COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT

Accompanying the document

Proposal for a Directive

of the European Parliament and of the Council on the accessibility of public sector bodies' websites

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1.   **INTRODUCTION**

The present document is the executive summary of the impact assessment carried out in preparation of the proposal for the approximation of laws, regulations, and administrative provisions of the Member States on web-accessibility.

Most Member States have developed their own policies and specifications for web-accessibility based on W3c WAI WCAG, resulting in fragmentation of the market for web developers. By harmonising web-accessibility specifications for a set of basic public sector services, an important step to solve the problem of fragmentation and insecurity in the market would be achieved, generating benefits for governments and citizens, and a bigger and better web-accessibility market.

Definitions and background

Information and Communication Technologies in general, and the Internet in particular, are major drivers of economic growth.

Web-accessibility refers to principles and techniques to be observed when constructing websites, in order to render the content of these websites accessible to all users, in particular those with disabilities[1]. There are internationally recognised and technology-neutral guidelines for the design of accessible websites and content: the Success Criteria and Conformance Requirements Level AA in version 2.0 of the Web Content Accessibility Guidelines (WCAG 2.0) from the World Wide Web Consortium (W3C). A European standard that includes web accessibility based on those guidelines is under development within the European Commission Mandate 376.

Web-accessibility is of great importance for public sector bodies, as it allows them to extend their reach and to fulfil their public sector responsibilities. The number of government websites (ca 380.500 in EU) and public sector websites (ca. 761.000 in the EU) is growing

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[1]   According to the United Nations Convention on the Rights of Persons with Disabilities, persons with disabilities **include** those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

rapidly. While web-accessibility is beneficial to all users, it is essential for people with disabilities (15% of the EU population, or 80 million people).[2]

The web-accessibility market comprises all those described as web-developers: professionals and companies specialised in designing the technical architecture and content of web pages, parties writing software tools to create and implement web pages, and companies providing relevant consulting services and web-development training. In the EU, this market still has plenty of room for growth, as fewer than 10% of websites comply with WGAC 2.0. The EU web-accessibility market is estimated at €2 billion, but realises less than 10% of its potential. Harmonisation will lead to better market conditions, more jobs, lower web-accessibility costs and more accessible websites: a triple win for governments, businesses, and citizens.

2. POLICY CONTEXT, PROCEDURAL ISSUES AND CONSULTATION

A significant number of Member States (21) have already taken measures on web-accessibility; and others will probably follow, as Most member States have ratified the United Nations Convention on the Rights of Persons with Disabilities. Nevertheless, there are significant and evident differences among the Member States with regard to their legislative approaches.

Many political initiatives relate to web-accessibility: the European Disability Strategy 2010-2020 (ICT accessibility); the eGovernment Action Plan 2011-2015 (inclusive and accessible eGovernment services); the 'Digital Agenda for Europe' (Commission proposes to ensure fully-accessible public sector websites by 2015). EU funding programmes (FP7, CIP) support R&D of technological web-accessibility solutions. Web-accessibility will also be stimulated by the Commission's Standardisation Mandate 376 (for functional-accessibility requirements for ICT products, services and web-content, to be used in public procurement procedures) and the revision of the Public Procurement Directives.

Numerous public consultations and analytical studies have been carried out to identify problems and needs, addressing relevant stakeholders, including Member States' representatives, industry and civil-society organisations.

An Impact Assessment Steering Group, led by the Directorate General for the Information Society and Media, was established with a wide representation of services and departments of the Commission. These included the Legal Service, the Secretariat-General, and the Directorates-General Communication; Economic and Financial Affairs; Employment, Social Affairs and Inclusion; Enterprise and Industry; Eurostat; Health and Consumers; Informatics; Internal Market and Services; and Justice. Their task has been to analyse and discuss the issues and perspectives relevant to this proposal on web accessibility.

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2   See website European Disability Forum: http://www.edf-feph.org/Page_Generale.asp?DocID=12534.

Drafts of the Impact Assessment report were submitted to the Impact Assessment Board and its final version incorporates responses to the Board's recommendations.

3. PROBLEM DEFINITION

Despite ten years of voluntary EU policy actions, including Council conclusions, Parliament resolutions, Commission communications and Ministerial declarations, there has been no adequate progress on web-accessibility. Market fragmentation and insecurity are at the root of the problem. **The internal web-accessibility market does not function properly**. **Web-developers** face barriers in the form of additional production costs if they operate across borders. Enterprises, SMEs in particular, do not have the knowledge and capacity to cope with all the different specifications and procedures. This hampers competition and economic growth. **Website owners** receive fewer and more expensive bids to provide services. **Web-accessibility users** may be confronted with non-interoperable web browsers, screen readers or other assistive technologies. The consequence could be different and disruptive user-experiences in different countries. In addition for people with functional limitations, including people with disabilities, there is a risk of a growing social exclusion.

Member States cannot benefit from sharing experiences in responding to societal and technological developments.

Without **harmonisation at EU level of web-accessibility requirements,** fragmentation and uncertainty in the web-accessibility market cannot be reduced. Such harmonisation would help fulfil existing political commitments and would ensure the effectiveness of the European and international standardisation efforts for accessibility (e.g. Mandate 376 and new ISO/IEC 40500), the upcoming European Accessibility Act and the revised Public Procurement Directives. The proposal could be limited to **public sector websites,** as this alone would result in a sizable market for web-developers.

Since the Member States cannot achieve a single web-accessibility market, the Union proposes to adopt measures, while respecting subsidiarity and proportionality, on the legal basis of **Article 114.1** of the Treaty on the Functioning of the European Union**.** This states that the Commission 'shall adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market'.

Now is the time to act, as modest intervention now can prevent extensive reparative measures later.

4. OBJECTIVES

General objectives include improving the internal market for web-accessibility-related products and services, and augmenting the number of accessible websites. **Specific objectives** include harmonised requirements for a minimum list of types of public sector websites and promoting web-accessibility for public sector websites beyond this list. The main **operational objective** is to achieve by 2015 full web-accessibility for all public sector websites on the list mentioned.

5. POLICY OPTIONS

The **Digital Agenda for Europe** (DAE)[3] announced: "The Commission will, based on a review of options, make proposals by 2011 that will make sure that public sector websites (and websites providing basic services to citizens) are fully accessible by 2015".

Three policy options have been identified:

1 — **Baseline Scenario** ('no additional action')

2 — **A Recommendation** ('soft law')

This option concerns the adoption of a Recommendation expressing a common approach for Web-accessibility, in particular the implementation of the Web Content Accessibility Guidelines (WCAG 2.0 level AA) for a minimum list of types of public sector websites concerned.

3 — **Legally binding measure**

A legally binding measure, to approximate the laws, regulations and administrative provisions of the Member States on web-accessibility, lays down the rules for making a minimum list of public sector websites accessible, according to harmonised web-accessibility requirements. Member States are still free to extend the approximated provisions to other types of public sector websites. The proposal specifies the common requirements for web-accessibility and the recognition and referral to relevant standards. . The proposal follows the usual approach to standardisation based on presumption of conformity and is in line with the modernised approach for dealing with ICT standards. .

Member States shall have their laws, regulations and administrative provisions in place by 30 June 2014 and apply their measures by 31 December 2015. They shall participate via their standardisation organisations and via relevant committees and platforms in the establishment of a harmonised standard for web accessibility and in the definition of both the monitoring methodology and the reporting arrangements. In addition, Member States shall promote web-accessibility in general and cooperate with industry and civil society to exchange best practices and review new developments.

A Directive is the appropriate instrument because of its flexibility. It would respect the fact that some Member States already have related legislation in place. Moreover, Member States could extend the minimum list of types of websites and organise implementation (such as the way complaints are handled) in their preferred way.

A Regulation would be immediately enforceable and would probably make it possible to fulfil the DAE commitments in time. However, web-developers would incur considerable compliancy costs even if they were to operate only in their own country.

5.1. Deferred and discarded options

Civil organisations such as AGE, ANEC, EBU[4], and EDF[5] have asked for the scope to be extended to other relevant websites (e.g. with 'basic services to citizens'). This sub-option has

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[3]　https://ec.europa.eu/digital-agenda/
[4]　European Blind Union

been deferred, because the scope would then extend to the private sector with different specificities, domain already considered for coverage in the European Accessibility Act under parallel preparation.

Three additional options were considered but have been discarded because they failed to tackle market fragmentation, could question proportionality or imposed a considerable administrative burden. These were, respectively, a legally binding measure based on the combat of discrimination according to art. 19 of the TFEU, the use of public procurement legislation and the extension of the proposal to either authoring tools or assistive technologies.

6. ANALYSIS OF IMPACTS

6.1. Policy Option 1: Baseline scenario — no change in policies

The impact of continued weak EU coordination would be limited: slow progress on web-accessibility, with new national measures causing further fragmentation.

Economic impacts: Web developers would still face high entry barriers for cross-border sales of products and services, and smaller domestic demand. Public administrations would not benefit from better offers and from sharing their approaches. They would not be able to benefit from taking off-line information and services on-line.

Social impact: Persisting 'Digital exclusion' of those not able to benefit from on-line facilities (e.g. for employability).

Political impact: The efficiency of service provision and social responsibility would be in jeopardy. Commitments, as those in the Digital Agenda for Europe, could not be achieved.

6.2. Policy Option 2: Adoption of a Recommendation ('soft law')

The impact of a Recommendation depends on the willingness of Member States. It would not guarantee that the fragmentation problem would be tackled. Studies and consultations show that this approach over the past ten years has not been able to resolve the problems and remove the drivers behind these.

Economic impacts: Web-developers might still be confronted with a fragmented internal market. If all Member States did fully endorse the recommendation, the net-benefits would be similar to those in section 6.3 below.

Social impacts: Possibly persisting 'Digital exclusion' of those not able to benefit from on-line facilities (e.g. for searching job opportunities).

Political/reputational impacts: similar risks as in option 1.

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[5]   European Disability Forum

6.3. Policy Option 3 — legislative measure based on Internal Market

Economic impacts

If the six Member States **without existing web-accessibility measures** would have zero web-accessibility in their public sector web sites, they would have to invest between €37 and 88 million to achieve 100% compliance. The yearly expenditures are estimated at €41 million, assuming redevelopment of one third of these websites and maintenance and monitoring of web-accessibility for the rest.

For the 21 Member States **with existing web-accessibility measures**, additional investments are minimal, since the public sector websites concerned fall under the existing national regulation. The proposed measure will accelerate implementation and lower prices, while giving a clear schedule of delivery. Countries that adhere to WCAG 1.0 (e.g. UK) would save money, as the '(re-)development' of websites according to WCAG 2.0 is about 8% cheaper. For Member States that follow (variations of) WCAG 2.0 the prices eventually decline because of improved competition and cheaper web-accessibility tools.

The reporting schemes for common monitoring and Information Obligations would cost around €1.65 million.

To achieve 100% compliance of the websites concerned in one year for the entire EU would take an investment between €260 and 560 million. **Suppliers of web accessibility services** would benefit from economies of scale, due to a larger market and a lower go-to-market price for their services.

Economic benefits for governments from reaching a wider population could be considerable. Table 1 below indicates the cost and benefits if 100% web-accessibility is achieved – after EU intervention - within a year. In that case the benefits outweigh the costs in both the high and low scenario. The effect would be even stronger if they were spread over a 3- or 5-year period.

People with disabilities	Low estimate (Simple websites)	High estimate (Large websites)	Benefits	Costs	Costs
Reach in %	Net benefits	Net benefits	Basic public sector services	Low estimate (Simple websites)	High estimate (Large websites)
100	487.327.060	191.147.305	747.750.307	260.423.247	556.603.002
75	300.389.484	4.209.728	560.812.730	260.423.247	556.603.002
50	113.451.907	-182.727.849	373.875.153	260.423.247	556.603.002
25	-73.485.670	-369.665.425	186.937.577	260.423.247	556.603.002
5	-223.035.731	-519.215.487	37.387.515	260.423.247	556.603.002

Table 1 Calculation of net benefits of reaching full compliance with WCAG 2.0 in EU27

Costs and benefits for the six Member States without web-accessibility policies to reach 100% web-accessibility for basic public sector services within 3 years, is estimated in Table 2.

Target group (people with disabilities)	Low estimate (Simple websites)	High estimate (Large websites)	Benefits	Costs	Costs
Reach in %	Net benefits	Net benefits	Basic public sector	Simple websites	Larger websites

			services		
100	31.502.980	14.597.479	43.780.725	12.277.745	29.183.246
75	20.557.798	3.652.298	32.835.544	12.277.745	29.183.246
50	9.612.617	-7.292.883	21.890.362	12.277.745	29.183.246
25	-1.332.564	-18.238.064	10.945.181	12.277.745	29.183.246
5	-10.088.709	-26.994.209	2.189.036	12.277.745	29.183.246

Table 2 Cost of reaching full compliance in the six EU Member States with no web-accessibility measures

Economic benefits for web-developers would be substantial, as they could improve their economies of scale and make attractive bids in adjacent markets. This measure could create a **cascade of spillovers** to other public sector bodies' websites.

Social impacts and sensitivity analysis: Better opportunities for economic and social participation for many citizens, in particular older people and those with functional limitations. Better job opportunities across Europe for experts on web-accessibility with disabilities.

Monetary impacts would be € 400 Million for every 1 % increase in labour participation, € 30 million in time saving for every 1 % increase of online access and € 300 million for every 10 % increase in online shopping.

7. PREFERRED OPTION

Option 3 is recommended as the preferred option.

8. MONITORING AND EVALUATION

Member States shall monitor on a continuous basis the conformity of the websites concerned with the web-accessibility requirements. A common methodology will be established by the Commission together with Member States, to be published in the *Official Journal of the European Union*.

Member States shall report annually on the sampling of the websites concerned and the results of their monitoring activities. Their reports should also include their decisions on possible extensions of the list of types of public sector websites and any other additional measures.

8.1. Prospective evaluations

The Commission shall review the application of this directive within three years from its entry into force.