Opinion of the Economic and Social Committee (20 February 2002)

Opinion of the Economic and Social Committee on the 'Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on eEurope 2002: Accessibility of Public Web Sites and their Content' (20 February 2002)

On 25 September 2001 the European Commission decided to consult the Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the above-mentioned communication.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 31 January 2002. The rapporteur was Mr Cabra de Luna.

At its 388th plenary session of 20 and 21 February 2002 (meeting of 20 February) the Committee adopted the following opinion by 117 votes with one abstention.

1. Introduction

1.1. Access to information and telecommunication continues to be a challenge for 37 million people with disabilities in the European Union but also for people with special needs.

1.2. Lack of accessibility is one of the main features of the so-called digital divide, which has been met in several EU documents, in particular the eInclusion report [1]. Already in the document on Towards a Barrier-free Europe for persons with disabilities [2] the issue of barriers to access to information technology was raised by the Commission.

1.3. The EC Commission document on accessibility of Public Web sites and their content will provide a first step towards following up previous declarations with concrete measures. On one hand there is a greater awareness towards disabled people's problems as shown by for instance the European Barometer [3], on the other hand solutions for disabled people will be of benefit also for other groups.

1.4. The Committee believes that for disabled people access to information is a fundamental human right in the absence of which they cannot enjoy any social and political rights; therefore a global and coherent strategy is required to ensure an actual developmental and inclusive policy towards people with special needs. This initiative will make the access to information much easier, recognizing the fact that lack of information causes a high degree of exclusion.

1.5. The Communication is a good example of how the Trans-Atlantic dialogue has benefited disabled people concerning practical measures to ensure non-discrimination. It is a real practical tool for putting into practice the principle of equal access to information for all.

2. Summary of the Commission Communication

2.1. The eEurope Action Plan 2002, adopted by the Feira European Council in June 2000 [4] aims at speeding up and extending the use of the Internet to all sectors of European society, allowing European citizens to participate in and benefit from the possibilities offered by digital technologies. One of the specific targets of the action plan is to improve access to the Web for people with disabilities: this is the main subject of the Communication and its recommendations.

Accessing Internet Web pages and their content presents a variety of problems for many of the 37 million European citizens with a disability. In particular with the development of governmental on-line services, there is a serious risk of social exclusion of a large percentage of the population.

2.2. The European approach to ensuring the availability of accessible information on public Web sites is incorporated in the eEurope Action Plan 2002 agreed by the Feira Council in June 2000. Under its Objective

2c, the action plan includes five targets for promoting 'Participation for all in the knowledge-based society', the action plan emphasises that, '… Public sector Web sites and their content in Member States and in the European institutions must be designed to be accessible to ensure that citizens with disabilities can access information and take full advantage of the potential for e-government', through the adoption of the Web Accessibility Initiative (WAI) Guidelines for public Web sites by the end of 2001.

2.3. This initiative is one of the five domains of the World Wide Web Consortium (also known as the W3C), which is made up of over 500 member organisations and includes participants from over 30 countries. The Web Accessibility Initiative (WAI) has developed a number of guidelines, with the participation of industry, research, governments, and disability organisations.

Web accessibility guidelines have been developed with the financial support of the European Commission in the Fourth Framework Programme 'Telematics Applications Programme (TAP)', various governments, and other organisations. These guidelines are more precisely known as the World Wide Web Consortium/Web Accessibility Initiative (W3C/WAI) Web Content Accessibility Guidelines version 1.0 (WCAG 1.0) (or WAI/W3C WCAG 1.0). In the Communication they are referred to as the Guidelines. They are recognised as a de facto global standard for the design of accessible Web sites. However, the evolution of technology and tools will determine the implementation of new versions and of guidelines for other domains.

2.4. The guidelines are based on a consensus developed among a broad range of sector actors and they provide a voluntary mechanism for public information providers to conform to a set of informal rules which take the form of principles, tools and methods. Information managers, Web designers and developers should therefore be able to make public Web sites accessible. The Guidelines should represent a dynamic and evolving set of rules which seek to keep pace with and anticipate the latest technological developments.

2.5. The eEurope Action Plan 2002 proposes adoption of the Guidelines as an initial step towards making European public Web sites and their content accessible to people with disabilities. The adoption of the Guidelines should also show the commitment from the Member States and the European institutions to the goal of integrating Web accessibility within their policies for public information services and standards, including eGovernment.

2.6. In connection with the implementation of the eEurope Action Plan 2002 in the area of 'Participation for all in the knowledge-based society', the High Level Group on Employment and the Social Dimension of the Information Society (ESDIS), which is composed of representatives from all the Member States, was mandated to monitor these developments. An eAccessibility expert group was set up to support the work of the High Level Group.

The European Disability Forum, which is the voice of the organised disability movement in Europe, has been invited to participate in the activities of this expert group with observer status.

The eAccessibility expert group has provided a review of progress of the adoption and implementation of the Guidelines by Member States. It has also organised a monitoring exercise among the 15 Member States, identifying examples of good practice.

2.7. In connection with the planned upgrading of the Commission's Internet-based services, it is envisaged that the so-called EUROPA II will be implemented in the period 2001-2004.

Within this context, the accessibility of the Web sites of the European institutions is currently under revision, so as to respect the target of adoption of the Guidelines by the end of the year 2001.

Complementing and supporting European policy developments, research and technology development work has taken place over the past ten years that has addressed the needs and requirements of disabled people.

One of the projects which was given financial support by the European Commission in the 1994-1998 Telematics Applications Research and Development Programme (TAP) was the Web Accessibility Initiative

(WAI) project, which contributed to the work of producing the Guidelines and other specifications and tools for the promotion of access to the Web.

Within the Fifth FP Information Society Technologies programme the European Commission gives financial support to the project entitled Web Accessibility Initiative-Design for All (WAI-DA). More and more research and technological development projects within this programme are using the Guidelines developed by the Web Accessibility Initiative.

2.8. Finally, the Commission outlines some developments outside the European Union. Web accessibility is an integral part of public information policies, for example, in Australia, Canada, and the United States. In some countries, legislation provides an important framework for achieving the accessibility of Web sites. In particular, Federal Web sites in the United States are required to be accessible by law since the amendment of section 508 of the Rehabilitation Act in August 1998 which became effective in June 2001. This legislation also has important considerations for the public procurement of information technologies that are accessible to persons with a disability.

The European ministerial conference held in Warsaw in May 2000 underlined the importance of complementing European Union political commitments by creating an eEurope-like action plan (eEurope+) *by and for* the candidate countries seeking membership of the European Union. eEurope+ addresses the issue of web accessibility and recommends the adoption of the WAI guidelines ([5]).

2.9. The Communication aims at being an example of the concerted effort which is required to remove access barriers — social, environmental, cultural, technical and others — that hinder the full participation of persons with disabilities, to secure inclusive society with equality of opportunities for all in Europe and to ensure that future technologies and information systems do not create new additional difficulties for people with disabilities.

The Communication then presents a set of observations which can be drawn from the experiences to date of adopting the guidelines in the Member States and the European Institutions.

The most important are the following:

— The Member States and the European Institutions have agreed to exchange information and to benchmark their progress to be based on mutually agreed criteria in the areas of adoption and implementation of the Guidelines. The resulting accessibility of public Web sites should be monitored and best practices identified. The Commission will compile and disseminate the results of this action.

— National administrations should seek constantly to improve the accessibility of their Web pages and explore new and better ways to deliver Web content and services as new technologies and new versions of the Guidelines are developed.

— Member States should take appropriate measures so that not only national, but also local and regional public websites comply with the Guidelines.

— The Commission will propose to the other European institutions the establishment of an inter-institutional group to promote and ensure the adoption, implementation, and regular updating of the Guidelines within the European institutions.

— Measures for awareness-raising, dissemination, education, and especially training in Web accessibility should be promoted in both the European institutions and the Member States.

— Organisations receiving public funding from the European institutions or the Member States should be encouraged to make their Web sites accessible.

— There should be a major initiative devoted to achieving overall accessibility of both public and private

Web sites during the year 2003, the European Year of Disabled People.

— The Member States and European institutions should develop an ongoing dialogue with persons with disabilities and their representatives in order to ensure regular and consistent feedback on these issues.

3. General comments

3.1. The Committee welcomes this proposal for a European policy towards making public Web sites and their contents in the European Union accessible for disabled people. It is appropriate that this initiative is taken at a time when more and more information is made available electronically and the risks of social exclusion are significantly higher for those excluded from accessing such information.

3.2. The initiative should secure in the Member States and on EU level the full access for everyone to public information and thus the right of all to act as full citizens in society. The Committee underlines the importance of referring to the rights of non-discrimination and of integration of persons with disabilities as laid down in Articles 21 and 26 of the Charter of Fundamental Rights of the European Union. Access to the Internet should not imply extra costs for users with disabilities. States should allocate appropriate funding for user awareness training as well as for the purchase of adaptive and assistive technical devices whenever they are required.

3.3. The Committee considers that it is urgent to face the challenges to public information that technical and financial barriers set against the full involvement of disabled users. The EU has emphasised the importance of creating favourable conditions for all European citizens' active and democratic participation in the decision-making processes, in the conclusions of both the Lisbon and the Stockholm summaries, and through the eEurope initiative. For the Committee it is vital that such strategies also encompass persons with disabilities.

3.4. Active participation in community life will also offer persons with disabilities a better possibility to apply for jobs in the public administration and benefit from employment services. Access to public Web sites will also increase the information on political development and increase participation of disabled people in politics and as a consequence their involvement in the democratic process of our society.

3.5. The eEurope+ initiative is likewise important because the issues of access to public information and rights to participation for disabled people in the Accession Countries will also be focused upon.

3.6. Although being a voluntary instrument the implementation of the proposals will introduce a standardisation on access that will give disabled people the possibility to make better use of assistive technology. It will also enable the use of easy-to-use instruments for accessibility, through a European-wide accessibility system following the same criteria all over the Union.

3.7. One of the main challenges of the implementation of the WAI guidelines would be to reach out to all citizens including disabled and elderly people and to involve not only national governments, but also regional and local administrations that are closer to the citizen's priority needs. The implementation of the Guidelines and a methodical bench-marking and monitoring system could also entail a desirable simplification of norms and procedures that would make the access to internet based information easier for all.

3.8. The Committee also hopes that a major initiative as proposed in connection with the European Year of Disabled People in 2003 will contribute to make not only public but also private Web sites accessible for disabled people.

3.9. The Committee welcomes the involvement of the European Disability Forum, to ensure a two-way interactive dialogue between the European institutions and the organisations of and for disabled people in Europe as well as with individual experts with disabilities.

3.10. The Committee points out that accessibility is paramount also for elderly persons, especially for those who have been marginalized as a consequence of the technological development.

3.11. Active use of research programmes of the European Union should be made to increase accessibility of Web sites for disabled and elderly people. The Committee refers to other relevant initiatives of the European Union, in particular the reference to e-inclusion in the Proposal for the 6th Framework Programme for Research and Development 2002-2006 ([6]). The programme states that research activities on 'e-inclusion' will concentrate on systems enabling access for all, on barrier-free technologies for full participation in the information society and on assistive systems that will restore functions or compensate for disabilities thereby ensuring a higher quality of life for citizens with special needs and their carers. The Committee stresses the need to incorporate the WAI guidelines in the IDA programme for data interchange and interoperability through electronic infrastructures ([7]), especially in view of the greater importance which recently is being attached to the end users, particularly disabled and elderly people.

The Committee would furthermore propose a specific programme for joint training activities of developers of Web sites and representatives of disabled users. Better co-ordination between EU programmes, for instance on web security, must be ensured to mainstream the interests of disabled people.

4. Specific comments

4.1. The Committee deems appropriate that the issues dealt with in the Communication should be the subject of mandatory legislation; nevertheless, it meanwhile recognizes the present approach based on voluntary commitment of the public administrations at the various levels and expects the Member States to carry into effect without delay all measures provided for in the Communication and to establish a methodical monitoring system of their implementation. States should also set up a systematic benchmarking procedure for the Lisbon strategy.

4.2. The Committee will emphasise the importance of disseminating and encouraging the use of the WAI guidelines also among other organisations, like trade unions and employer organisations.

4.3. The Committee commits itself to make its own Web site accessible and user friendly as to ensure a better access to information and to public debate for all citizens with special needs. This initiative should be implemented before 2003, the European Year of Disabled People, complying with the WAI Guidelines as set forth in the Communication and, if necessary, with the support of the European Commission. This should constitute an example of good practice of the accessibility principles.

4.4. The Committee will point out that the increasingly important field of eCommerce and disabled people should be covered by the Communication. Disabled consumers' interests are affected by the growing importance of eCommerce through inaccessible commercial Web pages, questions of protection of personal data, integrity etc.

4.5. The Committee urges the Commission as well as the other EU institutions to make their own public Web pages accessible through adaptation of the WAI guidelines.

4.6. The communication will be a strong encouragement to public authorities to extend their accessibility initiatives to other areas than public Web sites. This is not only limited to national, but also regional and local authorities. It does also concern the introduction of Design for All principle in general didactic programmes for education on ICT, etc.

4.7. Using the principle of Web accessibility at European level, the European citizens with disabilities can feel a stronger sense of ownership to the idea of European integration, which has hitherto been inaccessible for many, due to barriers against assessing such information on EU Web sites.

4.8. Non-accessible public Web sites do indeed discriminate against people unable to use them and thus assess the information therein. The Committee recommends that in connection with the forthcoming

European Year of Disabled People 2003 a clause against this specific kind of discrimination should be included in the proposed disability specific directive. The Committee has already recommended that such a directive be adopted for the European Year of Disabled People in its Opinion on the Proposal for a Council Decision on the European Year of People with Disabilities 2003 ([8]).

4.9. The Committee understands that the primary goal for the Commission initiative is to secure access to public Web sites for disabled people across all sectors and policy areas, and that the access to public Web sites can provide a means to integrate disabled people across all policy and programme areas. As part of such a process the initiative may lead to an open method for coordination of policies and exchange of best practice across the EU Member States. In many Member States the objection has been raised that the process of implementation of the WAI guidelines will constitute an excessive financial engagement. This assumption is simply wrong, because implementing the accessibility guidelines is just at the beginning a little more expensive than not implementing them. The Committee believes that the national governments should earmark funding for the implementation of the objectives of the Communication taking into account all aspects and all activities, including professional training of their staff and increasing the efficiency of the public administrations.

4.10. Special attention should be paid to the setting up of accessible electronic terminals in all places where disabled people are likely to make use of them.

Brussels, 20 February 2002

The President of the Economic et Social Committee
Göke Frerichs

([1]) SEC (2001) 1428.
([2]) COM(2000) 284 fin, 12.5.2000.
([3]) Eurobarometer No. 55, 2.6.2001.
([4]) Council and Commission of EU 'e-Europe 2002 an Information Society for All: Action Plan' of 14 June 2000.
([5]) eEurope+2003: Action Plan prepared by Candidates countries with the assistance of the European Commission, June 2001, p. 18.
([6]) COM(2001) 279 final.
([7]) CES 25/2002, 16.1.2002.
([8]) COM(2001) 271 final — 2001/0116 (CNS).