**EUROPEAN
DISABILITY
FORUM**

EDF feedback to the implementing acts for the Web Accessibility Directive

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About EDF

The European Disability Forum (EDF) is an independent Non-Governmental Organisation that defends the interests of 80 million Europeans with disabilities. We are a unique platform which brings together representative organisation of persons with disabilities from across Europe. We are run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

Introduction

Within the development of the [Directive (EU) 2016/2102 on the accessibility of websites and mobile applications of public sector bodies](#), the European Commission has released two draft implementing acts with regards to the accessibility statement, the monitoring methodology and the reporting arrangements foreseen in the Directive.

Given that these aspects are crucial for the successful implementation of the Directive across the EU, EDF welcomes the possibility to provide feedback to the Commission. Many of the following comments were also raised by the sub-group of experts in which an EDF expert took part advising the Commission on how to get the best out of the accessibility statement, and the monitoring and reporting obligations to really underpin progress on web and mobile accessibility of the public sector. The aim remains at ensuring that persons with disabilities can access digital services and information on an equal basis with others as stipulated in the UN Convention on the Rights of Persons with Disabilities.

Acknowledging the good proposals put forward by the Commission, EDF suggests below several improvements to be incorporated in the final implementing acts. We would also like to highlight as particularly crucial:

- The involvement of persons with disabilities and their representative organisations must not be neither undermined nor limited by using a numeric formula.
- Clarify some of the terms used in the draft acts, such as "valid", "appropriate" and similar.
- Strengthen the transparency and understandability of the monitoring and the accessibility statement by making the evaluations publicly available, and by ensuring that the language and services of the accessibility statement are easy to find, understand and use.

EDF feedback responds and refers to the draft implementing acts and their annexes available at the following links:

- [Monitoring and reporting](#)
- [Accessibility statement](#)

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Part 1 – Monitoring and reporting

Before getting into the details of the monitoring and reporting arrangements, we would like to highlight that these exercises should also cover the accessibility statements. Such an important tool of the Directive should also be monitored and reported to ensure that webs and apps owners respect and include all the aspects that the accessibility statement should contain, so users do not find incomplete statements which, for instance, do not include any feedback mechanism. If point 3.2.c only deals with the accessibility of the webpage containing the statement, an additional requirement to monitor the content must be added.

Monitoring (Annex I)

- Point 1.2.5 needs further clarification regarding what "valid" would mean for the monitoring body to be able to use the evaluation carried out by the public body. We believe that a three years-old evaluation will not most likely be relevant anymore, considering the frequent updates and new features added to websites and mobile apps. We would therefore recommend lowering that timeframe to 18 months. Nevertheless, the term "valid" should be further explain, i.e. the evaluation would be considered valid if this has been carried out not earlier than 18 month and if, for example, the website or mobile app has not gone through substantial change and if no new features or functionalities have been added.
- Similarly, in point 1.2.6, even though intranets may not be modified as frequently as websites, the results of an evaluation carried out 3 years ago may not be useful either, unless further criteria on when this will be valid is provided in this paragraph.
- The evaluations carried out by public bodies must be made publicly available (see recommendation for the accessibility statements below).
- Point 1.3.2 needs to be clarified too, as it seems contradictory to require both that the simplified monitoring shall aim to include "to a reasonably extent", and "as many automatic tests as technically possible". The latter requirement does not match with a reasonably extent. Besides, we note the list of user needs taken from the European Standard EN 301 549 which could trigger the use of innovative tests to measure the accessibility of a website or mobile app. However, we also believe that a similar list of types of content can also be useful (e.g. headings, forms, images, multimedia, etc.). Last, but not least, we believe that further wording must be included in order to not to limit the tests to only those which are automatic, as this paragraph seems to only promote those. How could "usage with limited cognition" be automatically tested reliably? Other types of tests, not only automatic, but also semi-automatic or purely and simple human driven test should also be allowed and mentioned in the simplified monitoring.
- On point 1.3.3 we recommend replacing the soft requirement ("may change") by a stronger one ("must change"), if necessary adding some further criteria, for example, the tests must change every two monitoring exercises. We fear that If the aspects

monitored do not change over time, there will be the risk that attention will be given only to those elements.

- The involvement of organisations of persons with disabilities must definitely be supported on 2.2.4, because the Directive ensures consultation with representative organisations of persons with disabilities without limiting this to a specific percentage. For example, with 11 million inhabitants, Belgium has a sample size of 2 per 100.000 inhabitants + 75 = 295 websites to be monitored. 5% +10 of these are to be monitored with the in-depth method = 25 websites. Of these 25 websites, only 5 are to be suggested by Belgian organisations of persons with disabilities. The monitoring body should always consult organisations of persons with disabilities on a regular basis and incorporate as much as possible their considerations in the monitoring exercise.
- We would also recommend ensuring meaningful consultation of OPD's (organisations of persons with disabilities) on the monitoring of mobile apps.
- Point 3.4 would also need clarification, because size should not be the only criteria to come up with an "appropriate" number of webpages. Therefore, the term "appropriate" needs further explanation. For instance, for a website which is "big" but relies heavily on templates (e.g. Wikipedia style), the number of webpages to be monitored may not need to be high. On the contrary, a rather "small" website, but more complex, or that includes several dynamic processes, will most likely need more pages to be checked.

Reporting (Annex 2)

- We suggest making available in the reports the type of technologies of the websites and mobile applications used to gain information on which kind of technologies tend to perform better in terms of accessibility, so Member States can exchange best practices on implementing accessibility.
- We believe that the consultation with stakeholders, including OPD's, must also be provided in the report, as well as what aspects from them were incorporated in the monitoring exercise.
- Similarly, and in order to ensure a harmonised approach and implementation of the EU legislation, it is vital that Member States inform and exchange their practices on how they have made use of the disproportionate burden exemption.
- On point 4, we propose to replace "may" by "should": Member States should report any qualitative or quantitative data gathered at national level on the feedback received by the public sector bodies through the feedback mechanism.

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Part 2 – Accessibility statement

- On article 3, instead of "Preparation of the statement", which may be perceived as a once-off activity, it's crucial to provide living information which is accurate, useful and relevant for the users. We would thus propose a different wording, such as "underpinning", "feeding" or "developing" the accessibility statement. Similarly, instead of "indicate" the method used, we suggest to "describe", which can be more useful for Member States to learn from each other. With regards to the method used by the public sector body, it will also be important to outline the outcomes of it, for example by providing the link to the evaluation.
- On article 4 and section 2 of the Annex accompanying this act, instead of "optional" content, we would suggest naming it "recommended".
- In the instructions provided in the Annex, it reads that "the accessibility statement should be easy to find for the user". We believe that there must be a stronger and clear requirement, even with some flexibility to Member States to decide the method they prefer to facilitate findability. From the users' perspective, it would be best to have exactly the same approach in all public websites. Therefore, there should be an explicit requirement ensuring an equal way to find the statement – which can also be useful for automatic testing to find the webpage of the statement.
- Another requirement which should be included in the instructions is the need to write in a simple manner, avoiding technical information which will not be useful for the regular users. The information about the website or app provided in the statement must be as easy to understand as possible in all cases.
- As for article 4 regarding "adaptation" (the term "content" may be more suitable), there is a need to include a requirement, which is for the moment only a recommendation in the last footnote of the Annex, and this is to require an annual (self) review to check whether the content of the statement is still accurate and updated. This review should also take place when the website or mobile application undergo a substantial update.
- In the section of non-accessible content, it will be appropriate to refer to or include the recital 39 of the Web Directive, to ensure that only legitimate cases can be claimed to impose a disproportionate burden.
- On the feedback and contact mechanism, a requirement should be explicitly added to ensure the accessibility and the ease in use, as well as multiple ways of contact (i.e. not only by email or phone, but through email and phone).
- Any technical evaluation carried out by the public body should be available through a link on the accessibility statement.
- Note X reads: "describe in non-technical terms, as far as possible, how the content is not accessible". It seems unclear to what "as far as possible" is referring to (non-technical terms or the inaccessible content). Furthermore, we would also recommend to put the focus on the effect for the user, instead of the relationship with standard or technical specifications – which would perfectly fit in the evaluations.

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