European Ombudsman

Reply from the European Commission to the European Ombudsman's letter opening strategic inquiry OI/6/2017/EA on the accessibility of websites and online tools that it manages

Correspondence - 10/10/2017
Case OI/6/2017/EA - **Opened on** 12/07/2017 - **Decision on** 20/12/2018 - **Institution concerned** European Commission (Settled by the institution) |

Comments of the Commission on a strategic inquiry from the European Ombudsman - ref. OI/6/2017/EA

I. BACKGROUND/SUMMARY OF THE FACTS/HISTORY

The UN Convention on the Rights of Persons with Disabilities [1] , was concluded by the EU on 26 November 2009 and entered into force for the EU on 22 January 2011. The EU committed to uphold and protect the rights of persons with disabilities enshrined in the UN convention, including setting an example of good practice in web accessibility.

On 16 February 2016, the European Ombudsman sought information about the situation on the accessibility of websites and online tools managed by the European Commission.

In its reply of 11 March 2016 [2] , the European Commission reaffirmed its commitment to the Web Content Accessibility Guidelines (WCAG) 2.0, compliance level AA [3] , for its websites and illustrated the achievements with concrete examples.

Since the above mentioned correspondence, the following EU directive and European Parliament resolution were adopted:
- Directive (EU) 2016/2102 on the accessibility of public sector bodies' websites and mobile applications [4] (26 October 2016). Although the Directive applies only to EU Member States which have until 23 September 2018 to transpose it into national law, the institutions are encouraged to comply with the Directive's accessibility requirements.
- In its resolution on the implementation of the UN Convention on the Rights of Persons with Disabilities, with special regard to the Concluding Observations of the UN CRPD Committee (2015/2258(INI)) [5] of 7 July 2016, the European Parliament encourages all EU institutions to use sign language, easy-to-read formats and braille in their communication with citizens for their better inclusion in the work of the institutions and the European project. See European Parliament resolution of 7 July 2016.

II. THE STRATEGIC INQUIRY

On 12 July 2017, the European Ombudsman opened a strategic inquiry to seek further clarifications and commitments from the Commission as she didn't find the answers given to her letter from early 2016 fully satisfactory.

The Ombudsman feels that she still needs to be convinced that the Commission is doing enough to follow-up on the recommendation of the UNCRPD Committee (UN Convention on the Rights of Persons with Disabilities) that the EU *"take the necessary measures to ensure the full application of web accessibility standards"* to its websites and " *offer information in sign languages, Braille, augmentative and alternative communication, and other accessible means, modes and formats of communication for persons with disabilities, including easy-to-read formats, in official interactions* ".

The Ombudsman seeks further clarifications/commitments from the Commission in three areas:
- **Overall compliance level with international standards:** the Commission is committed to comply with Web Content Accessibility Guidelines (WCAG) 2.0, compliance level AA. Features such as information in sign language and easy-to-read formats go beyond this level, and their introduction has a serious impact on resources, as the Commission noted in its reply in early 2016. While the Ombudsman acknowledges this, she insists for 'adequate follow-up to the UN Committee's recommendation. She considers that " *it would be reasonable to focus on areas where citizens are expected to interact with the EU administration* ".
- **Accessibility reviews:** The Commission is mainly assessing the accessibility of its websites in the event of major site updates or revamps. The Ombudsman considers that this approach may not be sufficient to guarantee that all Commission websites and online tools comply with WCAG 2.0, level AA, and argues that systematic assessments are more appropriate.
- **Implementation of the new EU Directive since the correspondence between the Commission and the Ombudsman early 2016** : although the Directive does not apply to EU institutions' websites and mobile applications, the institutions are encouraged to comply with the accessibility requirements. While Member States have until 23 September 2018 to transpose the legislation, the Ombudsman considers it important for the EU institutions to start preparations now. She is asking about the Commission's plans in this area.

III. THE COMMISSION'S COMMENTS TO THE STRATEGIC INQUIRY

1. *To follow-up adequately to the Committee's recommendation, would the Commission consider prioritising sections of its websites and online tools, to go beyond the WCAG 2.0, compliance level AA? The Commission could, for example, prioritise those sections of websites and online tools through which the public interacts with the Commission, sections which might be of particular interest, in terms of content, to persons with disabilities, or those sections which provide basic*

information on the institution's work (e.g. the "about" section). The Commission could set out its priorities in a publicly available schedule covering a three-year period, for example.

The European Commission already implements the WCAG 2.0. compliance level AA, and even some of the level AAA requirements on its websites.

Level AA:

For example, the inter-institutional portal of the European Union, europa.eu [6] :
- Infographic on europa.eu visitors [7] : in addition to the infographic image, an additional html page reproducing the content of the infographic in text format was created.
- Facts and figures: Living in the EU - The Economy [8] : Charts, tables and tabs: colour contrast, charts easily enlargeable, tables correctly marked up, tabs are keyboard operable.
- Countries [9] : All the information on the map is also accessible in html text on the page.

On the European Commission websites, the new information site [10] launched last year has undergone accessibility tests during its development similar to those carried out on the political pages. New developments for both undergo accessibility tests before they launch. The pages are accessible for third-party screen readers used by blind and visually impaired users.

 For years, the European Commission has also improved the accessibility of its audiovisual material distributed through the Audiovisual Portal, and mainly the corporate clips targeting the general public, through a more systematic use of the subtitling feature. Last year around 100 videos were subtitled in several EU languages.

Level AAA:

Where possible and feasible, the European Commission aims for WCAG 2.0, level AAA compliance. The Commission's websites are undergoing a rationalisation and improvement process, including a review of the rules governing publication on the web [11] . This includes the redefinition of standards and guidelines. The Commission's new information site is setting the benchmark. Consequently, the number of Commission websites that will be in-line with the most important Level AAA guidelines will significantly increase.

The following are examples of level AAA guidelines with which the Commission aims to comply:
- Guideline 1.4.6 - Contrast (Enhanced)
- Guideline 1.4.8 – Visual Presentation
- Guideline 1.4.9 – Images of Text

When it comes to the " *areas where citizens are expected to interact with the EU administration* ", persons with disabilities have the same interests as any other users. Research shows that 65% of people interact with the Commission for professional reasons (e.g. applying for funding, getting information about legislation) [12] . Therefore it is an extensive and difficult task to identify priority areas for AAA compliance and even more so considering that

3

Commission services are managing more than 400 websites and millions of pages.

However, the Commission could initiate a pilot project on some pages of the interinstitutional portal europa.eu to have some general information pages about how the EU works available in easy-to-read format.

Based on the work of the already existing examples of good practice (mentioned above) and the results of these pilot projects as well as a thorough budgetary assessment, the Commission is ready to consider preparing a plan of action in the course of 2018.

2. *In your reply, you note that the Commission offers a course on accessibility as part of its training catalogue, which is open to any staff member. My Office recently decided to introduce mandatory training on accessibility for its staff members working on websites. Would the Commission consider introducing such mandatory training?*

For many years, the Commission has been organising courses on web accessibility open to all staff. So far they have been followed by 200 staff members working on websites.
- Web Accessibility – The Basics to create Accessible Website (Classroom course of 1 day)
- Web Accessibility – Technical and Design Solutions (Classroom course of 2 days)

These courses as well as relevant learning material are being updated to include the latest standards and technologies. The Commission will consider the possibility of making these courses mandatory for all Commission staff working as web designers, web developers and web masters.

3. *As chair of the Inter-institutional Editorial Committee on the Internet, how does the Commission intend to set an example of good practice in terms of compliance with the new Directive?*

The CEiii - Comité éditorial interinstitutionnel pour l'internet - has been regularly addressing web accessibility in its meetings over the past years on both the legal and practical aspects and it will continue to do so in the future. In its December 2016 meeting, a session was dedicated to good practice in web accessibility resulting from the accessibility audit carried out on the European Ombudsman's website and the subsequent recommendations.

Moreover, examples of good practice such as those mentioned above are shared with the other institutions. These examples, as well as those of other European institutions, are shared not only in meetings but also on the CEiii online collaboration tool (wiki) which includes a dedicated page on web accessibility.

The meeting on 28 September 2017 was hosted in the European Ombudsman's premises in Brussels and the meeting included a presentation on this strategic inquiry.

Accessibility remains a priority topic in the future. The Commission will continue to share its work on web accessibility and continue to encourage other institutions, bodies and agencies to share their knowledge and experiences.

4. The new Directive refers to the publication and regular update of a detailed, comprehensive and clear accessibility statement about compliance of websites and mobile applications with its provisions, including:

i) explaining which parts of the content are not accessible and why,

ii) enabling users to request an accessible version of non-accessible content,

iii) linking to a feedback mechanism to enable users to draw attention to any failures (and providing an adequate reply to the feedback within a reasonable period of time),

iv) linking to an enforcement procedure, to which recourse may be had in the event of an unsatisfactory response to the feedback or on-demand request.

Would the Commission consider making such a compliance statement available? If not, please explain why not.

The European Commission already publishes web accessibility statements on europa.eu [13] and on the European Commission's website [14] .

Considering the requirements of the new Directive, the European Commission will further improve these web accessibility compliance statements in the best possible way. It will also improve its existing feedback tools and procedures to allow specific feedback on accessibility matters.

5. Could the Commission provide more information about how its DGs assess the accessibility of their websites and online tools? Does this assessment combine different methods (by way of example, does it involve the use of online tools, consultation with experts and users' feedback)? Does the Commission request external assessments? Would the Commission consider conducting systematic assessments on a regular basis rather than " in various ways, such as when major updates to a website's infrastructure have been implemented, upon request of a specific Commission service or through sample accessibility assessments across EC web content "?

In 2016, the European Commission assessed around 60 websites. This is already quite substantial work considering the hundreds of websites it manages. These accessibility assessments of the Commission websites involved automatic checking with online tools (e.g. WAVE Web Accessibility Tool) and also consultations with internal and external experts.

Furthermore, users can provide feedback through the contact forms available on pages of the websites managed by the Commission. The results and conclusions are compiled into recommendations that are sent to the DGs allowing them to make their websites compliant with WCAG 2.0, level AA.

6. The new Directive requires regular monitoring and reporting by Member States of public sector website accessibility on the basis of a monitoring methodology. Would the Commission consider carrying out similar monitoring, for example, of its different DGs' webpages and of the online tools

that it manages? If not, please explain why not.

As outlined in the reply to question 5, the Commission already does substantial monitoring of the websites it manages. Beyond the assessment of individual websites, the Commission is also improving its online tools regularly, regarding usability and accessibility based on review cycles and the feedback provided by internal and external users (e.g. the EU Survey tool).

7. *For tenders involving online service providers, does the Commission check the providers' accessibility standards during the procurement process?*

The Commission requires compliance with accessibility standards in its public procurement procedures:
- Article 4.3.1.3 Environmental and social aspects of the Commission's internal Vade-Mecum on Public Procurement provides guidelines on accessibility, and Article II.4 of the General Conditions of its standard contracts states that: *"The contractor must comply with the minimum requirements provided for in the tender specifications. This includes compliance with applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to* Directive 2014/24/EU **[15]** *."*

In addition, the tender specifications for the Commission's digital communications framework contract requires compliance with the Information Providers Guide and its accessibility rules [16] .

8. *A Parliament staff member recently informed my Office of his concerns that the online application for the Joint Sickness Insurance Scheme (JSIS Online) is not accessible for persons with disabilities. I enclose a copy of his email and a related report so that the Commission can address, in the context of this inquiry, the concerns raised. Does the Commission also seek to meet WCAG 2.0, compliance level AA for its intranets, in particular the online application for the Joint Sickness Insurance Scheme (JSIS Online)? How does the Commission assess the accessibility of such pages?*

The development of the front office part of JSIS online is already several years old now. Unfortunately, the issue of accessibility for persons with disabilities was not sufficiently taken into account at the time. However, the Commission is committed to improve the situation:
- The objective to take into account the persons with disabilities in our processes is already foreseen: the Commission is studying the concept of a mobile application that should be developed within the next two years to gradually replace the existing Front Office application. The suitable accessibility standards will be foreseen from the onset.
- In the meantime, the Commission will investigate ways to quickly implement corrections and improvements that will increase the level of compliance of the existing JSIS application with accessibility guidelines.
- Furthermore, the Commission will provide a special "help desk" offering support adapted to the persons with disabilities or difficulties – this initiative is currently at the stage of implementation and is expected to be fully operational already in the autumn 2017.

IV. CONCLUSIONS

The European Commission is strongly committed to ensure the accessibility of its websites and its online tools.

For many years, the Commission has undertaken numerous actions to improve the accessibility of the websites it manages. The Commission is committed to continue to do so also in the future, including taking the necessary measures to comply with the requirements set out in the Directive on accessibility of public bodies' websites and mobile applications.

In the course of 2018, the Commission intends to prepare a plan of actions on web accessibility based on the current work already undertaken on web accessibility and the improvements which could be made taking into account the available budgetary and human resources.

[1] https://www.un.org/development/desa/disabilities/

[2] Ares(2016)1242418

[3] https://www.w3.org/WAI/intro/wcag

[4] http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016L2102

[5] http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2015/2258(INI)

[6] https://europa.eu/european-union/index_en

[7] https://europa.eu/european-union/abouteuropa/infographic_en

[8] https://europa.eu/european-union/about-eu/figures/living_en

[9] https://europa.eu/european-union/about-eu/countries_en

[10] https://ec.europa.eu/info/index_en

[11] Information Providers Guide, http://ec.europa.eu/ipg/index_en.htm

[12] EC top task survey 2014, http://ec.europa.eu/ipg/basics/web_rationalisation/top_tasks_en.htm#section_2_2

[13] https://europa.eu/european-union/abouteuropa/accessibility_en

[14] https://ec.europa.eu/info/about-commissions-new-web-presence_en

[15] http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0024&from=EN

[16] http://ec.europa.eu/ipg/standards/accessibility/index_en.htm