



## European Ombudsman

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European Ombudsman

Mr Jean-Claude Juncker  
President  
European Commission

Strasbourg, 12/07/2017

### **Strategic inquiry OI/6/2017/EA: Accessibility for persons with disabilities of websites and online tools managed by the European Commission**

Dear Mr President,

I wrote to you last year to gather information about the accessibility of websites and online tools managed by the Commission. On the basis of your reply, and taking into account subsequent developments, I have decided to open a strategic inquiry. In brief, I still need 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*”.<sup>1</sup>

In your reply of 11 March 2016, you note that features such as information in sign language and easy-to-read formats go beyond the Web Content Accessibility Guidelines (WCAG) 2.0, compliance level AA<sup>2</sup> that the Commission seeks to meet. You add that providing such features would have an impact on resources. While I acknowledge that there are resource constraints, I continue to believe that adequate follow-up needs to be given to the Committee’s recommendation. While the recommendation does not require

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<sup>1</sup> Concluding observations regarding the EU’s implementation of the Convention on the Rights of Persons with Disabilities made by the relevant UN Committee, 2 October 2015, paras 82-83. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/226/55/PDF/G1522655.pdf?OpenElement>

<sup>2</sup> These guidelines were developed by the World Wide Web Consortium (W3C), an international community in which member organisations, a full-time staff and the public work together to develop standards for the web.



all websites and online tools to be made available in these formats, I think it would be reasonable — and in line with a resolution of the European Parliament from July 2016<sup>3</sup> — to focus on areas where citizens are expected to interact with the EU administration. My own Office now makes available on our website in all EU languages an easy-to-read explanation of the Ombudsman’s work and of the procedure to lodge a complaint.<sup>4</sup> We are also using the ongoing process of overhauling our website as an opportunity to comply with as many AAA requirements as possible.

You also note that the accessibility of Commission websites is assessed mainly in the event of major site updates or revamps, upon request of a specific service or through sample assessments. This approach may not be sufficient to guarantee that all Commission websites and online tools comply with WCAG 2.0, level AA. It is arguable that systematic assessments are more appropriate. By way of example, an external service provider recently assessed and validated the conformity of my Office’s website with WCAG 2.0, compliance level AA. I intend to repeat this exercise every two years.

Since our exchange of correspondence, the EU legislature adopted the Directive on the accessibility of public sector bodies' websites and mobile applications. Although the Directive does not apply to EU institutions’ websites and mobile applications, those institutions are encouraged to comply with the Directive’s accessibility requirements.<sup>5</sup> The Directive also contains a range of useful measures, such as an accessibility statement and feedback mechanism, to help guarantee that a public body complies with those requirements. While Member States have until 23 September 2018 to transpose the text into national legislation, it is arguably important for the EU institutions to start preparations now. I will therefore use this opportunity to seek answers from the Commission about its plans in this area.

In order to proceed with this inquiry, I would ask you to reply to the following questions:

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.

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.

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<sup>3</sup> In its resolution, Parliament encourages all EU institutions to use sign language, easy-to-read formats and Braille in their communication with citizens so as to include citizens in the work of the institutions and the European project. See European Parliament resolution of 7 July 2016 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)).

<sup>4</sup> <https://www.ombudsman.europa.eu/shortcuts/easy2read.faces>

<sup>5</sup> Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies, OJ 2016 L 327, page 1, Recital 35.



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?

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?

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<sup>6</sup> 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?<sup>7</sup>If not, please explain why not.

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"*?

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.

7. For tenders involving online service providers, does the Commission check the providers' accessibility standards during the procurement process?<sup>8</sup>

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<sup>6</sup> The Commission already states that if there are justified technical or practical reasons for not complying with WCAG 2.0, compliance level AA, this should be explained on an accessibility page.

[http://ec.europa.eu/ipg/standards/accessibility/index\\_en.htm](http://ec.europa.eu/ipg/standards/accessibility/index_en.htm)

<sup>7</sup> The statement on the Ombudsman's website is available at:

<https://www.ombudsman.europa.eu/shortcuts/accessibility.faces>

<sup>8</sup> For example, Parliament requires compliance with accessibility guidelines based on the web accessibility Directive in its public procurement procedures. See also Standard - EN 301 549 - "Accessibility requirements suitable for public procurement of ICT products and services in Europe".



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?

I would be grateful to receive your reply by 31 October 2017. Should your staff require any further information about this inquiry, they can contact Ms Elpida Apostolidou (Tel: +32 (02) 284 18 76).

Yours sincerely,

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European Ombudsman

Enclosure: E-mail of EU staff member and a related report