

**Accessibility of public sector bodies' websites \*\*\*I**

**European Parliament legislative resolution of 26 February 2014 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 Committee of 22 May 2013<sup>1</sup>,
  - 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 (A7-0460/2013),
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.

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<sup>1</sup> OJ C 271, 19.9.2013, p. 116.

**Position of the European Parliament adopted at first reading on 26 February 2014 with a view to the adoption of Directive 2014/.../EU of the European Parliament and of the Council on the accessibility of public sector bodies' websites *and websites operated by entities performing public tasks* [Am. 1]**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

~~Having regard to the opinion of~~ After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure<sup>2</sup>,

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<sup>1</sup> OJ C 271, 19.9.2013, p. 116.

<sup>2</sup> Position of the European Parliament of 26 February 2014.

Whereas:

- (1) The trend towards a digital society provides users with new ways of accessing information and services. The providers of information and services, such as public sector bodies, rely increasingly on the Internet in order to produce, collect and provide a wide range of information and services online, which are essential to the public. *In that respect, the security of transmission of information and the protection of personal data are of great importance.* [Am. 2]

~~(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. [Am. 3]~~

(2a) *Web accessibility, specifically a commitment to make all public websites accessible by 2010, was included in the Riga Ministerial Declaration of 11 June 2006 on e-Inclusion. [Am. 4]*

(2b) *Although this Directive does not apply to websites of Union institutions, those institutions should comply with the requirements contained in this Directive and set an example of good practice. [Am. 5]*

- (3) ~~The Commission's~~ *In its Communication of 15 December 2010 entitled 'The European eGovernment Action Plan 2011-2015'*<sup>1</sup>~~calls~~ ***Harnessing ICT to promote smart, sustainable & innovative Government'***, *the Commission called* for action to develop eGovernment services that ensure inclusiveness and accessibility. *At the same time, more efforts are needed for the effective implementation of the e-Inclusion policy, which aims to reduce gaps in information and communication technology (ICT) usage and to promote the use of ICT to overcome exclusion, and to improve economic performance, employment opportunities, quality of life, social participation and cohesion, including democratic consultations.* [Am. 6]
- (4) In its Communication *of 19 May 2010 entitled 'A Digital Agenda for Europe'*<sup>2</sup>, *a Europe 2020 Strategy initiative*, the Commission announced that public sector websites (*and websites providing basic services to citizens*) should be fully accessible by 2015. [Am. 7]

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<sup>1</sup> ~~COM(2010) 743 final~~ — Not published in the Official Journal.

<sup>2</sup> ~~COM(2010) 245 final/2.~~

- (4a) *Elderly people are at risk of digital exclusion, due to factors such as lack of ICT skills and lack of access to the Internet. The Commission Communication of 8 November 2011 entitled 'European i2010 initiative on e-Inclusion "To be part of the information society"' seeks to ensure that all groups of users have the best possible opportunities to use the Internet and to become familiar with ICTs. The Digital Agenda for Europe proposes a series of measures to promote the use of the new ICTs by disadvantaged groups of users such as elderly people. [Am. 8]*
- (5) The Framework Programme for Research and Innovation (Horizon 2020)<sup>1</sup> and the Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (COSME)<sup>2</sup> support research on and the development of technological solutions to accessibility problems.
- (6) By ratifying the United Nations Convention on the Rights of Persons with Disabilities ('the UN Convention'), the majority of the Member States and the Union, by its conclusion, have committed themselves "to ensure to persons with disabilities access, on equal basis with others, to inter alia information and communication technologies" and "to take appropriate measures [...] to promote access for persons with disabilities to new information and communications technologies and systems, including the Internet".

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<sup>1</sup> OJ L 347, 20.12.2013, p. 104–43.

<sup>2</sup> OJ L 347, 20.12.2013, p. 33–40.

- (6a) *In accordance with the UN Convention, the universal design approach should serve as a basis for the development of new technologies.* [Am. 9]
- (7) The *Commission Communication of 15 November 2010 entitled 'European Disability Strategy 2010-2020<sup>1</sup>: A Renewed Commitment to a Barrier-Free Europe', which aims to break down the barriers that prevent persons with disabilities from participating in society on an equal basis*, builds on the UN Convention and contains actions in several priority areas, including web accessibility, with the objective "to ensure accessibility to goods and services including public services and assistive devices for people with disabilities.". [Am. 10]
- (8) Regulation (EU) No 1303/2013 of the European Parliament and of the Council<sup>2</sup> contains provisions on the accessibility of ICT. It does not, however, address specificities of web accessibility.

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<sup>1</sup> ~~COM( 2010) 636 final Not published in the Official Journal.~~

<sup>2</sup> Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

- (8a) *In its resolution of 25 October 2011<sup>1</sup>, the European Parliament stressed that innovative and knowledge-based economies cannot develop without accessible content and forms for people with disabilities governed by binding legislation, such as accessible websites for the blind and subtitled content for the hard of hearing, including mass media services, online services for people using sign language, smart phone applications and tactile and vocal aids in public media. [Am. 11]*
- (8b) *The Digital Agenda for Europe stresses that positive action to help persons with disabilities to access cultural content is key to the full enjoyment of Union citizenship and calls for full implementation of the Memorandum of Understanding on Digital Access for persons with disabilities. The production of documents, such as reports, books and legislative acts, made available on public websites in such a way as to make them fully accessible, alongside the support for the private sector that has been called for with a view to encouraging investment in that area, could make a major contribution towards meeting that objective and promote the development of skills and opportunities for service providers within the Union. [Am. 12]*

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<sup>1</sup> *European Parliament resolution of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 (OJ C 131 E, 8.5.2013, p. 9).*



- (9) The fast growing ~~web accessibility~~ **web accessibility** market comprises a range of economic operators such as those developing websites or software tools to create, manage and test web pages, developing user agents such as web browsers and related assistive technologies, implementing certification services and training providers *and integrated social media feeds on websites. In that regard, the efforts made in the framework of the Grand Coalition for Digital Jobs, which is a follow-up to the Employment Package and which addresses ICT specialists and aims to respond to the skills gaps, including literacy and working skills in the ICT sector, are of great importance.* [Am. 13]
- (10) Several Member States have adopted measures based on internationally-used guidelines for the design of accessible websites, but the guidance provided often refers to different versions or compliancy levels of those guidelines, or technical variations at national level have been introduced.

- (11) Suppliers of web accessibility include a large number of small and medium-sized enterprises (SMEs). Suppliers and SMEs in particular are discouraged from entering business ventures outside their national markets. Due to the differences in web accessibility specifications and regulations, their competitiveness and growth are hampered by the additional costs they would incur in the development and marketing of cross-border web accessibility related products and services.
- (11a) ***The guarantee of net neutrality is essential for public sector bodies' websites to remain accessible now and in the future, and for the Internet to be open. [Am. 14]***
- (12) Buyers of websites and related products and services are faced with high prices in service provision or dependence on a single supplier, due to limited competition. Suppliers often favour variations of proprietary 'standards', hindering later scope for interoperability of user agents, and Union-wide ubiquitous access to website contents. Fragmentation among national regulations reduces the benefits that could result from sharing experiences with national and international peers in responding to societal and technological developments.

- (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 performing public tasks*, is necessary in order to put an end to fragmentation. It would reduce uncertainty for web-developers and would foster interoperability. ~~By using~~ *Member States should encourage the use of adequate and interoperable* web accessibility requirements ~~which are~~ *when putting contracts for website contents out to tender*. Technology neutral, ~~innovation~~ *web accessibility requirements* will not be hampered ~~hamper innovation~~ and may possibly even be stimulated ~~stimulate it~~. [Am. 15]
- (14) A harmonised approach should also allow Union public sector bodies and enterprises to gain economic and social benefits from extending the provision of on-line services to include more citizens and customers. This should increase the potential of the internal market for ~~web-accessibility~~ *web accessibility* products and services *and further the completion of the digital single market*. The resulting market growth should allow undertakings to contribute to economic growth and jobs creation within the Union. Strengthening the internal market should make investment in the Union more attractive. Governments should benefit from cheaper provision of ~~web-accessibility~~ *web accessibility*. [Am. 16]

- (15) Citizens should benefit from wider access to online public ~~sector~~ services, *should be able to access news, cultural and entertainment content enabling them to play a full part in social and working life*, and should receive services and information which will facilitate *their daily lives and* the enjoyment of their rights across the Union, in particular their right to move and reside freely within the territory of the Union, *their right of access to information* and their freedom of establishment and to provide services. [Am. 17]
- (15a) *Online services play an increasingly important role in society. The Internet is a key tool for access to information and education and for engaging in society. Therefore, in the interests of social inclusion, there should be universal accessibility to public sector bodies' websites, as well as to websites providing basic services for the public, e.g. important news pages and media libraries, banking services (online banking) and interest group information and services.* [Am. 18]

- (16) The web accessibility requirements defined in this Directive are technology neutral. They only indicate which basic functionalities have to be fulfilled for the user to autonomously perceive, navigate, operate, interact, read or understand a website and its content. They do not specify how this has to be achieved or what technology should be selected for a particular website, on-line information or application. As such they do not hamper innovation.

- (17) Interoperability related to web accessibility should be based on commonly adopted and used specifications that maximize the compatibility of the web content with current and future user agents and assistive technologies. More specifically, web content should provide user agents with a common internal coding of natural language, structures, relations, and sequences, as well as data of any embedded user-interface components. Interoperability thus benefits the users, allowing them to employ their user agents ubiquitously to access websites: they might also benefit from greater choice and reduced prices across the Union. Interoperability would also benefit the suppliers and buyers of web accessibility related products and services.
- (18) As underlined in the Digital Agenda for Europe, public authorities should play their part in promoting markets for online content. Governments can stimulate content markets by making public sector information available under transparent, effective and non-discriminatory conditions. This is an important source of potential growth of innovative online services.

**(18a) *It should be possible for the public authorities of the Member States to require certain websites to be carried on servers within the Union in order to prevent spying by parties outside the Union or leaks of information and to ensure that parties outside the Union cannot close down services which are important on security grounds. [Am. 19]***

- (19) ~~The~~ ***This*** Directive should aim at ensuring that ~~certain types of~~ ***all*** public sector bodies' websites ***and websites operated by entities performing public tasks*** that are essential to the public are made ***fully*** accessible according to common requirements. ~~Such types were identified in the 2001 E-government benchmarking exercise<sup>†</sup> and have been used as a basis for the list~~ ***to persons with disabilities to facilitate their living independently and their full participation in all aspects of life as stated in the UN Convention. The types of websites operated by entities performing public tasks to be covered by this Directive should be listed*** in the Annex. ***The deadlines for complying with the requirements laid down in this Directive should be staggered so that its scope can be widened to include all public sector bodies' websites providing services directly to the public.*** [Am. 20]

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<sup>†</sup> ~~<http://ec.europa.eu/digital-agenda/en/news/egovernment-indicators-benchmarking-europe>~~



- (20) This Directive lays down ~~web accessibility~~ **web accessibility** requirements for ~~certain types of~~ **all** public sector bodies' websites **and for websites operated by entities performing public tasks**. 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 the Official Journal of the European Union* in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council<sup>1</sup> ~~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~~ **that** 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.
- [Am. 21]

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<sup>1</sup> Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 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 Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).

- (21) The Commission has already issued a mandate M/376<sup>1</sup> to the European standardisation organisations, to develop a European standard specifying the functional accessibility requirements for ICT products and services, including web content, which could be used in public procurement as well as for other purposes like procurement in the private sector. To that end, the European standardisation organisations are required to establish close co-operation with relevant industry standards forums and consortia including the World Wide Web Consortium (W3C/WAI). A harmonised standard that would provide presumption of conformity with the web accessibility requirements laid down in this Directive should be built upon the outcome of that work.

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<sup>1</sup> <http://www.mandate376.eu/>

**(21a) *In the preparation and potential future revisions of the relevant European and harmonised standards, the responsible European standardisation organisations should be strongly encouraged to ensure coherence with the relevant international standards (currently ISO/IEC 40500), in order to avoid any fragmentation or legal uncertainty.***

**[Am. 22]**

(22) Until the references of such a harmonised standard or parts thereof are published *in the Official Journal of the European Union*, the websites concerned that meet the European standards or parts thereof that have been determined by the Commission by means of delegated acts should be presumed to be in conformity with the web accessibility requirements covered by those standards or parts thereof. A candidate for such harmonised standard could be the European standard which should be adopted on the basis of mandate M/376.

- (23) In the absence of such a European standard, presumption of conformity with the web accessibility requirements should be provided for the websites concerned which meet those parts of the international standard ISO/IEC 40500:2012 covering the Success Criteria and Conformance Requirements for Level AA conformance. The international standard ISO/IEC 40500:2012 is exactly the same as the original Web Content Accessibility Guidelines 2.0. The Success Criteria and Requirements for Level AA conformance specified for web pages in the version 2.0 of the Web Content Accessibility Guidelines (WCAG 2.0) from the W3C are broadly recognised by stakeholders both internationally and at European level, to provide the basis for adequate web accessibility specifications. This has been underlined in the Council Conclusions on accessible information society of 31 March 2009.

- (24) The conformity with ~~web accessibility~~ **web accessibility** requirements should be continuously monitored from the initial construction of the ~~public sector bodies'~~ website **concerned** to all subsequent updates of its content. ***Designating a competent authority in each Member State as the enforcement body, would be an adequate way to ensure that the conformity with web accessibility requirements is monitored and rigorously enforced, with close involvement of stakeholders through the setting up of a complaint mechanism in identified cases of non-compliance.*** 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 **concerned** with the requirements for ~~web accessibility~~ **web accessibility**, the collection of representative samples and the periodicity of the monitoring. Member States should report ~~annually~~ **every two years** on the outcome of the monitoring and more generally on the list of measures taken in application of this Directive. **[Am. 23]**

(24a) *The first methodology used to monitor the compliance of the websites concerned with the requirements for web accessibility on a continuous basis should be adopted by means of implementing acts no later than a year after the entry into force of this Directive.*

**[Am. 24]**

(25) In a harmonised framework, the ~~web-developers~~ **web development** industry should face fewer barriers to operate in the internal market, while costs for governments and others procuring ~~web-accessibility~~ **web accessibility** products and services should be reduced, *which would contribute to economic growth and employment.* **[Am. 25]**

- (26) In order to ensure that the websites concerned are made accessible in accordance with the requirements for ~~web accessibility~~ **web accessibility** laid down by this Directive **and to ensure that those requirements are clear and understandable for the stakeholders involved in its implementation, including external web developers and in-house staff of public sector bodies and other entities performing public tasks**, 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~~ **provide further details**, where appropriate, ~~these~~ **concerning those** requirements, **without modifying them**, to determine the European ~~standard~~ **standards** or parts thereof which, in the absence of harmonised standards, would provide presumption of conformity with the ~~web accessibility~~ **web accessibility** requirements for the websites concerned which meet such standards or parts thereof and to amend Annex Ia in order to take account of technological progress. It is of particular importance that the Commission carry 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. [Am. 26]

- (27) In order to ensure uniform conditions for the implementation of the relevant provisions of this Directive, implementing powers should be conferred to the Commission. The examination procedure should be used for the establishment of the methodology that Member States should use for monitoring the conformity of the websites concerned with those requirements. The advisory procedure should be used for the establishment of a model statement on accessibility and the arrangements for reporting by Member States to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council<sup>1</sup>.

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<sup>1</sup> Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).



- (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 performing public tasks*, 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~~ *but can rather*, by reason of its scale and effects, 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. *Adopting a harmonised approach to web accessibility throughout the Union would cut costs for website development companies and therefore also for the public bodies that use their services. In future, access to information and services provided via websites will be increasingly important for the public in exercising their fundamental rights, including access to employment, [Am. 27]*

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter and scope

1. This Directive aims at ~~approximating~~ **to approximate** the laws, regulations and administrative provisions of the Member States ~~related~~ **in relation** to the accessibility **to all users** of the content of public sector bodies' websites ~~to all users~~ **and websites operated by entities performing public tasks**, in particular ~~people with functional limitations including~~ **to persons with disabilities and elderly persons**. [Am. 28]
- 1a. **According to the UN Convention, persons with disabilities include those having long-term physical, mental, intellectual or sensory impairments, which, may in conjunction with other barriers, hinder their full and effective participation in society on an equal basis with others.** [Am. 29]

2. This Directive lays down the rules according to which Member States shall make accessible the *functionality and* content of:
- (a) websites belonging to public sector bodies, ~~the types of which are specified in the Annex;~~ *and*
  - (b) *websites operated by other entities performing the types of public tasks specified in the Annex Ia.*

*Member States may extend the application of this Directive beyond the types of public tasks specified in Annex Ia. [Am. 30]*

3. Member States ~~may~~ *shall be encouraged to* extend the application of this Directive to other types of ~~public sector~~ websites than those referred to in paragraph 2. **[Am. 31]**

- 3a. *Member States may decide not to apply this Directive to microenterprises as defined in Commission Recommendation 2003/361/EC<sup>1</sup> if they perform the types of public tasks specified in Annex Ia of this Directive. [Am. 32]*

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<sup>1</sup>

*Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 136).*

Article 2  
Definitions

For the purposes of this Directive, the following definitions apply:

- (-1a) ***‘Public sector body’ means the State, regional or local authorities, bodies governed by public law as defined in point 4 of Article 2(1) of Directive 2014/24/EU of the European Parliament and of the Council<sup>1</sup>, and associations formed by one or several such authorities or one or several such bodies governed by public law.***[Am. 33]
- (-1b) ***‘Websites belonging to public sector bodies’ means websites developed, procured, maintained or co-financed by public sector bodies or co-financed by Union funds.***  
[Am. 34]

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<sup>1</sup> ***Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).***

- (-1c) *‘Websites operated by entities performing public tasks’ means websites operated by entities performing the types of public tasks specified in Annex Ia. [Am. 35]*
- (1) *‘Websites concerned’ means all versions of those websites, referred to in Article 1(2) of this Directive, including those designed to be accessed from a mobile device or by any other means. If an application designed by the owners of a website offers services connected to the website, this definition also applies to such an application. [Am. 36]*

- (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 and non-textual information, the possibility to download 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. It 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 or service is provided to the user. Content of websites also includes user-generated content and, whenever technically possible, social media, when that is embedded within a website. It includes not only the parts of the website concerned offering a specific service, but the entire website related to it.* [Am. 37]

- (2a) *‘Authoring tool’ means any web-based or non-web-based application that can be used by authors (alone or collaboratively) to create or modify web content for use by other authors or end users. [Am. 38]*
- (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, regardless of the type of device used to interact with content, including mobile devices. [Am. 39]*
- (3a) *‘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, in particular to persons with disabilities and elderly persons. Web accessibility refers in particular to principles and techniques that enhance users' perception, navigation, operation, interaction, readability and understanding, and includes the use of assistive technology or augmentative and alternative communication. [Am. 40]*

- (3b) *‘Assistive technology’ means any hardware or software that acts as a user agent or along with a mainstream user agent to provide functionality to meet the requirements of users with disabilities that go beyond those offered by mainstream user agents. This includes alternative presentations, alternative input methods, additional navigation or orientation mechanisms, and content transformations. [Am. 41]*
- (3c) *‘Universal design’ means the design of products, environments, programmes and services to be used by all people, to the greatest extent possible, without the need for adaptation or specialised design, as defined in the UN Convention. It shall not exclude assistive devices for particular groups of persons with disabilities where this is needed. [Am. 42]*
- (4) ‘Standard’ means a standard as defined in Article 2(1) of Regulation (EU) No 1025/2012.



- (5) 'International standard' means an international standard as defined in point (a) of Article 2(1) of Regulation (EU) No 1025/2012.
  - (6) 'European standard' means a European standard as defined in point (b) of Article 2(1) of Regulation (EU) No 1025/2012.
  - (7) 'Harmonised standard' means a harmonised standard as defined in point (c) of Article 2(1) of Regulation (EU) No 1025/2012.
  - ~~(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.~~
- [Am. 43]**

## Article 3

### Requirements for web accessibility

1. Member States shall take the necessary measures to ensure that the websites concerned are made accessible:
  - (a) in a consistent and adequate way for users' *autonomous* perception, *navigation*, operation, *interaction*, *readability* and understanding, including adaptability of content presentation ~~and interaction~~, when necessary, providing an accessible electronic alternative; [Am. 44]
  - (b) in a way which ~~facilitates~~ *ensures* interoperability with a *broad* variety of user agents and assistive technologies at Union and international level; [Am. 45]
  - (ba) *through a universal design approach*. [Am. 46]

~~2. Member States shall apply the provisions of paragraph 1 by 31 December 2015 at the latest.~~ [Am. 47]

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 8, ~~to specify further,~~ **to provide further details**, where appropriate, **concerning** the requirements for ~~web accessibility~~ **web accessibility** referred to in paragraph 1, **without modifying those requirements**. [Am. 48]

#### Article 4

##### Presumption of conformity with harmonized standards

The websites concerned that meet harmonised standards or parts thereof the references of which have been drawn up and published by the Commission in the *Official Journal of the European Union*, in accordance with Regulation (EU) No 1025/2012, shall be presumed to be in conformity with the web accessibility requirements covered by those standards or parts thereof, set out in Article 3(1).

## Article 5

### Presumption of conformity with European or international standards

1. As long as the references of the harmonised standards referred to in Article 4 have not yet been published, the websites concerned that meet European standards or parts thereof that have been determined pursuant to paragraph 2 of this Article shall be presumed to be in conformity with the web accessibility requirements covered by those standards or parts thereof, set out in Article 3(1).
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 8, in order to determine the European standards or parts thereof referred to in paragraph 1 of this Article.
3. As long as the references of the European standards referred to in paragraph 1 *of this Article* have not yet been determined, the websites concerned that meet the ~~parts of the ISO/IEC 40500: 2012~~ *international technical standard WCAG 2.0*, covering the Success Criteria and Conformance Requirements for Level AA conformance, shall be presumed to be in conformity with the ~~web accessibility~~ *web accessibility* requirements set out in Article 3(1). [Am. 49]

## Article 6

### Additional measures

1. Member States shall ~~promote~~ **ensure** that the websites concerned provide a **clear and concise** statement on their accessibility, in particular on their compliance with this Directive, **including information on the degree of compliance with web accessibility requirements related to live audio content**, and with possibly additional accessibility information ~~in~~ **to** support ~~to~~ users **in assessing the degree of accessibility of the websites concerned. That information shall be provided in accessible format.**
  - 1a. **The Commission shall establish a model statement on accessibility by means of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 9(2). [Am. 50]**
2. Member States shall take measures to facilitate the application of the ~~web-accessibility~~ **web accessibility** requirements as ~~defined~~ **set out** in Article 3(1) 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~~ **web accessibility**.  
[Am. 51]

- 2a. *Member States shall promote and support web accessibility training programmes for relevant stakeholders, including staff of public sector bodies and entities performing public tasks, to create, manage and update web pages, including their content. [Am. 52]*
- 2b. *Member States shall take the necessary measures to raise awareness of the web accessibility requirements set out in Article 3(1), their benefits to users and website owners and of the possibility to lodge complaints in cases of non-compliance with the requirements of this Directive, as set out in Article 7a. [Am. 53]*
- 2c. *Member States shall take the necessary measures to promote the use of authoring tools that support the achievement of the objectives of this Directive. [Am. 54]*
3. Member States shall support appropriate mechanisms for consultations on ~~web-~~  
~~accessibility~~ **web accessibility** with relevant stakeholders and **organisations representing the interests of persons with disabilities and of the elderly, and** make public any developments in ~~web-accessibility~~ **web accessibility** policy together with the experiences and findings from the implementation of conformity of ~~web-accessibility~~ **web accessibility** requirements. [Am. 55]

4. Member States shall cooperate at ***national and*** Union level, with ***relevant social partners***, 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) ***7b***, market and technological developments and progress in ~~web accessibility~~ ***web accessibility*** and to exchange best practices. [Am. 56]
- 4a. ***Member States shall take the necessary measures to ensure that the relevant social partners participate in the development and application of the training programmes and awareness-raising schemes, referred to respectively in paragraphs 2a and 2b. [Am. 57]***

## Article 7

### Monitoring and reporting [Am. 58]

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.
  - 1a. *The Commission shall establish an expert group to meet at least every two years, upon the Commission's invitation, in order to discuss the results of the monitoring, to exchange best practices regarding the implementation of this Directive and to assess the need for any additional specifications of the web accessibility requirements as defined in Article 3(1). That expert group shall consist of governmental and private experts and relevant stakeholders, including elderly persons, persons with disabilities and their representative organisations. [Am. 59]*
- ~~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 referred to in Article 1(3). [Am. 60]~~



3. ~~This report shall also cover the actions conducted pursuant to Article 6.~~**[Am. 61]**

4. The Commission ~~establishes~~ **shall establish**, by ~~way~~ **means** of implementing acts, the methodology for the monitoring of the conformity of the websites concerned with the requirements for ~~web accessibility~~ **web accessibility** as set out in Article 3(1). ***That methodology shall be transparent, transferable, comparable and reproducible and it shall be prepared 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 first methodology shall be adopted by ...***\*. The methodology shall be published in the *Official Journal of the European Union*. **[Am. 62]**

5. The methodology referred to in paragraph 4 shall include:

- (a) the periodicity of the monitoring and the sampling of the websites concerned that shall be subject to monitoring;

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*One year after the entry into force of this Directive.*

- (b) at website level, the description of how compliance with the requirements for web accessibility set out in Article 3(1) is to be demonstrated, directly referencing - whenever available - to the relevant descriptions in the harmonised standard, or in their absence in the European or international standards referred to in Articles 4 and 5 respectively; and

*(ba) research methodology which combines experts analysis with user experience, including users with disabilities. [Am. 63]*

~~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). [Am. 64]~~

*Article 7a*  
*Enforcement body*

1. *Member States shall designate a competent authority (enforcement body) responsible for enforcing the compliance of the websites concerned with the requirements for web accessibility set out in Article 3(1). Member States shall ensure that, to the extent possible, the enforcement body cooperates closely with relevant stakeholders, including elderly persons, persons with disabilities and their representative organisations.*
2. *Member States shall ensure that the enforcement body has the necessary human and financial resources to fulfil the following tasks:*
  - (a) *monitor compliance of the websites concerned with the requirements for web accessibility, as set out in Article 7;*

- (b) *set up a complaint mechanism to enable any natural or legal person to notify any failures to comply with the requirements for web accessibility of the websites concerned; and*
  - (c) *examine any complaints lodged.*
- 3. *Member States may confer responsibility for the implementation of additional measures set out in Article 6 on the enforcement body.*
- 4. *Members States shall inform the Commission about the designated enforcement body by ...\* [Am. 65]*

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\* *Date of transposition of this Directive.*

## *Article 7b*

### *Reporting*

1. *Member States shall report to the Commission every two years 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).*
2. *That report shall also cover the measures adopted pursuant to Article 6 including possible general conclusions drawn by relevant enforcement bodies on the basis of the monitoring.*
3. *That report shall be made public in readily accessible formats.*
4. *The arrangements for reporting by Member States to the Commission shall be established by means of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 9(2). [Am. 66]*

*Article 7c*  
*Amendment of Annex Ia*

*In order to take account of technological progress, the Commission shall be empowered to adopt delegated acts, in accordance with Article 8, to amend Annex Ia. [Am. 67]*

*Article 7d*  
*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 rules to the Commission by ...\* and shall notify it without delay of any subsequent amendment affecting them. [Am. 74]*

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*Six months from the date of entry into force of this Directive.*

## Article 8

### Exercise of the delegation

1. The power to adopt the delegated acts shall be conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt the delegated acts referred to in Article 3(3), Article 5(2) and Article 7c shall be conferred on the Commission for an indeterminate period of time from ...\*.
3. The delegation of power referred to in Article 3(3), Article 5(2) and Article 7c may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following that of the publication of the decision in the *Official Journal of the European Union* or on a later date, specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

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\* Date of entry into force of this Directive.

5. A delegated act adopted pursuant to Article 3(3), Article 5(2) and Article 7c shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

## Article 9 Committee

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.



Article 10  
Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2014. They shall forthwith communicate the text of those measures to the Commission. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.
  - 1a. Member States shall apply the measures referred to in Article 3(1) for all new content of websites concerned by ...\* and for all existing content of websites concerned by ...\*\*.*  
**[Am. 75]**
  - 1b. The application deadlines set out in paragraph 1a shall be extended by two years as regards the requirements for web accessibility related to live audio content.* **[Am. 70]**
2. Member States shall communicate to the Commission the text of the main provisions of national law, they adopt in the field covered by this Directive.

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*One year from the date of entry into force of this Directive.*

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*Three years from the date of entry into force of this Directive.*

## Article 11

### Review

*On the basis of Member States' reports referred to in Article 7b*, the Commission shall carry out a review of the application of this Directive, *in particular Annex Ia thereof*, within ...\* *and shall make the findings of that review public.* [Am. 71]

## Article 12

### Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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\*

~~Three~~ *two* years from ~~its~~ *the date of* entry into force *of this Directive*.

Article 13

Addressees

This Directive is addressed to the Member States in accordance with the Treaties.

Done at ...,

*For the European Parliament*

*The President*

*For the Council*

*The President*

## ANNEX

### ~~Types of public sector bodies' websites~~

~~(as referred to in Article 1(2))~~

- ~~(1) — Income taxes: declaration, notification of assessment~~
- ~~(2) — Job search services by labour offices~~
- ~~(3) — Social security benefits: unemployment benefits, child allowances, medical costs (reimbursement or direct settlement), student grants.~~
- ~~(4) — Personal documents: passports or driving license~~
- ~~(5) — Car registration~~
- ~~(6) — Application for building permission~~
- ~~(7) — Declaration to police, e.g. in case of theft~~
- ~~(8) — Public libraries, e.g. catalogues and search tools~~
- ~~(9) — Request and delivery of birth or marriage certificates~~
- ~~(10) — Enrolment in higher education or university~~
- ~~(11) — Notification of change of residence~~
- ~~(12) — Health-related services: interactive advice on the availability of services, online services for patients, appointments. [Am. 72]~~

## *Annex Ia*

### *Types of public tasks referred to in point (b) of Article 1(2)*

- (1) Network services: gas, heat, electricity and water services; postal services; electronic communication network and services;*
- (2) Transport-related services;*
- (3) Basic banking and insurance services (including at least the following: basic payment account, home contents and building insurance, life insurance and medical insurance);*
- (4) Primary, secondary, higher and adult education;*
- (5) Statutory and complementary social security schemes covering the main risks of life (including at least those linked to health, ageing, occupational accidents, unemployment, retirement and disability);*
- (6) Health-related services;*
- (7) Childcare services;*
- (8) Other essential services provided directly to the public to facilitate social inclusion and safeguard fundamental rights;*
- (9) Cultural activities and tourist information.*

**[Am. 73]**