DIGITALEUROPE comments on the structure of and the standards referenced in the proposal for a Directive on the Accessibility of Public Sector Bodies' Websites.

Brussels, 22 September 2014

DIGITALEUROPE takes the opportunity of the upcoming Council first reading of the Proposal for a directive on the accessibility of public sector bodies' websites to stress two points that should be addressed in order for the directive to deliver the expected benefits to European citizens: the structure of the directive and the standards that it references.

The success of this directive is highly dependent on which standard(s) it will reference and on how conformity will be enforced. DIGITALEUROPE's position is that the directive should explicitly and directly reference the mature and global standard ISO/IEC 40500 (level AA) to assess the compliance of public WEB sites with the directive requirements. This is the only solution that prevents fragmentation, delivers proven accessibility in the shortest time frame using existing knowledge and tools at the lowest cost.

In this context, the content of articles 3 and 4 of the directive should be revised and simplified to explicitly reference the international standard ISO/IEC 40500 as the standard to be used to assess the compliance of public WEB sites with the directive requirements.

The structure of the directive

The objective of the directive is clear: 'Harmonisation of national measures for the public sector at EU level is being proposed as a necessary condition to put an end to [...] fragmentation'[1].The current structure of the directive introduces the requirements for accessibility in article 3 and covers certain choices that can be presumed to achieve these requirements in articles 4 and 5 but does not restrict alternative approaches. These as yet unspecified choices (to be determined at a later date) create significant potential for fragmentation. As such the directive does not change the current situation of voluntary use of ISO/IEC 40500 but could direct public services away from the maintained ISO/IEC 40500 standard at a later date.

As there is no harmonized standard dealing specifically with WEB accessibility (the EN 301 549 scope is much broader and includes requirements that are outside the scope of the current directive), the single relevant standard for WEB sites accessibility is the ISO/IEC 40500 international standard which is identical to W3C's WCAG 2.0. This standard is already broadly implemented worldwide. DIGITALEUROPE therefore believes that, in order to prevent fragmentation, the Directive must directly require the use of ISO/IEC 40500 as the single standard to achieve WEB accessibility across all Member States. DIGITALEUROPE considers that this would offer the best approach to avoid fragmentation and to provide benefit to citizens by guaranteeing a consistent implementation across all Member States.

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[1] Directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites, Explanatory memorandum, 1.1 Objectives and Context.

The standards under consideration

In order to support the understanding of the above statements, DIGITALEUROPE adds a short description of the aforementioned standards and the differences between them.

ISO/IEC 40500 is identical to the Web Content Accessibility Guidelines 2.0 (WCAG 2.0)

WCAG 2.0 is a mature, flexible technical guidance developed under W3C policies and finalised in 2008. It was submitted to ISO/IEC JTC1 and obtained unanimous approval without change as ISO/IEC 40500:2012. This standard has three levels of compliance (A, AA and AAA) with AA compliance regarded as optimum in terms of effectiveness and widespread benefits. AA compliance has 38 success criteria.

WCAG's maturity is proven by the existence of material supporting the understanding of each success criteria, appropriate solutions and best practice that enables human assessment and supporting automated tool sets for those elements that can be automated[2].

Compliance is also well understood as is its relationship with the functionality of user agents (i.e. the web browser) and assistive technology. Compliance is routinely achievable via appropriate web design methodologies and can be further supported by independent assessment.

EN 301 549 Accessibility requirements suitable for public procurement of ICT products and services in Europe

The EN 301 549 standard was created by CEN and ETSI under Mandate 376. It was designed for voluntary use for public procurement of general ICT products (i.e. a significantly different scope than the directive) and was published in 2014. Unlike WCAG, there is as yet no documented user case history nor supporting tools. Indeed as yet there is no documented use at all.

In clause 9, it explicitly references all 38 of the WCAG 2.0 success criteria for Level AA compliance. However, it combines this with an additional 194 requirements (and more recommendations) in other clauses.

How these additional requirements interact or are consistent with the WCAG 2.0 criteria is in practice unknown (although some can clearly apply to web content such as clause 5.5 'control that is visually presented to the user', many more from clauses 5 and 6 could apply in specific web based scenarios and where web content interacts with agent based functionality and host hardware e.g. text entry and other interactive web based operations). The extent to which currently available methodologies and tooling for WCAG 2.0 support EN 301 549 is also unknown although clearly they do not fully support EN 301 549.

It is hence currently impossible to say when and how public sector bodies could comply with EN 301 549, at what cost and to what extent equivalent accessibility would be achieved.

The possibility has been raised of restricting the directive's reference to an exclusive use of clause 9 of EN 301 549 (i.e. that only clause 9 was relevant and that no other clause would apply). This proposal is unprecedented and would mean that one was complying with the directive via clause 9 whilst not complying with the whole standard. This would also require a guarantee that clause 9 would be maintained by the European Standards Organisations as identical to ISO/IEC 40500 and there is no clear way that such a guarantee can be created to avoid the standards diverging in future.

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[2] Understanding WCAG 2.0, A guide to understanding and implementing Web Content Accessibility Guidelines 2.0

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DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies.

DIGITALEUROPE ensures industry participation in the development and implementation of EU policies. DIGITALEUROPE's members include 58 corporate members and 36 national trade associations from across Europe. Our website provides further information on our recent news and activities: http://www.digitaleurope.org

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