



# Directive on accessibility of the websites and mobile applications of public sector bodies **Toolkit**

**May 2017**



## Table of contents

.....	1
Table of contents.....	2
Part 1 – Orientation and key information.....	3
1.    Timeline from transposition to implementation.....	3
2.    Key definitions.....	3
3.    Key documents.....	4
4.    Who are the key players for transposition at national level?.....	5
5.    The Directive is a ‘minimum harmonisation’ Directive - what does this mean?.....	7
Part 2 – Working towards effective transposition.....	9
Scope.....	9
Accessibility Requirements.....	9
Exemptions (and what to do about them).....	10
Disproportionate burden.....	15
Accessibility statement.....	16
Enforcement of the Directive.....	17
Training programmes and awareness raising measures.....	19
Reporting and monitoring.....	20
European Commission review.....	21
Final considerations.....	21
Acknowledgments.....	22
Contact persons at the EDF secretariat:.....	22



## Part 1 – Orientation and key information

The Directive on accessibility of the websites and mobile applications of public sector bodies was adopted on 26 October 2016. In this section of the toolkit we provide a timeline for transposition and implementation of the Directive, some key definitions and who the key players are. We will also explain that this Directive is a ‘minimum harmonisation’ Directive and what this means in practice.

### 1. Timeline from transposition to implementation

23 September 2018	Deadline for Member States to transpose the Directive into national law and to let the Commission know which national bodies will be responsible for (a) the enforcement of the Directive and (b) monitoring and reporting on its implementation.
23 December 2018	Deadline for European Commission to publish the implementing acts related to the Directive (see detail below)
23 September 2019	All websites created AFTER 23 September 2018 have to be accessible
23 September 2020	All websites have to be accessible
23 June 2021	All mobile applications have to be accessible

Please note that the above are final deadlines; there is nothing stopping Member States from implementing these provisions earlier.

### 2. Key definitions

**Mobile application** means application software designed and developed, by or on behalf of public sector bodies, for use by the general public on mobile devices such as smartphones and tablets.

**Time-based media** means media of the following types: audio-only, video-only, audio-video, audio and/or video combined with interaction.

**Items in heritage collections** means privately or publicly owned goods presenting an historical, artistic, archaeological, aesthetic, scientific or technical interest that are part of collections preserved by cultural institutions such as libraries, archives and museums.



**Implementing acts** are technical texts that the European Commission adopts in order to ensure the implementation of EU law. The Commission has set up groups made up of experts from Member States to work on these implementing acts. The main group is called the Web Accessibility Directive Expert Group (WADEX). This group is assisted by a sub-group of technical experts, where EDF is represented.

A '**European standard**' is a standard adopted by a European standardisation organisation, such as CEN, CENELEC or ETSI. ([Find out more about European standardisation organisations](#)). European standards are abbreviated with the letters 'EN' in front of a reference number – this Directive refers to EN 301 549 (see below).

A '**harmonised standard**' is a European standard adopted on the basis of a request made by the European Commission for the application of Union harmonisation legislation (such as this Directive). Harmonised European standards are abbreviated with the letters 'HEN'. Organisations (public bodies in this case) can use harmonised standards to demonstrate compliance with EU legislation.

### 3. Key documents

- **Directive 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies.** [Full text of the Directive is available in all languages.](#)
- **European Standard EN 301 549.** [The most recent version of EN 301 549 is freely available](#) (document in English). This is a technical document, designed for experts<sup>1</sup>. The Directive refers to specific chapters of this European Standard, which is the first European Standard on accessibility requirements for Information and Communication Technologies (ICT) products and services. It is meant to be used by public authorities when procuring ICT products and services, to ensure that hardware, websites, software and digital documents and services can be used by people with a range of disabilities<sup>2</sup>. The future harmonised standard to prove compliance with this Directive will be based in this standard.

---

<sup>1</sup> Should you need further general information about this standard, you can watch [a short video that explains the structure of the EN 301 549](#) (in English, subtitled).

<sup>2</sup> The part of the EN on websites is identical to the international standard on web accessibility, developed by the W3C: the Web Content Accessibility Guidelines (WCAG 2.0) level AA, and the other parts mentioned in the Directive are also based in these guidelines. [Find more detailed information about WCAG](#),



- **Implementing acts.** The European Commission will publish the following 4 implementing acts by 23 December 2018: (we will update this toolkit with links to the implementing acts as soon as these are published)
  1. A model accessibility statement
  2. Technical specifications for the accessibility requirements in the Directive
  3. A methodology for monitoring the conformity of websites and mobile applications with the accessibility requirements in the Directive
  4. Arrangements for reporting by Member States to the Commission
- **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).** [Link to the UN CRPD in different languages](#)<sup>3</sup> - Nearly all Member States and the EU have ratified the UNCRPD and therefore committed themselves to taking appropriate measures to ensure access for persons with disabilities, on an equal basis with others, to, inter alia, information and communication technologies and systems, to develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public, and to promote access for persons with disabilities to new information and communications technologies and systems, including the internet. They have also undertaken to refrain from engaging in any act or practice that is inconsistent with that Convention and to ensure that public authorities and institutions act in conformity with it.
- **EU Public Procurement Directives**<sup>4</sup> - Both [Directive 2014/24/EU](#) (Article 42) and [Directive 2014/25/EU](#) (Article 60) require that *“the technical specifications for all procurements which are intended for use by natural persons, whether the general public or staff of the contracting authority, shall, except in duly justified cases, be drawn up so as to take into account accessibility criteria for persons with disabilities or design for all users.”*

#### 4. Who are the key players for transposition at national level?

##### 4.1 Member States:

Each government is responsible for transposing the Directive into national law, meaning that they need to adopt new legislation or reform existing laws and legal dispositions in order to comply with the Directive. However, governments also have other responsibilities, including working with the European Commission and technical experts to ensure work necessary to implement the Directive and carried it out on time.

---

<sup>3</sup> See recital 12 of the Directive

<sup>4</sup> See recital 21 of the Directive





## 4.2 European Commission's [Web Accessibility Directive Expert Group \(WADEX\)](#)<sup>5</sup>

This group is made of representatives of Member States. The European Commission has also set up a separate group of technical experts, where EDF is represented. These groups will contribute to the drafting of the implementing acts.

## 4.3 Organisations of persons with disabilities (DPOs) and other civil society organisations

DPOs are key stakeholders who have expertise and can influence how effectively the Directive will be implemented in their country. The Directive makes it clear that DPOs have a right to be consulted. DPOs' role will be important because Member States have a great deal of freedom in how they implement some aspects of the Directive. Some Member States will only do the bare minimum, but others may be open to more ambitious deadlines and a wider scope.

### Advice for DPOs:

- Make sure you are pro-actively exercising your right to be consulted as soon as possible to ensure your interests are taken on board. Governments have to draft and adopt national laws to ensure new rules are in place before the deadline. Relevant ministries are already preparing for this so now is a good time to get involved at national level to ensure you can brief officials and get the best out of the Directive for persons with disabilities in your country.
- Identify which ministries are involved in transposing the Directive into national law; if you don't know who is in charge of this work, ask your minister in charge of disability affairs or your minister in charge of digital affairs.
- Be aware that there may be several ministries involved and these ministries are probably involved in the WADEX group; therefore, if you don't have existing contacts, [visit the webpage of the WADEX group members](#), which is a good place to start. Participants in the WADEX group are likely to be officials with some expertise in digital accessibility policy, but this is not always the case.
- If your country has not yet appointed a representative on the WADEX group, ask your minister why they haven't done this yet and when they intend to do this; explain that you would like to start a dialogue with them as early as possible.
- If you need any advice in relation to the WADEX group, please contact EDF..

---

<sup>5</sup> In this website you can find the minutes of the meetings as well as the names of the national public authorities participating in this expert group.



- Once you have identified the right official or minister: write to them and request an appointment to set out your position and offer your advice.
- Engage with other groups (e.g. representing persons with a range of disabilities, representing older people or other groups) to find out if you can work together on the Directive. If you are able to have a dialogue with your national authorities as part of a large coalition, this is likely to be very effective. If you decide to work as part of a coalition, agree a common strategy before any meeting with representatives of your government.
- Contact Members of your national parliament who have an interest in disability and digital accessibility. They may be able to help you by putting pressure on your government to ensure an effective implementation of the Directive.
- When negotiating with national authorities, especially in regards to the exemptions (see below), always refer to their existing obligations under the UNCRPD, as well as existing EU legislation (e.g. public procurement), and national laws (e.g. antidiscrimination law).

## 5. The Directive is a ‘minimum harmonisation’ Directive - what does this mean?

This means that the Directive only sets out the **absolute minimum requirements** that have to be met by public sector bodies for their websites and mobile applications. These accessibility requirements will be the same across all EU countries but this does not mean that Member States can’t do more – on the contrary<sup>6</sup>:

- If there are better provisions already in place in a country, the government of that country does **not** have to change these provisions.
- Governments can decide to implement new provisions that go beyond what is in the Directive (e.g. a wider scope, an earlier deadline).

The Directive also states<sup>7</sup> that Member States should be encouraged to extend the application of the Directive **to private entities that offer facilities and services which are open or provided to the public**, including in the **healthcare, childcare, social inclusion and social security areas, as well as in the transport sector and the electricity, gas, heat, water, electronic communication and postal services**.

---

<sup>6</sup> In recital 34 of the Directive, it is clearly stated that Member States should be able to extend the application of the Directive to other types of websites and mobile applications, and to maintain or introduce measures which go beyond the minimum requirements for accessibility of websites and mobile applications.

<sup>7</sup> See recital 34.



## Advice for DPOs:

- Make sure you tell your government that you want them to keep existing provisions in your country that are more beneficial to persons with disabilities (please note: this will not be the case in many countries and it is important to consider all the provisions in the Directive carefully before you do this).
- Use discussions with your national authorities as an opportunity to strengthen and extend persons with disabilities' rights to access websites and apps content at national level
- Encourage your national authorities to extend the scope of the Directive, including to private entities if you can. It is a good opportunity to highlight the fact that persons with disabilities need equal access to online information and services such as utilities.
- Be prepared to demonstrate the benefits for persons with disabilities and the wider society of even more ambitious provisions.

The following resources will be useful:

[W3C 'Developing a Web Accessibility Business Case'](#) – there are social, technical and financial factors that will benefit from implementing web accessibility

[W3C videos 'Web Accessibility Perspectives'](#) – these videos explore the impact and benefits of web accessibility for everyone.





## Part 2 – Working towards effective transposition

In this section of the toolkit we will help you understand what the Directive covers, explaining key provisions (scope, accessibility requirements, exemptions, enforcement, monitoring, etc.) and let you know what you can do at national level to ensure the best possible implementation for persons with disabilities in your country. We have included references to relevant documents (including other EU Directives) in this toolkit for your convenience. It is not necessary to consult these documents to understand the toolkit.

### Scope

The Directive applies to **all** websites and mobile applications of **public sector bodies**; these are defined as follows:

- **the State, regional or local authorities;**
- **bodies governed by public law**,<sup>8</sup> i.e. bodies that have **all of the following characteristics**: (a) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character; (b) they have legal personality; and (c) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law;
- **associations formed by one (or more) such authorities or one (or more) such bodies governed by public law**, if those associations are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character

### Accessibility Requirements

Member States have to ensure that public sector bodies take necessary measures to make their websites and mobile applications “more accessible” by making them “perceivable, operable, understandable and robust” – these are the well-known four principles of web accessibility<sup>9</sup> – ensuring that content is accessible for persons with disabilities.

---

<sup>8</sup> As defined in point (4) of Article 2(1) of [Directive 2014/24/EU](#).

<sup>9</sup> You can read [more information about the four principles of web accessibility on the website of the World Wide Web Consortium](#).



The European Commission will publish an **implementing act** by 23 December 2018 with the technical specifications (harmonised standard) that public sector bodies have to meet for their websites and mobile applications.

In the meantime, public sector bodies will need to comply with relevant parts of the existing European standard [EN 301 549](#). Presumption of conformity with the accessibility requirements in this Directive should be based on clauses 9 (web), clause 10 (non-web documents) and clause 11 (software) of the European standard<sup>10</sup>.

## Exemptions (and what to do about them)

There are several exemptions in the Directive – some are **temporary** and some are **permanent**. Some exemptions restrict the scope of the Directive and some exemptions focus on specific types of content. Some exemptions are defined in a way that is **open to interpretation**.

### Exemptions relating to the scope:

1. websites and mobile applications of **public service broadcasters and their subsidiaries**, and of other bodies or their subsidiaries fulfilling a public service broadcasting remit

This is a permanent exemption. The legislators agreed that these websites and mobile applications would be covered by another Directive<sup>11</sup>.

### Advice for DPOs:

- Nothing in EU law prevents national authorities from introducing national measures to improve the accessibility of websites and mobile applications of public service broadcasters and their subsidiaries, so take this opportunity to discuss this issue with your government so that they are fully aware of its importance for persons with disabilities.

2. websites and mobile applications of **NGOs** that do not provide services that are essential to the public

There is no clear definition provided for “services that are essential to the public” in the Directive, only the following example “*such as services that are not directly mandated by*”

---

<sup>10</sup> See recital 42.

<sup>11</sup> EDF is working to ensure that websites and mobile applications of broadcasters will be covered by the [European Accessibility Act](#), but at the time of writing the latter has not been adopted yet..



*State, regional or local authorities*". This could be interpreted quite differently from one country to the next. For example, would the website of an NGO focusing on protecting the environment be exempt? It is likely that such an NGO - or indeed any NGO - would actually think they **are** in fact providing essential services to the public (e.g. information about pollution levels, advice on domestic violence, advice on debt, etc.) even if they are not mandated by the State.

### Advice for DPOs:

- Get clarification from your government: i.e. do they intend to implement this exemption and if so, how. Try to limit the impact of this exemption in your country.
- Explain to your national authorities that most NGOs provide services to all citizens and that, therefore, their websites and mobile applications should be made accessible.
- Research and prepare specific examples (such as those mentioned above or others that are relevant in your country) to demonstrate how this exemption could negatively impact many persons with disabilities.
- Ask your national authorities to ensure that the websites and mobile applications of NGOs who receive public funding are made accessible.

### 3. websites and mobile application of **NGOs that do not provide services** that specifically address the needs of, or are meant for, **persons with disabilities**

Some Member States may use this exemption to argue that **only** NGOs focusing **specifically** on disability or providing services for persons with disabilities are covered by the Directive. This would be detrimental to persons with disabilities as it would exclude many other NGOs from the scope. This would not be in line with UNCRPD obligations to provide equal access to information and communication.

### Advice for DPOs:

- Make sure that exemptions are discussed and interpreted in a way that is not detrimental to persons with disabilities.
- Explain to your national authorities what would be unacceptable to persons with disabilities.
- Ensure that your national authorities understand that persons with disabilities are citizens first and will want access to services from many NGOs (e.g. NGOs providing advice on debt; domestic violence, food banks, general legal advice and so on.) like everybody else.



In relation to both exemptions regarding NGOs<sup>12</sup>, the main argument used by legislators was to “avoid imposing a disproportionate burden”<sup>13</sup>. You will need to be prepared to fight such arguments on behalf of citizens with disabilities in your country and explain, with examples, why these exemptions would not be acceptable, especially if the NGOs concerned receive public funding.

4. Member States **may also exclude** websites and mobile applications of **schools, kindergartens or nurseries**, except for the content relating to essential online administrative functions. The Directive also states<sup>14</sup> that when this essential content is provided in an accessible manner via another website, it would not need to be made accessible again on the website of the establishment concerned.

This provision gives the right to Member States to introduce this exemption in their country. It is clear for EDF that this exemption would be very detrimental for both parents with or without disabilities and also children with or without disabilities.

#### Advice for DPOs:

- Try to make sure that this exemption is not used in your country. Explain the impact on family life and education if there are difficulties for parents and children in accessing day-to-day information about nursery, kindergarten and school life and so on.
- Have specific examples ready to demonstrate why this exemption is damaging if accessibility is only limited to “essential online administrative functions” – ask how these would be defined and by whom, as there is no definition in the Directive.

#### Exemptions regarding specific types of content

These exemptions are listed below. Please refer to the definitions provided in part 1 of the toolkit when reading this section. It is important to note that some of the content listed will still have to be made accessible in the future so please check deadlines included.

- **office file formats** included in web pages: these are documents such as PDFs, Microsoft Office documents or their open source equivalents. Documents published **before 23 September 2018** are excluded **unless they are needed for active**

---

<sup>12</sup> stated in the Directive in a single paragraph - see article 1 paragraph 3 (b)

<sup>13</sup> See recital 25 of the Directive

<sup>14</sup> See recital 33 of the Directive



**administrative processes relating to the tasks performed by the public sector body concerned.** One example could be a downloadable form on a university's website, which needs to be filled in in order to enrol on a course.

- **pre-recorded time-based media published before 23 September 2020.** This means that pre-recorded time-based media published after 23 September 2020 will have to be made accessible (meaning with text alternatives, captions and audio description).
- **live time-based media.** Please note that if such media is re-published later or kept in the website, then it will be considered pre-recorded time-based media and this should be made accessible after a period of time, usually after 14 days<sup>15</sup>. For example, if a parliamentary debate is web streamed without captions, the recorded version kept online should include the necessary accessibility features in two weeks. The Directive states that “when it is impossible to procure the relevant services in due time”, the 14-day period might exceptionally be extended to “the shortest time necessary to make the content accessible”. The Directive also states that priority will be given to essential information relating to the health, welfare and safety of the public - this, however, is not more specifically defined in the Directive so it will be important for DPOs to get clarification from their national authorities about what is “essential information” for them.
- **online maps and mapping services intended for navigational use** (e.g. a map to find the local tax office) as long as essential information is provided in an accessible digital manner, such as postal address and nearby public transport stops. This should be provided in a form that is simple and readable for most users;
- **third-party content that is neither funded nor developed by, nor under the control of, the public sector body concerned.** The Directive states that such content should not be used if it hinders or decreases the functionality of the public service offered on the website (or mobile application) concerned. Content used by public sector bodies to organise consultations or forum discussions has to be accessible<sup>16</sup>. However, user-contributed content which is not under the control of the public sector body concerned (for example: when a user posts an inaccessible photo without alternative text or video without captions on a forum) would be exempt;
- **reproductions of items in heritage collections** that cannot be made fully accessible for one of the following reasons: (a) the incompatibility of accessibility requirements with the preservation of the item concerned or the authenticity of the reproduction (e.g. contrast); or (b) the unavailability of automated and cost-efficient solutions that would

---

<sup>15</sup> See recital 27.

<sup>16</sup> See recital 30.





easily extract the text of manuscripts (or other items in heritage collections) and transform it into content compatible with the accessibility requirements;

- **content of extranets and intranets**, i.e. websites that are only available for a closed group of people and not to the general public as such, **published before 23 September 2019, until such websites undergo a substantial revision.** Unfortunately, the Directive does not define what a “substantial revision” is so it is something that would be important to clarify at national level. Note that the Directive makes clear<sup>17</sup> that Member States can do more in this area, specifically mentioning intranet or extranet websites and mobile applications used in the workplace or in education.
- content of websites and mobile applications qualifying as **archives**, meaning that they only contain content that is neither needed for active administrative processes nor updated or edited after 23 September 2019.

### Advice for DPOs:

- Make sure you understand how these exemptions impact persons with different disabilities.
- Discuss those issues with your national authorities as soon as possible at the beginning of the transposition process to ensure that decision makers fully understand the negative impact that exemptions would have on persons with disabilities; that way it is more likely that your national authorities will try to find a solution that works for all.
- Some of the exemptions are time-limited so in future they will no longer apply. However, it is possible for Member States, if they choose to do so, to move faster than is suggested so you should try to advocate for this.
- Ensure that where there is room for interpretation of the text of the Directive, you explain to your national authorities what interpretation you want to see.
- Have examples or case studies showing how each of these exemptions will affect persons with disabilities.
- Be prepared to demonstrate where the exemptions would have a very negative impact. For example, inaccessible intranets can be a significant barrier to employment or education for a person with a disability as intranets and extranets are used extensively in the workplace, especially by large companies and also in education (schools and

---

<sup>17</sup> See recital 34.



universities) so this exemption would have a negative impact on access to employment and education for persons with disabilities.

These exemptions are of course disappointing, but there is a way for persons with disabilities to request access to content that is not accessible – see section on Accessibility Statement below to find out how this will work in practice.

## Disproportionate burden

The Directive includes a provision explaining that delivering accessibility requirements should not impose a “disproportionate burden” for public sector bodies. This takes into account the following criteria:

- (a) the size, resources and nature of the public sector body concerned and
- (b) the estimated costs and benefits for the public sector body concerned in relation to the estimated benefits for persons with disabilities, taking into account the frequency and duration of use of the specific website or mobile application.

Public sector bodies will be able to carry out an initial assessment to decide whether complying with the accessibility requirements in the Directive constitute a “disproportionate burden”. If this is the case, the public sector body will have to explain, in the **accessibility statement** provided on the website or mobile application (see below) which parts of the accessibility requirements could not be complied with and provide accessible alternatives.

## Advice for DPOs:

- We want to ensure that public sector bodies do not make use of this clause too often and fortunately the Directive provides some clarifications<sup>18</sup> which DPOs should be aware of. It would therefore be important to advocate for these clarifications to also be included in the national law:
  - Measures that would impose a disproportionate burden should be understood as measures that would impose an “excessive organisational or financial burden” on a public sector body, or would “jeopardise the body's capacity to either fulfil its purpose or to publish information needed for or relevant to its tasks and services, while taking

---

<sup>18</sup> See recital 39.



into account the likely resulting benefit or detriment for citizens, in particular persons with disabilities”.

- Only “legitimate reasons” should be taken into account. Lack of priority, time or knowledge should **not** be considered as legitimate reasons.
- There should **not** be any legitimate reasons for not procuring or developing software systems to manage content on websites and mobile applications in an accessible manner, since techniques are available to make those systems meet the accessibility requirements in the Directive

In short, the Directive does include some limitations to the right of public sector bodies to invoke the “disproportionate burden” principle. Furthermore, as you will see in the section on the Accessibility Statement below, the feedback mechanism on the website or mobile application will enable persons with disabilities to request access to the content they need.

## Accessibility statement

Member States will have to ensure that public sector bodies provide and regularly update a detailed, comprehensive and clear accessibility statement on their websites and mobile applications.

A **model accessibility statement** will be developed by the Commission and experts (including an EDF representative) and published as an **implementing act** by 23 December 2018.

For websites, the accessibility statement will be provided in an accessible format and available on the relevant website. For mobile applications, it will be available on the website of the public sector body that developed it, or alongside other information available when downloading the application from an application store.

Each accessibility statement will include:

- an **explanation** concerning those parts of the content that are not accessible, the reasons why and, where appropriate, the accessible alternatives;
- a link to a **feedback mechanism** enabling anyone **to notify** the public sector body if a website or mobile application fails to comply with accessibility requirements and also **to**



**request the content that is not accessible.** This applies to content covered by the exemptions in the Directive (e.g. office file formats, content of archived websites, etc.) or the “disproportionate burden” principle mentioned above<sup>19</sup>.

- a link to the **enforcement procedure** that people can use if they do not receive a satisfactory response to their request.

Member States will have to ensure that public sector bodies give an adequate response to the notification or request “*within a reasonable period of time*”. While this is not defined in the Directive, it is stated that in response to “a legitimate and reasonable request” the public sector body should provide information “*in an adequate and appropriate manner*.”

### Advice for DPOs:

- Let your national authorities know what you think is “a reasonable period of time”. This may vary depending on the service provided but it would be useful to ensure that national authorities understand what you think about this, as soon as possible in the transposition process. Clearly, some services (e.g. social security, access to healthcare, enrolment to university, etc.) would require a more rapid response than others.

### Enforcement of the Directive

Member States will have to ensure there is an “**adequate and effective enforcement procedure**” to guarantee compliance with this Directive, in relation to the accessibility requirements, the use of the “disproportionate burden” clause and the provision of accessibility statements.

Member States have to ensure this enforcement procedure is in place to guarantee an effective handling of notifications of inaccessible content or requests for accessible content received through the feedback mechanism and to review the assessments of “disproportionate burden” carried out by public sector bodies.

This enforcement procedure should include the right to submit complaints to the national authority competent to deal with them. Member States can choose which national body will be

---

<sup>19</sup> See recital 42.



responsible for the enforcement of the Directive and have to notify the Commission about this by 23 September 2018.

Of course, persons with disabilities will still have the right to go to court to seek redress if they wish to do so<sup>20</sup>. In many countries going to court was until now the only way to seek redress and understandably, given the high costs of taking legal action, very few persons with disabilities did this.

### Advice for DPOs:

- Make sure the national body designated to deal with complaints against public sector bodies who do not comply with the Directive is fit-for-purpose. This will be an important topic for you to discuss with your national authorities.
- Ask you national authorities whether this body will be a new body or an existing body which will be given new competences and how it will be resourced.
- Ask whether this body will be independent from public sector bodies and how this will be ensured.
- Find out how your national authorities will ensure that the enforcement procedure is “**adequate and effective**” as stated in the Directive. Ensure that your position is known to them early in the process.
- Think about what your requests will be in relation to the enforcement procedure: what kind of measure do you want to see? Do you want penalties, for example? All this will need to be negotiated during the transposition period and it is likely that different Member States will have different views on what “adequate and effective” means.
- Be prepared to campaign at national level to ensure the enforcement procedure you get is fit-for-purpose.

---

<sup>20</sup> See recital 53 of the Directive, which refers to the right to an effective remedy as set out in Article 47 of the Charter of Fundamental Rights.





## Training programmes and awareness raising measures

The Directive states that Member States have to “promote and facilitate” training programmes relating to the accessibility of websites and mobile applications for relevant stakeholders and staff of public sector bodies. These training programmes should be designed to train them how to create, manage and update the accessible content of websites and mobile applications.

The Directive makes it clear<sup>21</sup> that **relevant stakeholders** include organisations representing the interests of persons with disabilities (such as DPOs) and organisations of older people, as well as others, such as social partners, industry involved in the creation of accessibility software relating to websites and mobile applications, and civil society.

Member States also have to take necessary measures to raise awareness of the accessibility requirements in the Directive, of their benefits to users and to owners of websites and mobile applications, and of the possibility of giving feedback in the case of any failure to comply with the requirements of the Directive.

The Directive also states<sup>22</sup> that Member States, in close cooperation with the Commission, should promote the use of **authoring tools**<sup>23</sup> (e.g. content management systems) that allow better implementation of the accessibility requirements in the Directive. Such promotion could take passive forms, such as publishing a list of compatible authoring tools without a requirement to use those tools, or active forms, such as the requirement to use compatible authoring tools or to fund their development.

### Advice for DPOs:

- Training and awareness raising requirements in the Directive constitute a major opportunity for DPOs: be proactive and engage with your national authorities on this issue.
- You have a right to be consulted and involved in preparing the content of the accessibility-related training and awareness-raising schemes so ensure you exercise that right to shape these programmes.

---

<sup>21</sup> See recital 49 of the Directive

<sup>22</sup> See recital 48.

<sup>23</sup> You can find more information about [accessibility requirements for authoring tools at the W3C website](#).



- Ensure these topics are covered early on in discussions with your national authorities. They may already know about your expertise in some of the areas covered, but if they don't, it is a golden opportunity to ensure officials take your advice on board.

## Reporting and monitoring

Member States will have to monitor the compliance of websites and mobile applications of public sector bodies with the accessibility requirements in the Directive. This will be done on the basis of a **monitoring methodology**. This methodology will be adopted, as an **implementing act**, by 23 December 2018.

By 23 December 2021, and then every 3 years, each Member State will have to submit to the Commission **a report on the outcome of their monitoring**, including:

- information on the use of the enforcement procedure;
- description of the mechanisms set up for consulting with relevant stakeholders on the accessibility of websites and mobile applications;
- procedures to make public any developments in accessibility policy relating to websites and mobile applications;
- experiences and findings from the implementation of the Directive;
- information on training and awareness-raising activities

The content of all reports will be made public in an accessible format.

The Commission will adopt an **implementing act** detailing the arrangements for reporting by Member States to the Commission by 23 December 2018.

By 23 September 2018, Member States will have to let the Commission know which national body will carry out the monitoring and reporting functions.

### Advice to DPOs:

- Include future monitoring and reporting in the topics you discuss with your national authorities early on; find out what plans your national authorities have about this. It is



possible that they may allocate these responsibilities to the national body that will be in charge of enforcement, but not necessarily.

- Exercise your right to be consulted or involved by your national authorities when carrying out the monitoring and reporting exercises.

## European Commission review

The Commission will carry out a review of the application of the Directive by 23 June 2022. The review will take into account Member States' reports on the outcome of the monitoring and the use of the enforcement procedure. It will also include a review of technological advances that could make accessibility easier for some types of content currently excluded from the scope of this Directive. The findings of the review will be made public in an accessible format.

## Final considerations

**Act now!** It is extremely important that DPOs at national level get involved and influence the transposition process as soon as possible.

**Raise awareness.** DPOs should also inform their members and persons with disabilities about this Directive, and what we can expect from it, especially if advocacy actions are planned to put pressure on national governments to make the best out of this EU legislation. Once the Directive is in place, DPOs should also inform and encourage persons with disabilities to make use of the feedback and complaint mechanisms in the legislation when they find inaccessible content or services in websites or mobile apps.

**Inform the general public.** It is also advisable to already inform all public sector bodies about this Directive, so they can be ready on time, as it will be better for them to start improving the accessibility of their websites and mobile apps from now on, rather than wait until the deadline. Additionally, informing web developers, private companies and other relevant stakeholders can also facilitate the implementation of this Directive and prepare the path for the European Accessibility Act, still under discussion, which will most likely extend the legal obligations on accessibility for websites and mobile apps to private sectors not covered by this Directive.



## Acknowledgments

EDF would like to thank Carine Marzin, consultant and member of the EDF ICT e-mail expert group, for her work on this paper.

## Contact persons at the EDF secretariat:

Alejandro Moledo, New Technologies and Innovation Officer

Tel: +32 (0) 2 282 46 05, Email: [alejandro.moledo@edf-feph.org](mailto:alejandro.moledo@edf-feph.org)

Should you have any problems in accessing this document, please contact the EDF Secretariat. (Tel: +32 (0) 2 282 46 00, Email: [info@edf-feph.org](mailto:info@edf-feph.org)).



Funded by  
the European Union