

Directive on the accessibility of websites and mobile apps in the public sector

Impact on e-services in Spain

On 2nd December 2016, the Official Journal of the European Union published [Directive \(EU\) 2016/2102 of the European Parliament and the Council, of 26th October 2016, on the accessibility of websites and applications for mobile devices in the public sector bodies](#). This directive establishes the conditions, with respect to their accessibility, that all of the websites and mobile apps in the public sector must fulfil: state, regional, local, university, etc. including bodies such as health centres, educational centres, libraries, courts, etc. Over the forthcoming 21 months, it must be transposed to the Spanish legal system and will replace and improve on the conditions that were already required of the portals of the Spanish public administrations.

The directive is presented as an essential milestone in the European context with the aim of standardising the accessibility technical requirements in all of the member states and hence adding another piece to the structure of the Digital Single Market. This objective has led to it being managed within the European Council's Telecommunications and Information Society Working Group. However, we should not lose sight of the fact that **this directive also has a marked social character** as all of the citizens using the web portals web and mobile apps in the public sector will benefit, particularly

sensitive groups of citizens such as those with disabilities (visual, hearing, sensory, or motor, etc.), people with some kind of dysfunction (reduced vision, colour blindness, permanent or temporary motor difficulties, etc.), and elderly people, etc.

What does it really add to the Spanish context?

[Royal Decree 1494/2007, of 12th November, approving the Regulation on the basic conditions on the accessibility of people with disabilities to the technologies, products and services related to the Information Society and social media](#) is the existing legislation in Spain that best meets the website accessibility requirements required of the Spanish Public Administrations. Since 31st December 2008 all of their portals must fulfil Priority 1 and 2 requirements of UNE Standard 139803:2012 (equivalent to Level AA in WCAG 2.0).

In the Spanish case, the new directive is aligned with these requirements that we have been following. However, there are new questions that will need to be incorporated:

- The alignment of the Spanish accessibility requirements to the **European EN 301 549 Standard** “Accessibility requirements for ICT products and services applicable to public procurement in Europe” and to the future harmonised standard that is established within the framework of the directive. Ultimately, they all use the WCAG 2.0

guidelines as a base, but now it is ensured that all member states use the same standard and there is a future updating mechanism for this standard.

- The inclusion of **mobile apps** developed by the Public Administrations.
- The inclusion of **new intranets or extranets** or those that are significantly revamped.
- The definition of an **accessibility declaration** in each portal (in accordance with the European model) and a mechanism to report errors and request inaccessible contents upon demand.
- The definition of a **supervision mechanism and application procedure** and a body responsible for this.
- The definition and organisation in order to carry out regular monitoring and **reporting to the European Commission** every 3 years on the state of application of the directive.

The **application of the directive involves all of the public administrations not only from the technological point of view but also from the organisational and administrative point of view** considering the role played by the units responsible for the management and editing of the contents of the different websites to be fundamental, in addition to the technological factor.

During the management and negotiation process of the directive by all of the players involved, it was clear that it was necessary to define the additional

instruments that ensure compliance with the directive in addition to specifying the requirements and conditions. Therefore an **effective application procedure** that can supervise and prompt compliance must be included and of course the **mechanism for regular public reporting** to the European Commission.

This is the essential difference between what we have had up to now in Spain. We had requirements (at least for websites) but we were lacking these additional mechanisms which are expected to make their fulfilment more effective.

When is it going to be applicable?

The directive came into force on 22nd December 2016. As of this date, the rest of the deadlines were established.

- The directive must be transposed by 22nd September 2018 (21 months).
- By 22nd December 2018 (24 months) the **accessibility declaration models, monitoring methodology, guidelines for reporting and the specific Technical Specifications of APPs** must have been agreed in the European context.
- By 22nd September 2019, it will come into force for all new **portals**.

- **By 22nd September 2020**, it will come into force for all previously existing portals.
- **By 22nd June 2021**, it will come into force for **mobile apps**

Which questions still need to be determined?

Initially, all of the questions related to the transposition process and which the directive left to each member state to develop remain pending a. These include the **final scope, given that the member states may extend the minimum scope set out in the directive**. Such important questions as the **application procedure, bodies responsible for this application procedure and for monitoring and reporting, training and raising awareness** are also pending. Therefore, a national agreement must be reached in all of these aspects that will be reflected in the transposition over the forthcoming months.

On the other hand, the directive also leaves different practical questions pending, which must be agreed at a European level over the next 24 months.

- **Accessibility declaration** model to be used in all portals.
- **Methodology for the regular monitoring of accessibility**.
- Provisions for the **presentation of the report** to the European Commission.

- First version of the **Common Technical Specifications (CTS)** for mobile apps. The Commission is making a mandate to the European standardisation organisations to update Standard EN 301-549 so these CTS will not be necessary.

These questions will be reflected legislatively through the corresponding implementation actions contemplated in the directive. For the entire process, a Committee of Experts at a European level has been created, whereby its work will later be approved by the member states in the corresponding Official Committee.

What is the current level of fulfilment of Spain?

In Spain, we start off from a privileged situation as we already had legislation in this field, in line with the requirements of the directive that has been in use since 2008, which has enabled us to position ourselves at the helm of different European Commission studies in this respect (Monitoring e-accessibility in Europe MeAC).

However, in 2009, aware of the need to increase the fulfilment of these requirements, the Ministry for Finance and Civil Service launched the Accessibility Observatory initiative with the underlying purpose of helping to increase the level of fulfilment in terms of the accessibility of the portals of the Spanish Public Administration.

The [Web Accessibility Observatory](#) offers different support tools to improve the public administrations in this field (guidelines, frequent questions, the accessibility community, consultation forum, on-line diagnosis service, etc.). Furthermore, it carries out a regular evaluation of the accessibility of the portals and websites of the Spanish Public Administrations, in order to have an analysis of the current situation and progress. In the initial years, the evaluation was carried out with respect to UNE 139803:2004 (equivalent to WCAG 1.0) and since 2015, it has been evaluated with respect to UNE 139803:2012 (equivalent to WCAG 2.0). In this context, over 300 portals of the State Administration have been analysed, 152 of which are attached to Autonomous Communities (8 portals for each community) and 208 are the responsibility of Local Entities (4 per province).

As the underlying objective is to foster improvements, the individual results of each of the portals in these studies are submitted to those responsible for them. They are also provided with access to the on-line diagnosis service, which allows “self-evaluation” and details of the errors detected to be obtained. This is an essential element in order to correct them.

In this way, a cycle of continuous improvement has been activated in the accessibility of the public sector websites: over **25% of the portals of Spanish Public Administrations analysed have undergone improvements in relation to their accessibility** from the first iteration with Standard UNE 2012.

This positive evolution of website accessibility in our Administrations has been the result of joint effort in all of them.

The best results are those achieved by the **main portals of the General State Administration** (Ministries and BOE, Social Security, AEAT and PAG) **with 78% of them reaching the level of Priority 1 and 2**, which is required by the directive, and a further 11% reaching the level of Priority 1. **In the regional sphere**, 89% of the main portals also fulfil at least Priority 1, the same figure as the main portals of the State Administration. However, only **39% achieve Priority 1 and 2**.

The situation is worse in the field of the **Local Entities**, where the distribution of fully autonomous resources in over 8000 Local Entities, some of which are very small, means that the knowledge and resources for their fulfilment are dispersed. The **best results** are achieved by the portals for the **capitals of provinces and the provincial councils**, with around 40% of the portals fulfilling Priority 1, and 20% fulfilling Priority 1 and 2.

In all fields, with each iteration, there is a growing tendency towards fulfilment and high scores for the portals can also be seen in all areas, which means that they are applying some accessibility requirements although they need to improve in some of them to achieve the required level (Priority 1 or Priority 1 and 2).

In this respect, with almost 2 and a half years ahead of us to adapt the current portals, we trust that the Spanish state will reach the milestones set by the directive with high levels of fulfilment.

Conclusions

Over the forthcoming months, national and international negotiations will be carried out that will enable all of the details of the accessibility of websites and mobile apps to be established. Considering the pre-existence of legislation in this area in Spain, and with the effort of all those involved over the forthcoming years, it is expected that it will be possible to achieve high levels of fulfilment.

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