



The voice of blind and partially sighted people in Europe

European Blind Union response to the European Commission's public consultation on the Web Accessibility Directive

EBU Position Paper | October 2021

Object of the consultation

Context of the consultation

[Directive \(EU\) 2016/2102](#) on the accessibility of the websites and mobile applications of public sector bodies ('Web Accessibility Directive') aims to make public-sector websites and mobile applications in the EU more accessible to the public, particularly people with disabilities. It sets standard requirements for web accessibility products and services across the EU.

The Directive has applied since 22 December 2016. EU countries had to incorporate it into national law by 23 September 2018, and to apply these measures as follows:

- from 23 September 2019 for websites published after 22 September 2018;
- from 23 September 2020 for all other websites of public sector bodies;
- from 23 June 2021 for mobile applications of public sector bodies.

The Directive provides for a review by the Commission of its application before 23 June 2022.

Aim of the consultation

The aim of the consultation is to gather data and stakeholder views to support the evaluation of the Web Accessibility Directive and its implementing acts.

The consultation will help assess to what extent the directive and its implementing acts:

- have made it easier for people with disabilities to access public services and information, strengthening social and digital inclusion;
- are still relevant and fit for purpose, in light of related laws and changes in technology, and
- have harmonised the web-accessibility market.

The results of the consultation will also inform possible future policy initiatives related to web accessibility.

Feedback

General questions

Preliminary questions

To what extent are you aware of the objectives of the Web Accessibility Directive?

Aware

Have you or your organisation been affected by the implementation of the Directive?

Directly affected

Comments:

EBU, through its national member organisations in the EU, monitors how the Web Accessibility Directive is implemented in the Member States, and it supports its members to influence the transposition of the Directive in national law.

How often do you access public services online in your country or in another EU country?

The two questions here are not relevant for a European-level organisation. (By the way, it is annoying that in the section “About

you”, one is forced to select a country of origin, in our case the country where we have our offices.)

What level of public services do you most often access online?

Not sure

Which of the following ways do you most often use to access public services or public information?

Other (please specify): Blind and partially sighted persons want to be able to access public services in the same way as people without disabilities. Only if online services are not accessible (or if they don't have the necessary equipment or skills), do they have no choice but to rely on telephone or face-to-face contact.

Which kind of public services do you usually access online?

All services listed and “Other”. There is no reason to exclude any particular service, as long as it is available online.

When accessing public services online, which of the following have you most often experienced accessibility issues with?

All services listed.

Compared with the situation three years ago, how often are you experiencing accessibility issues?

Not sure

Comments:

We currently lack a sufficiently precise overall picture from our members, but the situation varies from country to country and, within each country, depending on type of services. Arguably many would indicate 'more often than before', given that, with the increase in public services online, accessibility problems also have increased due to bad development. In any case the pandemic has revealed the lack of accessibility of online public services and the fact that accessibility is still not perceived as a legal standard, but rather as an burdensome additional function that can perhaps be addressed later.

In the past three years, how has your use of online public services changed?

Significantly increased

Comments:

The pandemic has pushed everybody, including blind and partially sighted persons, to rely a lot more on the internet for a variety of services. Moreover, environmental considerations have become

increasingly important to resort to online services, and in practice it is often not a choice anymore for citizens to use the internet in dealings with public services. These trends have not been matched by a corresponding effort on accessibility across the board and in all countries, which results in a feeling of increasing, not decreasing barriers for visually impaired persons.

Compared with the situation three years ago, how did your experience change when accessing the following?

Not sure for all types of information (Online information provided by public-sector organisations/Interactive online services provided by public-sector organisations/Apps provided by public-sector organisations/Online documents provided by public-sector organisations)

Comments:

Same comment as two questions above. ‘Slightly improved’ would be the likely reply in average, but this would hide significant disparities. While the entry into force of the directive has brought much greater awareness about web accessibility in member states, there are still some very significant disparities in the way the directive has been implemented, as well as how quickly and how effectively it has translated into reality. And the context of the pandemic has made these shortcomings more hardly felt.

Where you found an accessibility statement on a public website, was it useful to you?

Other: the answers will vary from one person to another. First of all, it is still often the case that the accessibility statement is missing. Where there is a statement, it usually lacks concrete information on which parts are not yet accessible, what the reasons are for this and which measures to achieve accessibility are to be implemented and when. Instead, the statements on accessibility often only contain general statements such as "We are constantly working on improving accessibility" or "accessibility will be improved in the next update". This state of affairs is completely unsatisfactory. It would be more reassuring if the statement's accuracy were controlled by a monitoring authority, rather than based on self-assessment.

Do you know about the right to give feedback (the feedback mechanism) established by the Directive?

Yes

How often have you given public-sector organisations feedback on their website or app being inaccessible?

Often

How often did the public-sector organisations respond to your feedback?

Sometimes

Was the feedback given within a reasonable timescale?

Not sure

Were you satisfied with the public-sector organisation's response?

No: Too often the response was to explain that they were aware of imperfections and that it was work in progress, but without giving a perspective, a timeline.

What action did the public-sector organisation take?

Not sure

To what extent do you agree or disagree that the feedback mechanism has helped to improve accessibility?

Agree

Do you know that you can turn to an enforcement body if you are not satisfied with how a public-sector organization responds to your feedback?

Yes

In the past three years, have you ever complained to an ombudsman, monitoring body or human-rights network about online accessibility in your country?

Not applicable for a European level organisation

To what extent do you agree or disagree that the mechanism for making complaints has improved accessibility?

Not Sure

Effectiveness

To what extent has the Directive succeeded in making the online services of public-sector organisations more accessible?

To some extent

Comments:

While the entry into force of the directive has raised public administrations' awareness about the need for online public services to be accessible in member states, there are still some very significant disparities in the way the directive has been implemented, as well as how quickly and how effectively this has happened. Furthermore, there seems to be a lack of skills among IT developers, given that even recently built websites and apps have accessibility problems. Some of the shortcomings came into sharp focus with the onset of the pandemic.

Online information provided by public-sector organisations:

To what extent do you agree or disagree with the following statements?

In the past three years...

- the amount of online information has increased

Agree

- online information is more accessible

Agree

- people with disabilities can use online information just as well as others can

Disagree: There is still too much inaccessible information, while there should be just minor differences, considering how long ago the Directive was adopted and the fact that it relates to a sector (Internet and technologies) in continuous and rapid development.

Interactive services provided by public-sector organisations:

To what extent do you agree or disagree with the following statements?

In the past three years...

- the number of interactive services has increased

Agree

- interactive services are more accessible

Not Sure

- people with disabilities can use interactive services just as well as others can

Disagree: Same comment as above.

Apps provided by public-sector organisations:

To what extent do you agree or disagree with the following statements?

In the past three years...

- the number of apps has increased

Agree

- apps are more accessible

Disagree

- people with disabilities can use apps just as well as others can

Disagree: Same comment as above.

Online documents provided by public-sector organisations

To what extent do you agree or disagree with the following statements?

In the past three years...

- the number of online documents has increased

Agree

- online documents are more accessible

Not Sure

- people with disabilities can use online documents just as well as others can

Disagree

To what extent do you agree or disagree that the Directive has met your expectations concerning the harmonisation of the internal market for the accessible websites and apps of public-sector organisations?

Neither agree nor disagree

Were you involved in implementing the Directive in your country?

Yes, other: On behalf of our national member organisations, at EU level.

Efficiency

To what extent do you agree or disagree that the objectives of the Directive have been achieved at a reasonable cost?

Not Sure

Comments:

We do not have relevant data on the amount of money spent by public authorities on the improvement of the accessibility of their websites

or apps. Moreover, we cannot expect any significant improvements if the cost of penalties is lower (or even inexistent, as a state will hardly sanction itself) than the cost of making websites and apps accessible. In any case, it should be noted that building an accessible website costs as much as an inaccessible website if accessibility is built-in from the beginning.

To what extent do you agree or disagree that the benefits arising from the availability of accessible websites and apps outweigh the costs of implementing the Directive?

Strongly agree

Comments:

Accessibility of websites and apps is increasingly essential for all citizens. For people with visual impairment, being excluded from these services is very detrimental effect, especially if there is no or very limited alternative to access the same service offline. So, the hidden cost of e-exclusion should also be factored-in, even if difficult to evaluate. For public administrations, the cost of having to address complaints and to remedy accessibility shortcomings should also be taken into account.

Relevance

To what extent do you think it is still relevant for public-sector organisations to provide accessible online content and services?

Very relevant

Comments:

Public administrations increasingly use websites and apps for their services and information. Besides, the pandemic forced everyone to rely even more on online interaction, not only for work, but also in their private lives. In fact, at that point some of the exemptions in the Directive were put into sharp focus as they amplified the inequality of access to public services for persons with disabilities. Public sectors organisations have to ensure that all citizens and consumers can access relevant information and services, even more so in emergency situations. The exclusions of certain services from the scope of the Directive should be reconsidered.

To what extent do you think it is still relevant for public-sector organisations to provide accessible mobile content and services (including apps)?

Very relevant

Comments:

Mobile phone usage continues to be on the increase among persons with disabilities as among the general population. As mobile phones themselves are more accessible, people rely on them more and more for everyday tasks and some visually impaired people use their mobile phone as their primary, and sometimes only means of accessing the internet. The lack of accessibility of public service apps and other content for mobile phones needs to be addressed, and particularly those that concern emergency situations such as COVID.

To what extent do you think it is still relevant for this Directive to contribute to the digital inclusion of people with disabilities and people with functional limitations?

Very relevant

Comments:

We all rely more and more on digital means of interaction with others, whether it is for work, education or other reasons. It is absolutely fundamental to ensure that the Directive continues to act as a lever and provide the impetus that is needed for digital inclusion of people with disabilities and others. The EU population is ageing, and the likelihood of experiencing a disability increases with age. This means that the number of people living with a disability will increase. Therefore, more and more people will need accessible websites.

To what extent do you think it is still relevant to reduce regulatory differences among Member States in the field of web-accessibility?

Very relevant

Comments:

Reducing regulatory differences will allow persons with disabilities to rely on the same level of accessibility across the EU, which will facilitate their freedom of movement and equal access to education, work and opportunities. It will also provide a much larger market for online service providers, as well as economies of scale in research and development, which is in turn likely to create a virtuous circle. Moreover, reducing regulatory differences makes it possible to compare the level of implementation in every EU country and to identify good practices.

Coherence

To what extent do you agree or disagree with the following statements?

The Directive is in line with...

- EU legislation relating to accessibility

Strongly agree

- your country's own legislation relating to accessibility

Neither agree nor disagree: This question is not applicable for a European level organisation

EU added value

To what extent do you agree or disagree with the following statements?

Because of the Directive, your country has ...

- made public services more accessible online

Neither agree nor disagree: This question is not applicable for a European level organisation

- increased the digital inclusion of users, including people with disabilities and older people

Neither agree nor disagree: idem

- successfully implemented the accessibility provisions of the UN Convention of the Rights of Persons with Disabilities

Neither agree nor disagree: idem

- helped people to exercise their rights provided in the EU Charter of Fundamental Rights

Neither agree nor disagree: idem

- achieved specific objectives of the European Pillar of Social Rights relating to disability

Neither agree nor disagree: idem

Specific questions

To what extent do you agree or disagree with these statements?

- The Directive adequately covers online public services to ensure full participation of people with disabilities in a digital society

Disagree

Comments:

The scope of the Directive should be revised to include the services

which are excluded for the moment, and possibly websites and apps of private sector actors that offer important services to the public in partnership with the public administration. Also, there is a lack of adequate sanctions for failing to bring websites and apps up to requirements.

- The Harmonised European Standard EN 301 549 (v2.1.2) or your national standard on accessibility requirements for ICT products and services, still covers all the relevant end-user groups and their needs

Neither agree nor disagree

- The standard was useful for making public sector websites more accessible

Strongly agree

- The standard was useful for making public sector mobile apps more accessible

Strongly agree

- The standard was useful for increasing cross-border service offering

Agree

Comments:

A harmonised standard that provides a presumption of conformity, plays a major part in the successful implementation of Directive. It needs to be constantly updated in the light of new technologies. Moreover, importantly, for this and any standard to develop its full effects, it should be published in all official languages in an accessible manner from the outset, and available for free to all stakeholders.

Which of the following types of content currently not covered by the Directive would you consider relevant to be covered in view of technological advances in the past three years?

All listed

Comments:

We live in an era of technological convergence, so there is an urgent need to fully address e-accessibility across all platforms and for all services. That includes audiovisual content.

In the future, which services would you like to see made accessible under EU legislation? For example:

All listed

Comments:

See previous comment. EU accessibility legislation should include all aspects of life, without leaving anyone behind.

Which technological advancement should be taken into account as relevant for the purposes of the application of the Directive?

Accessible authoring tools by default

What have been the key success factors in the implementation of the Directive in your country?

Other: This question is not applicable to a European level organisation. However, one of our members mentioned the provision of information in alternative formats when original content is not accessible, and from observations at EU level we suspect that this is true in most EU countries.

What have been the most significant challenges encountered in the implementation of the Directive in your country?

Other: This question is not applicable to a European level organisation.

Final comments

For further comments, we refer to the document annexed to their response to this consultation by our umbrella group, the European Disability Forum.

We take this opportunity to make the following remark **about the accessibility of this consultation**:

We appreciate that the European Commission has made the effort to provide an easy-to-read simplified version of this consultation's questionnaire. Many respondents from the Community of visually impaired people will have opted to use that version, because the format of the longer version of the questionnaire is complicated for them to navigate in.

More crucially, access to the consultation in itself remains problematic for visually impaired people. For instance, some of our member organisations have reported the following:

- In order to reply to the consultation you have to go through a 'captcha' test in order to create the mandatory login profile. That test offers an audio possibility but it is too difficult.
- Switching from the English version (the only one a link to can be copied) to other linguistic versions is too complicated.

We believe that the Commission, and in general the EU Institutions, should lead by example even if the Web Accessibility Directive does not apply to their websites and apps.

About EBU

The European Blind Union (EBU) – **Interest Representative Register number 42378755934-87** – is a non-governmental, non-profit making European organisation founded in 1984. It is one of the six regional bodies of the World Blind Union, and it promotes the interests of blind and partially sighted people in Europe. It currently operates within a network of 41 national members including organisations from 25 European Union member states, candidate countries and other countries in geographical Europe.

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