this definition shall also apply to the interface and operation of such mobile applications.***

Amendment 20

Proposal for a directive Article 2 – point 8

Text proposed by the Commission

Amendment

(8) ‘Public sector body’ means the State, regional or local authorities, bodies governed by public law as defined in Article 1 (9) of Directive 2004/18/EC, and associations formed by one or several such authorities or one or several such bodies governed by public law.

deleted

Amendment 21

Proposal for a directive Article 2 – point 8 a (new)

Text proposed by the Commission

Amendment

(8a) ‘Web-accessibility’ means principles and techniques to be observed when constructing websites concerned in order to render the content of those websites accessible to all users, including people with disabilities. Web-accessibility refers in particular to principles and techniques that enhance users’ perception, navigation, operation, interaction and understanding, and includes the use of assistive technology or augmentative and alternative communication.

Amendment 22

Proposal for a directive Article 2 – point 8 b (new)

Text proposed by the Commission

Amendment

(8b) 'Assistive technology' means any item, piece of equipment, or product system, acquired commercially as such, or modified, or customised, and used to increase, maintain, or improve the functional capabilities of persons with disabilities.

Or. en

Amendment 23

Proposal for a directive Article 3 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) in a consistent and adequate way for users' perception, operation and understanding, including adaptability of content presentation and ***interaction***, when necessary, providing an accessible electronic alternative;

(a) in a consistent and adequate way for users' perception, ***navigation***, operation, ***interaction*** and understanding, including adaptability of content presentation, when necessary, providing an accessible electronic alternative;

Or. en

Amendment 24

Proposal for a directive Article 3 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) in a way which ***facilitates*** interoperability with a variety of user agents and assistive technologies at Union and international level.

(b) in a way which ***enables*** interoperability with a variety of user agents and assistive technologies at Union and international level.

Amendment 25

Proposal for a directive Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall apply the provisions of paragraph 1 by 31 December 2015 at the latest.

deleted

Or. en

Amendment 26

Proposal for a directive Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 8, **to specify further**, where appropriate, the requirements for web-accessibility referred to in paragraph 1.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 8, **to provide further details**, where **appropriate, concerning** the requirements for web-accessibility referred to in paragraph 1, **without modifying the requirements**.

Or. en

Amendment 27

Proposal for a directive Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall **promote** that the websites concerned provide a statement on their accessibility, in particular on their compliance with this Directive and with

1. Member States shall **ensure** that the websites concerned provide a statement on their accessibility, in particular on their compliance with this Directive and with

possibly additional accessibility information in support to users.

possibly additional accessibility information in support to users. ***That information shall be provided in accessible formats.***

Or. en

Amendment 28

Proposal for a directive Article 6 – paragraph 2

Text proposed by the Commission

2. Member States shall take measures to facilitate the application of the web-accessibility requirements ***as defined*** in Article 3 to all ***public sector bodies'*** websites beyond those concerned, in particular, to ***public sector bodies'*** websites covered by existing national laws or relevant measures on web-accessibility.

Amendment

2. Member States shall take measures to facilitate the application of the web-accessibility requirements ***set out*** in Article 3(1) to all websites beyond those concerned, in particular, to websites covered by existing national laws or relevant measures on web-accessibility.

Or. en

Amendment 29

Proposal for a directive Article 6 – paragraph 4

Text proposed by the Commission

4. Member States shall cooperate at Union level with industry and civil society stakeholders, with facilitation by the Commission, in order to review, for the purpose of the ***annual*** reporting referred to in Article 7(4), market and technological developments and progress in web-accessibility and to exchange best practices.

Amendment

4. Member States shall cooperate at Union level with industry and civil society stakeholders, with facilitation by the Commission, in order to review, for the purpose of the ***regular*** reporting referred to in Article 7a, market and technological developments and progress in web-accessibility and to exchange best practices.

Or. en

Amendment 30

Proposal for a directive

Article 7 – title

Text proposed by the Commission

Monitoring *and reporting*

Amendment

Monitoring

Or. en

Amendment 31

Proposal for a directive

Article 7 – paragraph 1

Text proposed by the Commission

1. Member States shall monitor the compliance of the websites concerned with the requirements for web-accessibility on a continuous basis, using the methodology provided for in paragraph 4.

Amendment

1. Member States shall monitor the compliance of the websites concerned with the requirements for web-accessibility on a continuous basis, using the methodology provided for in paragraph 4. ***For that purpose each Member State shall designate a competent authority. Members States shall inform the Commission about the designated competent authorities by 30 June 2014.***

Or. en

Amendment 32

Proposal for a directive

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The designated competent authority shall also be responsible for following up any complaints lodged by users or other

interested parties about any failures to comply with the requirements for web-accessibility of the websites concerned, as set out in Article 3(1).

Member States shall take the measures necessary to inform the users or other interested parties of the possibility of lodging complaints, referred to in subparagraph 1 to the designated competent authority.

Or. en

Amendment 33

Proposal for a directive Article 7 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The Commission shall establish a working group consisting of representatives of the Commission and representatives appointed by the Member States to meet regularly, upon invitation of the Commission in order to discuss about the results of the monitoring and exchange best practices regarding the implementation of this Directive.

Or. en

Amendment 34

Proposal for a directive Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall report annually on the outcome of the monitoring carried out according to paragraph 4 including the measurement data and, where appropriate, the list of the websites

deleted

referred to in Article 1(3).

Or. en

Amendment 35

Proposal for a directive Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. This report shall also cover the actions conducted pursuant to Article 6.

deleted

Or. en

Amendment 36

Proposal for a directive Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission establishes, by way of implementing acts, the methodology for the monitoring of the conformity of the websites concerned with the requirements for web-accessibility as set out in Article 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9(3). The methodology will be published in the Official Journal of the European Union.

4. The Commission establishes, by way of implementing acts, the methodology for the monitoring of the conformity of the websites concerned with the requirements for web-accessibility as set out in Article 3. ***That methodology shall be transparent, transferable, comparable and reproducible and it shall be established in close consultation with relevant industry and civil society stakeholders, including, in particular, representative organisations of persons with disabilities.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9(3). The methodology will be published in the Official Journal of the European Union.

Or. en

Amendment 37

Proposal for a directive Article 7 – paragraph 6

Text proposed by the Commission

Amendment

6. The arrangements for reporting by Member States to the Commission shall be established by the Commission by way of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 9(2).

deleted

Or. en

Amendment 38

Proposal for a directive Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Reporting

1. Member States shall regularly report to the Commission on the outcome of the monitoring carried out in accordance with Article 7 including in relation to the measurement data and, where appropriate, the list of the websites referred to in Article 1(3). That report shall be made public in readily accessible formats.

2. That report shall also cover the actions carried out pursuant to Article 6 including possible general conclusions drawn by relevant competent authorities on the basis of the monitoring.

3. The arrangements for reporting by Member States to the Commission shall be established by the Commission by way of implementing acts. Those implementing acts shall be adopted in

accordance with the advisory procedure referred to in Article 9(2).

Or. en

Amendment 39

Proposal for a directive Article 7 b (new)

Text proposed by the Commission

Amendment

Article 7b

Penalties

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that the penalties are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Member States shall notify those provisions to the Commission by 30 June 2014 and shall notify it without delay of any subsequent amendment affecting them.

Or. en

Amendment 40

Proposal for a directive Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall apply the measures referred to in Article 3(1) in accordance with their administrative, institutional and legal framework to all websites:

- (a) belonging to public sector bodies' at national level by 31 December 2016,*
- (b) belonging to public sector bodies' at regional level by 31 December 2018,*
- (c) belonging to public sector bodies at local level by 31 December 2020,*
- (d) operated by entities providing basic services to the public by 31 December 2020, the types of which are specified in the Annex.*

Or. en

Amendment 41

Proposal for a directive Article 11 – paragraph 1

Text proposed by the Commission

The Commission shall *carry out a* review of the application of this Directive *within three years from its entry into force.*

Amendment

The Commission shall review the application of this Directive *and transmit a report to the European Parliament and the Council not later than ...*. That report shall assess whether this Directive has achieved its objectives, in particular with regard to enhancing the accessibility of websites, taking into account the convergence of technologies and the use of other technologies and devices to access online content.*

** OJ: please insert the date: three years after the date of entry into force of this Directive.*

Or. en

Amendment 42

Proposal for a directive Annex I – title

PE513.011v01-00

24/31

PR\937414EN.doc

Text proposed by the Commission

Amendment

Types of *public sector bodies' websites*

Types of *websites operated by entities providing basic services to the public.*

Or. en

Amendment 43

Proposal for a directive Annex I – point 1

Text proposed by the Commission

Amendment

(1) *Income taxes: declaration, notification of assessment*

(1) *Gas, heat, electricity, water services.*

Or. en

Amendment 44

Proposal for a directive Annex I – point 2

Text proposed by the Commission

Amendment

(2) *Job search services by labour offices*

(2) *Transport-related services.*

Or. en

Amendment 45

Proposal for a directive Annex I – point 3

Text proposed by the Commission

Amendment

(3) *Social-security benefits: unemployment benefits, child allowances, medical costs (reimbursement or direct settlement), student grants.*

(3) *Postal services.*

Amendment 46

**Proposal for a directive
Annex I – point 4**

Text proposed by the Commission

(4) *Personal documents: passports or driving license*

Amendment

(4) *Electronic communication network and services.*

Amendment 47

**Proposal for a directive
Annex I – point 5**

Text proposed by the Commission

(5) *Car registration*

Amendment

(5) *Basic banking and insurance services (such as basic payment account, home contents and building insurance, life insurance or medical insurance).*

Amendment 48

**Proposal for a directive
Annex I – point 6**

Text proposed by the Commission

(6) *Application for building permission*

Amendment

(6) *Primary, secondary and higher education.*

Amendment 49

Proposal for a directive Annex I – point 7

Text proposed by the Commission

(7) Declaration to police, e.g. in case of theft

Amendment

(7) Statutory and complementary social security schemes, organised in various ways (mutual or occupational organisations), covering the main risks of life, such as those linked to health, ageing, occupational accidents, unemployment, retirement and disability.

Or. en

Amendment 50

Proposal for a directive Annex I – point 8

Text proposed by the Commission

(8) Public libraries, e.g. catalogues and search tools

Amendment

(8) Health-related services.

Or. en

Amendment 51

Proposal for a directive Annex I – point 9

Text proposed by the Commission

(9) Request and delivery of birth or marriage certificates

Amendment

(9) Childcare services.

Or. en

Amendment 52

Proposal for a directive Annex I – point 10

Text proposed by the Commission

(10) *Enrolment in higher education or university*

Amendment

(10) *Other essential services provided directly to the public to facilitate social inclusion and safeguard fundamental rights (such as assistance services to persons faced by personal crises such as debt or unemployment, reintegration or rehabilitation services and social housing services of disadvantaged citizens or socially less advantaged groups).*

Or. en

Amendment 53

Proposal for a directive Annex I – point 11

Text proposed by the Commission

(11) *Notification of change of residence*

Amendment

deleted

Or. en

Amendment 54

Proposal for a directive Annex I – point 12

Text proposed by the Commission

(12) *Health-related services: interactive advice on the availability of services, online services for patients, appointments.*

Amendment

deleted

Or. en

EXPLANATORY STATEMENT

Introduction

Information and services are increasingly delivered online in the digital age. The quantity of public and private sector websites is therefore growing rapidly. Today, there are already over 761.000 public sector websites offering access to information and services alone. However, currently less than 10% of websites in the EU are accessible according to web-accessibility standards.

The EU market for web-accessibility consists of more than 175.000 companies. The turnover generated by some 1 million people working in the web developing industry is estimated at some EUR 144 billion. The economic impact for the EU as well as the large gap that exists with non-accessible websites makes web-accessibility a lucrative business in the social area with significant potential for growth and inclusiveness. Thus, web-accessibility can further develop the Single Market and extensively make services available to all EU citizens.

Web-accessibility is vital as it makes websites usable to all people, including those with disabilities. Public sector bodies and any entities providing basic services to the public must adopt the inclusive practice of web-accessibility to fulfil their responsibility towards all citizens.

Policy background

Many efforts have been made so far by EU institutions to stimulate progress and improve web-accessibility: the European Disability Strategy 2010-2020; the eGovernment Action Plan 2011-2015; the Digital Agenda for Europe, EU-funding programmes to support R&D on technological web-accessibility solutions. Moreover, the revision of the Public Procurement Directives contains references to web-accessibility. Member States have committed themselves to improve the accessibility of public websites in general. In particular, the Riga ministerial declaration indicated that all public websites should be accessible by 2010.

Although Member States have already enacted legislation or taken other measures on web-accessibility, there are still barriers in the Internal Market caused by the significant differences in national approaches that exist across Europe.

The Commission's proposal

Against this backdrop, the Commission presented a proposal for a directive on the accessibility of public sector bodies' websites (COM (2012) 721). In this draft directive, specific technical provisions are laid down whereby Member States shall make accessible the content of certain types of websites of public sector bodies (which provide information and services that are essential for citizens' participation in the economy and society). The Directive aims at approximating the laws, regulations and administrative provisions of the Member States on the accessibility of public sector bodies' websites, by defining harmonised requirements.

The rapporteur's view

The Rapporteur welcomes the Commission's proposal for a directive and its recognition of the need to harmonise national measures for the public sector at EU level in order to end fragmentation and lack of confidence in the web-accessibility market.

In spite of supporting the aims of the draft directive, the Rapporteur takes the view that the measures proposed by the Commission are neither sufficient nor far-reaching enough to effectively move towards the completion of the Single Market. Also he is aware that access to information is only the first of many barriers that people with disabilities in particular face in their everyday lives. He therefore concludes, in this draft report, to extend the scope of the directive and implement additional measures in the field of monitoring, reporting and enforcement which would allow addressing the existing deficiencies in the text.

Subject and matter of scope

Article 1 defines the scope of the directive and refers to a list of twelve types of websites of public sector bodies, which according to the 2001 eGovernment benchmarking exercise are essential for public participation in the economy and society. However, the listed types of websites are not exhaustive and do not cover the vast majority of public services and basic services to the public.

The European Commission refers to a 'hypothetical spill over' effect for other websites to be made accessible by public sector bodies. The rapporteur is concerned that the 'spill over' mechanism would not bring the desired effect as it relies on voluntary compliance. This strategy has not been demonstrated to work and is not supported by evidence.

Consequently, the rapporteur seeks to close the gap between the Commission's approach and the rapidly changing information and communication reality of today. He suggests that all public sector bodies' websites be included in the scope of the directive and be gradually implemented at national, regional and local level by 2020. Furthermore, a restricted number of websites of basic services to the public provided by other entities should also be included and implemented by 2020. A list of the types of websites operated by entities providing basic services to the public is included in the annex.

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

Definitions

The definitions proposed by the Commission do not reflect significant technological developments. Online information and services are increasingly obtained by handheld mobile devices as opposed to desktop computers. Mobile devices, as well as mobile web applications designed by the website owners are becoming the preferred user agents. Therefore, the definitions on 'website concerned', 'website content' and 'user agents' in article 2 of the directive must explicitly acknowledge this fact.

Furthermore, the rapporteur suggests to strengthen the definition of 'website content' and to include in particular functions provided through websites, which are external to the website of the public body or entity in question, to be covered by the scope only if the external website is the only means by which the information and service is provided to the user.

Requirements for web-accessibility

The rapporteur supports an ambitious approach and therefore seeks to 'enable' interoperability of public sector bodies' websites as well as websites of basic services to the public provided by other entities with other user agents. Enabling interoperability is essential to people who use assistive technology to access those websites.

Monitoring and reporting

Article 7 defines the monitoring and reporting obligation of Member States regarding regular updates of web content. The underlying methodology should be established by the Commission in close consultation with relevant industry and civil society stakeholders and be based on transparent, transferrable and representative principles. The rapporteur proposes two separate articles on monitoring and reporting in order to ensure clear distinction between the two obligations and better legibility.

The rapporteur welcomes the Commission's introduction of continuous monitoring. Member States shall designate a competent authority responsible for monitoring which shall be responsible for following up any complaints lodged by website users or other interested parties about failures to comply with the requirements for web-accessibility of the websites concerned.

In the interest of transparency, the monitoring mechanism shall furthermore foresee an open data mechanism, wherein Member States make their report on the outcome of the monitoring carried out public. In this context, a working group consisting of Commission representatives and representatives appointed by the Member States shall meet regularly at invitation of the Commission to further discuss the results of the monitoring and exchange best practices.

The rapporteur acknowledges the subsidiarity principle, wherein significant implementation parameters are left to the discretion of Member States. Hence, Member States shall take all measures to establish an effective enforcement mechanism laying down the rules on effective and proportionate sanctions applicable to infringements of the national provisions. Member States shall notify those provisions to the Commission by 30 June 2014.

Delegated acts

The European Commission requests to be empowered to adopt delegated acts to specify, where appropriate, the harmonised requirement for web-accessibility, as laid down in article 3.

The rapporteur is concerned that by changing the requirements in article 3, the core of the directive would be changed. For this reason, he recommends restricting the use of power to adopt delegated acts only to certain situations and purposes without modifying the requirements themselves.