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NOTE

From:	Presidency
To:	Permanent Representatives Committee
No. prev. doc.:	14663/15 TELECOM 223 CONSOM 205 MI 766 CODEC 1606
No. Cion doc.:	17344/12 TELECOM 250 CONSOM 155 MI 811 CODEC 2936
Subject:	Proposal for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites. - Examination of the Presidency text

1. On 3 December 2012, the Commission adopted its proposal for a Directive of the EP and of the Council on the accessibility of public sector bodies' websites on the basis of Article 114 TFEU¹, which provides for the EP and for the Council to act in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee. The proposal aims to approximate the laws, regulations and administrative practices of the Member States related to the requirements for web accessibility of public sector bodies' websites, in order to improve the functioning of the internal market. The proposal was required under Action 64 of the Digital Agenda and is also in line with Article 9 of the UN Convention on the Rights of Persons with Disabilities, to which the EU and Member States are parties. It is closely linked to other initiatives such as the European Disability Strategy 2010-2020, the eGovernment Action Plan 2011-2015 or finally the European Accessibility Act, which has been proposed by the Commission on 2 December 2015.

¹ Doc. 17344/12.

2. After a first presentation of the proposal and of its impact assessment in January 2013, the Council Working Party on Telecommunications and the Information Society (WP TELE) discussed the proposal under the Irish Presidency. Its progress report² highlighted the main issues raised by delegations, i.e.: the use of standards, scope, legal basis and the costs and benefits of the implementation of the proposal. A report by the Greek Presidency took the status of the file forward to May 2014.³ Discussions on the file continued under the Italian, Latvian and Luxembourg Presidencies, as set out in their respective progress reports.⁴
3. Under the Luxembourg Presidency, the proposal was discussed in the WP TELE meetings of 28 October, 18 November and 4 December. During those meetings, the discussions mostly focused on the risk of undue burden, the new minimum harmonisation clause, and the scope. A final review of the text in annex is also foreseen in the WP TELE on 16 December.
4. Compared to the latest document⁵ examined by the WP TELE on 4 December, the text has been updated mostly to update some recitals, take into account a constitutional issue (article 1(4a)) and add one exclusion to the scope of the Directive (article 1(5)). All changes compared to the latest document are indicated in bold or strikethrough.
5. While no full consensus exists on the Council's current text, the Presidency believes that the positions between delegations have converged to such an extent that the text set in annex is a good basis for a mandate.
6. Thus, the Presidency invites the Coreper to grant a first mandate on the basis of the text set in annex so that the Council is ready to engage in negotiations with the Parliament. The Dutch Presidency has tentatively scheduled a first trilogue on 26 January 2016.

² Doc 10089/13

³ Doc 10016/14

⁴ Doc 15512/14, 8977/15 and 14164/15

⁵ Doc 14663/15

7. In the European Parliament, Mr. Jorgo Chatzimarkakis (IMCO) was appointed as Rapporteur. Prior to the end of its term of office, the outgoing EP adopted its first reading position on 26 February 2014.⁶ In the new EP, Ms. Dita Charanzova (IMCO) has been appointed Rapporteur.
 8. The European Economic and Social Committee gave its opinion on 22 May 2013.
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⁶ Doc 6835/14

Proposal for a

Proposal for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites

[AM 1] Proposal for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies websites *and websites operated by entities performing public tasks*

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 (1) thereof, Having regard to the proposal from the European Commission, After transmission of the draft legislative act to the national Parliaments,			
Having regard to the opinion of the European Economic and Social Committee⁷,			

⁷ OJ C 110/26 ,9.5.2006 / (COM(2005) 425 final).

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
Having regard to the opinion of the Committee of the Regions , Acting in accordance with the ordinary legislative procedure, Whereas:			
(1) The trend towards a digital society provides users with new ways of accessing information and services. The providers of information and services, such as public sector bodies, rely increasingly on the Internet in order to produce, collect and provide a wide range of information and services online, which are essential to the public.	(1) The trend towards a digital society provides users with new ways of accessing information and services. The providers of information and services, such as public sector bodies, rely increasingly on the Internet in order to produce, collect and provide a wide range of information and services online, which are essential to the public. <i>In that respect, the security of transmission of information and the protection of personal data are of great importance.</i>[AM 2]		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(2) 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 people with functional limitations, including persons with disabilities. The content of websites includes textual as well as non-textual information, and also the downloading of forms and two-way interaction, e.g. the processing of digital forms, authentication, and transactions like case handling and payments.	<i>Deleted [AM 3]</i>	(2) Web accessibility refers to principles and techniques to be observed when constructing websites in order to render the content of these websites more accessible to users, in particular people with functional limitations, including persons with disabilities.	
	<i>(2a) Web accessibility, specifically a commitment to make all public websites accessible by 2010, was included in the Riga Ministerial Declaration of 11 June 2006 on e-Inclusion.[AM 4]</i>		
	<i>(2b) Although this Directive does not apply to websites of Union institutions, those institutions should comply with the requirements contained in this Directive and set an example of good practice.[AM 5]</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(3) The Commission's eGovernment Action Plan 2011-2015 ⁸ calls for action to develop eGovernment services that ensure inclusiveness and accessibility.	(3) <i>In its Communication of 15 December 2010 entitled 'eGovernment Action Plan 2011-2015 Harnessing ICT to promote smart, sustainable & innovative Government', the Commission called for action to develop eGovernment services that ensure inclusiveness and accessibility. At the same time, more efforts are needed for the effective implementation of the e-Inclusion policy, which aims to reduce gaps in information and communication technology (ICT) usage and to promote the use of ICT to overcome exclusion, and to improve economic performance, employment opportunities, quality of life, social participation and cohesion, including democratic consultations. [AM 6]</i>		

⁸ COM(2010) 743 final – Not published in the Official Journal

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(4) In its Communication ‘A Digital Agenda for Europe’ ⁹ the Commission announced that public sector websites should be fully accessible by 2015.	(4) In its Communication of 19 May 2010 entitled ‘A Digital Agenda for Europe’, a <i>Europe 2020 initiative</i> , the Commission announced that public sector websites (<i>and websites providing basic services to citizens</i>) should be fully accessible by 2015. [AM 7]		
	(4a) (new) <i>Elderly people are at risk of digital exclusion, due to factors such as lack of ICT skills and lack of access to the Internet. The European i2010 initiative on e-Inclusion ‘To be part of the information society’ seeks to ensure that all groups of users have the best possible opportunities to use the Internet and to become familiar with ICTs. The Digital Agenda for Europe proposes a series of measures to promote the use of the new ICTs by disadvantaged groups of users such as elderly people.</i> [AM 8]		

⁹ COM(2010) 245 final/2

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(5) The Framework Programme for Research, Technological Development and Demonstration and the Competitiveness and Innovation Programme support research on and the development of technological solutions to accessibility problems.			
(6) By ratifying the United Nations Convention on the Rights of Persons with Disabilities ('the UN Convention'), the majority of the Member States and the Union, by its conclusion, have committed themselves "to ensure to persons with disabilities access, on equal basis with others, to inter alia information and communication technologies" and "to take appropriate measures [...] to promote access for persons with disabilities to new information and communications technologies and systems, including the Internet."			

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>(6a) (new) In accordance with the UN Convention, the universal design approach should serve as a basis for the development of new technologies.[AM 9]</i>		
(7) The European Disability Strategy 2010-2020 builds on the UN Convention and contains actions in several priority areas, including web accessibility, with the objective "to ensure accessibility to goods and services including public services and assistive devices for people with disabilities."	(7) The Commission Communication of 15 November 2010 entitled 'European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe', which aims to break down the barriers that prevent persons with disabilities from participating in society on an equal basis, builds on the UN Convention and contains actions in several priority areas, including web accessibility, with the objective 'to ensure accessibility to goods and services including public services and assistive devices for people with disabilities.' [AM 10]		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(8) The Council Regulation (EC) No 1081/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund ¹⁰ contains provisions on the accessibility of ICT. It does not, however, address specificities of web-accessibility.			
	<i>(8a) (new) The European Parliament resolution of 25 October 2011^{24a} stresses that innovative and knowledge-based economies cannot develop without accessible content and forms for people with disabilities governed by binding legislation, such as accessible websites for the blind and subtitled content for the hard of hearing, including mass media services, online services for people using sign language, smart phone applications and tactile and vocal aids in public media.[AM 11]</i>		

¹⁰ OJ L 210, 31.07.2006, p.25.

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>24a European Parliament resolution of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 (OJ C 131 E, 8.5.2013, p. 9).</i>		
	<i>(8b) (new) The Digital Agenda for Europe stresses that positive action to help persons with disabilities to access cultural content is key to the full enjoyment of Union citizenship and calls for full implementation of the Memorandum of Understanding on Digital Access for persons with disabilities. The production of documents, such as reports, books and legislative acts, made available on public websites in such a way as to make them fully accessible, alongside the support for the private sector that has been called for with a view to encouraging investment in that area, could make a major contribution towards meeting that objective and promote the development of skills and service providers within the Union. [AM 12]</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(9) The fast growing web-accessibility market comprises a range of economic operators such as those developing websites or software tools to create, manage and test web pages, developing user agents such as web browsers and related assistive technologies, implementing certification services and training providers.	(9) The fast growing <i>web accessibility</i> market comprises a range of economic operators such as those developing websites or software tools to create, manage and test web pages, developing user agents such as web browsers and related assistive technologies, implementing certification services and training providers <i>and integrated social media feeds on websites. In this respect, the efforts made in the framework of the Grand Coalition for Digital Jobs, which is a follow-up to the Employment Package and which addresses ICT specialists and aims to respond to the skills gaps, including literacy and working skills in the ICT sector, are of great importance.[AM 13]</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(10) Several Member States have adopted measures based on internationally-used guidelines for the design of accessible websites, but the guidance provided often refers to different versions or compliancy levels of those guidelines, or technical variations at national level have been introduced.			
(11) Suppliers of web-accessibility include a large number of small and medium-sized enterprises (SME). Suppliers and SME in particular are discouraged from entering business ventures outside their own domestic markets. Due to the differences in web-accessibility specifications and regulations, their competitiveness and growth are hampered by the additional costs they would incur in the development and marketing of cross-border web-accessibility related products and services.			

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>(11a) (new) The guarantee of net neutrality is essential for public sector bodies' websites to remain accessible now and in the future, and for the Internet to be open. [AM 14]</i>		
(12) Buyers of websites and related products and services are faced with high prices in service provision or dependence on a single supplier, due to limited competition. Suppliers often favour variations of proprietary 'standards', hindering later scope for interoperability of user agents, and Union-wide ubiquitous access to website contents. Fragmentation among national regulations reduces the benefits that could result from sharing experiences with national and international peers in responding to societal and technological developments.			

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(13) The approximation of national measures at Union level, based on an agreement on accessibility requirements for public sector bodies' websites, is necessary in order to put an end to fragmentation. It would reduce uncertainty for web-developers and would foster interoperability. By using accessibility requirements which are technology neutral, innovation will not be hampered and may possibly even be stimulated.	(13) The approximation of national measures at Union level, based on an agreement on accessibility requirements for public sector bodies' websites <i>and for websites operated by entities performing public tasks</i> is necessary in order to put an end to fragmentation. It would reduce uncertainty for web-developers and would foster interoperability. <i>Member States should encourage the use of adequate and interoperable accessibility requirements when putting contracts for website contents out to tender.</i> Technology neutral <i>accessibility requirements</i> will not <i>hamper innovation</i> and may possibly even <i>stimulate it</i> . [AM 15]		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(14) A harmonised approach should also allow Union public sector bodies and enterprises to gain economic and social benefits from extending the provision of on-line services to include more citizens and customers. This should increase the potential of the internal market for web-accessibility products and services. The resulting market growth should allow undertakings to contribute to economic growth and jobs creation within the Union. Strengthening the internal market should make investment in the Union more attractive. Governments should benefit from cheaper provision of web-accessibility.	(14) A harmonised approach should also allow Union public sector bodies and enterprises to gain economic and social benefits from extending the provision of on-line services to include more citizens and customers. This should increase the potential of the internal market for <i>web accessibility</i> products and services <i>and further the completion of the digital single market</i>. The resulting market growth should allow undertakings to contribute to economic growth and jobs creation within the Union. Strengthening the internal market should make investment in the Union more attractive. Governments should benefit from cheaper provision of <i>web accessibility</i>. [AM 16]		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(15) Citizens should benefit from wider access to online public sector services and should receive services and information which will facilitate the enjoyment of their rights across the Union, notably their right to move and reside freely within the territory of the Union and their freedom of establishment and to provide services.	(15) Citizens should benefit from wider access to online public services, <i>should be able to access news, cultural and entertainment content enabling them to play a full part in social and working life</i> , and should receive services and information which will facilitate <i>their daily lives and</i> the enjoyment of their rights across the Union, notably their right to move and reside freely within the territory of the Union, <i>their right of access to information</i> and their freedom of establishment and to provide services.[AM 17]		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>(15a) Online services play an increasingly important role in society. The Internet is a key tool for access to information and education and for engaging in society. Therefore, in the interests of social inclusion, there should be universal accessibility to public sector bodies' websites, as well as to websites providing basic services for the public, e.g. important news pages and media libraries, banking services (online banking) and interest group information and services.[AM 18]</i>		
(16) The web-accessibility requirements defined in this Directive are technology neutral. They only indicate which basic functionalities have to be fulfilled for the user to perceive, operate or understand a site and its content. They do not specify how this has to be achieved or what technology should be selected for a particular site, on-line information or application. As such they do not hamper innovation.			

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(17) Interoperability related to web-accessibility should be based on commonly adopted and used specifications that maximize the compatibility of the web-content with current and future user agents and assistive technologies. More specifically, web-content should provide user agents with a common internal coding of natural language, structures, relations, and sequences, as well as data of any embedded user-interface components. Interoperability thus benefits the users, allowing them to employ their user agents ubiquitously to access websites: they might also benefit from greater choice and reduced prices across the Union. Interoperability would also benefit the suppliers and buyers of web-accessibility related products and services.			

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(18) As underlined in the Digital Agenda for Europe, public authorities should play their part in promoting markets for online content. Governments can stimulate content markets by making public sector information available under transparent, effective and non-discriminatory conditions. This is an important source of potential growth of innovative online services.			
	<i>(18a) (new) It should be possible for the public authorities of the Member States to require certain websites to be carried on servers within the Union in order to prevent spying by parties outside the Union or leaks of information and to ensure that parties outside the Union cannot close down services which are important on security grounds.[AM 19]</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(19) The Directive should aim at ensuring that certain types of public sector bodies' websites that are essential to the public are made accessible according to common requirements. Such types were identified in the 2001 E-government benchmarking exercise ¹¹ and have been used as a basis for the list in the Annex.	(19) <i>This Directive should aim at ensuring that all public sector bodies' websites and websites operated by entities performing public tasks that are essential to the public are made fully accessible to persons with disabilities to facilitate their living independently and their full participation in all aspects of life as stated in the UN Convention. The types of websites operated by entities performing public tasks to be covered by this Directive should be listed in the Annex. The deadlines for complying with the requirements laid down in this Directive should be staggered so that its scope can be widened to include all public sector bodies' websites providing services directly to the public.</i> [AM 20]	(19) The Directive should aim at ensuring that public sector bodies' websites are made more accessible according to common requirements.	

¹¹ <http://ec.europa.eu/digital-agenda/en/news/egovernment-indicators-benchmarking-eeurope>

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(20) This Directive lays down web-accessibility requirements for certain types of public sector bodies' websites. In order to facilitate the conformity of websites concerned with those requirements it is necessary to provide presumption of conformity for the websites concerned that meet harmonised standards that are drawn up and published in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European Standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Decision 87/95/EEC and Decision No 1673/2006/EC, for the purpose of expressing detailed technical specifications for those requirements. Pursuant to this Regulation, Member States and the European Parliament shall be able to object to the	(20) This Directive lays down <i>web accessibility</i> requirements for <i>all</i> public sector bodies' websites <i>and for websites operated by entities performing public tasks</i>. In order to facilitate the conformity of websites concerned with those requirements it is necessary to provide presumption of conformity for the websites concerned that meet harmonised standards that are drawn up and published in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council^{25a} for the purpose of expressing detailed technical specifications for those requirements. Pursuant to <i>that</i> Regulation, Member States and the European Parliament shall be able to object to the harmonised standards which they consider that do not entirely satisfy the web accessibility requirements laid down in this Directive.[AM 21] <i>25a Regulation (EU) No 1025/2012 of 25 October 2012 of the European Parliament and of the</i>	(20) This Directive lays down web-accessibility requirements for public sector bodies' websites. In order to facilitate the conformity of websites concerned with those requirements it is necessary to provide presumption of conformity for the websites concerned that meet harmonised standards that are drawn up and published in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European Standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Decision 87/95/EEC and Decision No 1673/2006/EC, for the purpose of expressing detailed technical specifications for those requirements. Pursuant to this Regulation, Member States and the European Parliament shall be able to object to the harmonised standards which they consider that do not entirely satisfy the web accessibility requirements laid down in this Directive.	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
harmonised standards which they consider that do not entirely satisfy the web accessibility requirements laid down in this Directive.	<i>Council on European Standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(21) The Commission has already issued a mandate M/376 to the European Standardisation Organisations, to develop a European standard specifying the functional accessibility requirements for ICT products and services, including web content, which could be used in public procurement as well as for other purposes like procurement in the private sector. To this end, the European Standardisation Organisations are required to establish close co-operation with relevant industry standards forums and consortia including the World Wide Web Consortium (W3C/WAI). A harmonised standard that would provide presumption of conformity with the web-accessibility requirements laid down in this Directive should be built upon the outcome of this work.		(21) A harmonised standard that would provide presumption of conformity with the web accessibility requirements laid down in this Directive should be built upon the chapter 9 of the European Standard EN 301 549 ‘Accessibility requirements suitable for public procurement of ICT products and services in Europe’, on the international standard ISO/IEC 40500:2012 or on future versions of these standards.	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>(21a) (new) In the preparation and potential future revisions of the relevant European and harmonised standards, the responsible European Standardisation Organisations should be strongly encouraged to ensure coherence with the relevant international standards (currently ISO/IEC 40500), in order to avoid any fragmentation or legal uncertainty.[AM 22]</i>		
(22) Until the references of such a harmonised standard or parts thereof are published, presumption of conformity with the web-accessibility requirements should be provided for the websites concerned which meet the European standards or part thereof that have been determined by the Commission by delegating acts. A candidate could be the European standard which should be adopted on the basis of mandate M/376		DELETED	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(23) In the absence of such a European standard, presumption of conformity with the web-accessibility requirements should be provided for the websites concerned which meet those parts of the international standard ISO/IEC 40500:2012 covering the Success Criteria and Conformance Requirements for Level AA conformance. The international standard ISO/IEC 40500:2012 is exactly the same as the original Web Content Accessibility Guidelines 2.0. The Success Criteria and Requirements for Level AA conformance specified for web pages in the version 2.0 of the Web Content Accessibility Guidelines (WCAG 2.0) from the W3C are broadly recognised by stakeholders both internationally and at European level, to provide the basis for adequate web-accessibility specifications. This has been underlined in the Council Conclusions on Accessible Information Society¹².		DELETED	

¹² http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/trans/107014.pdf

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(24) The conformity with web-accessibility requirements should be continuously monitored from the initial construction of the public sector bodies' website to all subsequent updates of its content. A harmonised monitoring methodology would cover a way of verifying, on a uniform basis in all Members States, the degree of compliance of the website with the requirements for web-accessibility, the collection of representative samples and the periodicity of the monitoring.. Member States should report annually on the outcome of the monitoring and more generally on the list of actions taken in application of this Directive.	(24) The conformity with <i>web accessibility</i> requirements should be continuously monitored from the initial construction of the website <i>concerned</i> to all subsequent updates of its content. <i>Designating a competent authority in each Member State as the enforcement body would be an adequate way to ensure that the conformity with web accessibility requirements is monitored and rigorously enforced, with close involvement of stakeholders through the setting up of a complaint mechanism in identified cases of non-compliance.</i> A harmonised monitoring methodology would cover a way of verifying, on a uniform basis in all Members States, the degree of compliance of the website <i>concerned</i> with the requirements for <i>web accessibility</i>, the collection of representative samples and the periodicity of the monitoring. Member States should report <i>every two years</i> on the outcome of the monitoring and more generally on the list of actions taken in application of this Directive.[AM 23]	(24) The conformity with web accessibility requirements should be continuously monitored from the initial construction of the public sector bodies' website to all subsequent updates of its content. A harmonised monitoring methodology would cover a way of verifying, on a uniform basis in all Members States, the degree of compliance of the website with the requirements for web accessibility, the collection of representative samples and the periodicity of the monitoring.. Member States should report <u>periodically</u> on the outcome of the monitoring and more generally on the list of actions taken in application of this Directive.	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>(24a) (new) The first methodology used to monitor the compliance of the websites concerned with the requirements for web accessibility on a continuous basis should be adopted by means of implementing acts no later than a year after the entry into force of this Directive.[AM 24]</i>		
(25) In a harmonised framework, the web-developers industry should face fewer barriers to operate in the internal market, while costs for governments and others procuring web-accessibility products and services should be reduced.	(25) In a harmonised framework, the <i>web development</i> industry should face fewer barriers to operate in the internal market, while costs for governments and others procuring <i>web accessibility</i> products and services should be reduced, <i>which would contribute to economic growth and employment</i> . <i>[AM 25]</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(26) In order to ensure that the websites concerned are made accessible in accordance with the requirements for web-accessibility laid down by this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to specify further, where appropriate, these requirements and to determine the European standard or parts thereof which, in the absence of harmonised standards, would provide presumption of conformity with the web-accessibility requirements for the websites concerned which meet such standard or parts thereof. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the	(26) In order to ensure that the websites concerned are made accessible in accordance with the requirements for <i>web accessibility</i> laid down by this Directive <i>and to ensure that those requirements are clear and understandable for the stakeholders involved in its implementation, including external web developers and in-house staff of public sector bodies and other entities performing public tasks</i>, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to <i>provide further details</i>, where appropriate, <i>concerning those requirements, without modifying them</i> and to determine the European <i>standards</i> or parts thereof which, in the absence of harmonised standards, would provide presumption of conformity with the <i>web accessibility</i> requirements for the websites concerned which meet such standard or parts thereof. It is of particular importance that the Commission carries out appropriate consultations during its preparatory	DELETED	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
European Parliament and to the Council.	work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.[AM 26]		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(27) In order to ensure uniform conditions for the implementation of the relevant provisions of this Directive, implementing powers should be conferred to the Commission. The examination procedure should be used for the definition of the methodology that Member States should use for monitoring the conformity of the websites concerned with those requirements. The advisory procedure should be used for the determination of the modalities according to which Member States should report to the Commission on the result of this monitoring. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.		(27) In order to ensure uniform conditions for the implementation of the relevant provisions of this Directive, implementing powers should be conferred to the Commission. The examination procedure should be used for the definition of the methodology that Member States should use for monitoring the conformity of the websites concerned with those requirements. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(28) Since the objective of this Directive, namely, the establishment of a harmonised market for the accessibility of public sector bodies' websites, cannot be sufficiently achieved by the Member States, because it requires the harmonisation of different rules currently existing in their respective legal systems and can, therefore, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,	(28) Since the objective of this Directive, namely, the establishment of a harmonised market for the accessibility of public sector bodies' websites <i>and websites operated by entities performing public tasks</i> cannot be sufficiently achieved by the Member States, because it requires the harmonisation of different rules currently existing in their respective legal systems <i>but can rather</i>, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective. <i>Adopting a harmonised approach to web accessibility throughout the Union would cut costs for website development companies and, therefore, also for the public bodies that use their services. In future, access to information and services provided via websites will be</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>increasingly important for the public in exercising their fundamental rights, including access to employment,[AM 27]</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
HAVE ADOPTED THIS DIRECTIVE:			
<i>Article 1</i>	<i>Article 1</i>	<i>Article 1</i>	<i>Article 1</i>
Subject matter and scope	Subject matter and scope	Subject matter and scope	Subject matter and scope
1. This Directive aims at approximating the laws, regulations and administrative provisions of the Member States related to the accessibility of the content of public sector bodies' websites to all users, in particular people with functional limitations including persons with disabilities.	1. This Directive aims <i>to approximate</i> the laws, regulations and administrative provisions of the Member States <i>in relation to</i> the accessibility <i>to all users</i> of the content of public sector bodies' websites <i>and websites operated by entities performing public tasks to the public</i> , in particular <i>to</i> persons with disabilities <i>and elderly persons</i> . [AM 28]	1. In order to improve the functioning of the internal market, this Directive aims at approximating the laws, regulations and administrative provisions of the Member States related to the web accessibility requirements of public sector bodies' websites available to the public at large, thereby enabling those websites to be more accessible to users, in particular to people with disabilities.	
	<i>1a. (new) According to the UN Convention, persons with disabilities include those having long-term physical, mental, intellectual or sensory impairments, which, may in conjunction with other barriers, hinder their full and effective participation in society on an equal basis with others.</i> [AM 29]		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
2. It lays down the rules according to which Member States shall make accessible the content of websites belonging to public sector bodies, the types of which are specified in the Annex.	2. It lays down the rules according to which Member States shall make accessible: <i>(a) the functionality and content of websites belonging to public sector bodies; and</i> <i>(b) the functionality and content of websites operated by other entities performing the types of public tasks specified in Annex Ia.</i> <i>Member States may extend the application of this Directive beyond the types of public tasks specified in Annex Ia. [AM 30]</i>	2. It lays down the rules according to which Member States shall ensure that websites of public sector bodies meet, independently of the device used for access, the web accessibility requirements as set out in Article 3.	
3. Member States may extend the application of this Directive to other types of public sector websites than those referred to in paragraph 2.	3. Member States <i>shall be encouraged to</i> extend the application of this Directive to other types of websites than those referred to in paragraph 2. [AM 31]	DELETED	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>3a. (new) Member States may decide not to apply this Directive to microenterprises as defined in Commission Recommendation 2003/361/EC27a if they perform the types of public tasks specified in Annex Ia. [AM 32]</i> <i>27a Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 136).</i>		
		4. This Directive is without prejudice to Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive).¹³	

¹³ Consistency of this article to assess once exclusions have all been agreed upon.

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
		4a. This Directive is without prejudice to national laws regarding freedom of the press and freedom of expression in other media.	
		5. The following are excluded from the scope of this Directive: ¹⁴	
		a. Websites or webpages only available for a closed group of people and not to the general public as such (extranets, intranets);	
		b. Live time-based media	
		ba. Pre-recorded time-based media published before the date defined in Article 10.1a.ii	
		c. Office file formats not intended primarily or mainly for use on the web published before the date defined in Article 10 paragraph 1;	

¹⁴

To be accompanied by the following recital:

Given the lack of automatized or efficient and easy to implement means to make some types of already published content accessible, and in order to limit the scope of the directive to contents and websites really under the control of public sector bodies, this Directive foresees the temporary or permanent exclusion of some types of content or websites from web accessibility requirements. These exclusions may be reconsidered in the context of the review of this Directive, in light of future technological developments..

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
		d. Websites that are no longer updated or edited after the date defined in Article 10 paragraph 1a(i); ¹⁵	
		e. Content incorporated in public sector bodies' websites that is neither funded nor developed by these bodies;	
		f. Online mapping services such as dynamic maps or route planning tools;	

¹⁵ To be accompanied by the following recital :
Purely technical maintenance is not to be considered as an update or edition in this context;

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
		g. Reproductions of Heritage collections items that can not be made fully accessible because of : - either the incompatibility of accessibility requirements with either the preservation of the item or the authenticity of the reproduction (e.g. contrast),¹⁶ - or the unavailability of automated and cost-friendly solutions that would easily extract the text of manuscripts or other Heritage collection items into content compatible with the web accessibility requirements.	

¹⁶ To be accompanied by the following recital :
Some web accessibility requirements should still be respected in regard to the metadata attached to the reproduction of the item.

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
		h. Websites held by public service broadcasters and their subsidiaries, and by other bodies or their subsidiaries for the fulfilment of a public service broadcasting remit;	
		i. Websites of Non-governmental organisations (NGOs) ¹⁷ .	
		j. Websites managed or edited directly by schools or kindergartens.	
		<i>Article 1a</i> Minimum harmonisation	<i>Article 1</i>
		Member States may maintain or introduce measures in conformity with Union law which go beyond the minimum requirements for web accessibility established by this Directive. ¹⁸	

¹⁷ To be accompanied by the following recital :
In order to avoid a difference of treatment between NGOs receiving or not public funds, this Directive should not cover websites of NGOs even if these organisations ~~are considered as~~ **fall under the scope of the definition of** public sector bodies.

¹⁸ To be accompanied by the following recital :
Member States may in particular :
a. extend the application of this Directive to other types of websites than those referred to in Article 1(2).
b. extend the requirements set out in Article 3

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
Article 2 Definitions			
For the purposes of this Directive, the following definitions shall apply:			
	<i>(-1a) (new) ‘Public sector body’ means the State, regional or local authorities, bodies governed by public law as defined in point 4 of Article 2(1) of Directive 2014/24/EU of the European Parliament and of the Council^{27b+}, and associations formed by one or several such authorities or one or several such bodies governed by public law.[AM 33]</i> <i>27b Directive 2014/24/EU of the European Parliament and of the Council of ... on public procurement and repealing Directive 2004/18/EC (OJ L ...).</i> <i>+ OJ: Please insert the date of adoption and publication reference</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>of the Directive in the footnote.</i>		
	<i>(-1b) (new) 'Websites belonging to public sector bodies' means websites developed, procured, maintained or co-financed by public sector bodies or co-financed by Union funds.[AM 34]</i>		
	<i>(-1c) (new) 'Websites operated by entities performing public tasks' means websites operated by entities performing the types of public tasks specified in Annex Ia.[AM 35]</i>		
(1) 'Websites concerned' means those referred to in Article 1(2) of this Directive.	(1) 'Websites concerned' means all versions of those websites, referred to in Article 1(2), including those designed to be accessed from a mobile device or by any other means. If an application designed by the owners of a website offers services connected to the website, this definition also applies to such an application. [AM 36]	DELETED	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(2) 'Content of websites' means information to be communicated to the user by means of a user agent, including code or mark-up that defines the content's structure, presentation, and interactions.	(2) 'Content of websites' means information <i>and user interface components</i> to be communicated to the user by means of a user agent, including code or mark-up that defines the content's structure, presentation, and interactions. <i>Content of websites includes textual and non-textual information, the possibility to download documents and forms as well as two-way interaction such as the processing of digital forms and the completion of authentication, identification and payment processes. It also includes functions provided through websites, which are external to the website concerned, for instance, through the use of web links, on the condition that the external website is the only means by which the information or service is provided to the user. Content of websites also includes user-generated content and, whenever technically possible, social media, when that is embedded within a website. It includes not only the parts of the website concerned offering a specific service, but the entire website related to it.[AM 37]</i>	DELETED	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>2a. (new) 'Authoring tool' means any web-based or non-web-based application that can be used by authors (alone or collaboratively) to create or modify web content for use by other authors or end users.[AM 38]</i>		
(3) 'User agent' means any software that retrieves and presents web contents for users, including web browsers, media players, plug-ins, and other programs that help in retrieving, rendering, and interacting with web content.	(3) 'User agent' means any software that retrieves and presents web contents for users, including web browsers, media players, plug-ins, and other programs that help in retrieving, rendering, and interacting with web content, <i>regardless of the type of device used to interact with content, including mobile devices.</i> [AM 39]	DELETED	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>(3a) (new) 'Web accessibility' means principles and techniques to be observed when constructing websites concerned in order to render the content of those websites accessible to all users, in particular persons with disabilities and elderly persons. Web accessibility refers in particular to principles and techniques that enhance users' perception, navigation, operation, interaction and understanding, and includes the use of assistive technology or augmentative and alternative communication.[AM 40]</i>		
	<i>(3b) 'Assistive technology' means any hardware or software that acts as a user agent or along with a mainstream user agent to provide functionality to meet the requirements of users with disabilities that go beyond those offered by mainstream user agents. This includes alternative presentations, alternative input methods, additional navigation or orientation mechanisms, and content transformations.[AM 41]</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>(3c) (new) 'Universal design' means the design of products, environments, programmes and services to be used by all people, to the greatest extent possible, without the need for adaptation or specialised design, as defined in the UN Convention. It shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.[AM 42]</i>		
(4) 'Standard' means a technical specification, adopted by a recognised standardisation body, for repeated or continuous application, with which compliance is not compulsory as defined in Article 2(1) of Regulation (EU) No 1025/2012.			
(5) 'International standard' means a standard adopted by an international standardisation body as defined in Article 2(1)(a) of Regulation (EU) No 1025/2012.		DELETED	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(6) 'European standard' means a standard adopted by a European standardisation organisation as defined in Article 2(1)(b) of Regulation (EU) No 1025/2012;			
(7) 'Harmonised standard' means a European standard adopted on the basis of a request made by the Commission for the application of Union harmonisation legislation as defined in Article 2(1)(c) of Regulation (EU) No 1025/2012.			
(8) 'Public sector body' means the State, regional or local authorities, bodies governed by public law as defined in Article 1 (9) of Directive 2004/18/EC, and associations formed by one or several such authorities or one or several such bodies governed by public law.	<i>Deleted [AM 43]</i>	(8) 'Public sector body' means the State, regional and local authorities, and bodies governed by public law as defined in Article 2(1) subparagraph 4 of Directive 2014/24/EU, and or associations formed by one or several more such authorities or one or several more such bodies governed by public law.	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
		(9) Time-based media means media of the following types: audio-only, video-only, audio-video, audio and/or video combined with interaction.	
		(10) Heritage collections items means privately or publicly owned goods presenting a historical, artistic, archaeological, aesthetical, scientific or technical interest and that are part of collections preserved by cultural institutions such as libraries, archives and museums	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
<i>Article 3</i> Requirements for web-accessibility			
1. Member States shall take the necessary measures to ensure that the websites concerned are made accessible		1. Member States shall take the necessary measures to ensure that public sector bodies' websites comply with the all of the four globally accepted principles of accessibility: perceivability, operability, understandability, robustness, while not imposing a disproportionate or undue burden, financially or organisationally, on these bodies. ¹⁹	

¹⁹ To be accompanied by the following recital :

The 4 principles of accessibility are :

- a) Perceivability, meaning that information and user interface components must be presentable to users in ways they can perceive.
- b) Operability, meaning that user interface components and navigation must be operable.
- c) Understandability, meaning that information and the operation of user interface must be understandable.
- d) Robustness, meaning that Content must be robust enough that it can be interpreted reliably by a wide variety of user agents, including assistive technologies.

In this context, public sector bodies' websites should provide-alternate versions of non-text content which comply with these principles.

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(a) in a consistent and adequate way for users' perception, operation and understanding, including adaptability of content presentation and interaction, when necessary, providing an accessible electronic alternative;	(a) in a consistent and adequate way for users' <i>autonomous</i> perception, <i>navigation</i> , operation, <i>interaction</i> , <i>readability</i> and understanding, including adaptability of content presentation, when necessary, providing an accessible electronic alternative;[AM 44]	DELETED	
(b) in a way which facilitates interoperability with a variety of user agents and assistive technologies at Union and international level.	(b) in a way which <i>ensures</i> interoperability with a <i>broad</i> variety of user agents and assistive technologies at Union and international level; [AM 45]	DELETED	
	(ba) (new) through a universal design approach. [AM 46]		
2. Member States shall apply the provisions of paragraph 1 by 31 December 2015 at the latest.	deleted [AM 47]	DELETED	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 8, to specify further, where appropriate, the requirements for web-accessibility referred to in paragraph 1.	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 8, <i>to provide further details</i> , where appropriate, concerning the requirements for <i>web accessibility</i> referred to in paragraph 1, <i>without modifying those requirements</i> . [AM 48]	DELETED	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
<i>Article 4</i> Presumption of conformity with harmonized standards		<i>Article 4</i> Presumption of conformity with the web accessibility requirements	
1. The websites concerned that meet harmonised standards or parts thereof the references of which have been drawn up and published by the Commission in the Official Journal of the European Union, in accordance with Regulation (EU) No 1025/2012, shall be presumed to be in conformity with the web-accessibility requirements covered by those standards or parts thereof, set out in Article 3.		1. Websites that meet harmonised standards or parts thereof the references of which have been drawn up and published by the Commission in the Official Journal of the European Union, in accordance with Regulation (EU) No 1025/2012, shall be presumed to be in conformity with the web accessibility requirements, set out in Article 3.	
		2. As long as the references of the harmonised standards referred to in Article 4 paragraph 1 have not been published, websites that fulfil the requirements of chapter 9 of European standards EN 301 549 shall be presumed to be in conformity with the web accessibility requirements, set out in Article 3.	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
<i>Article 5</i> Presumption of conformity with European or international standards	<i>Article 5</i> Presumption of conformity with European or international standards	DELETED	
1. As long as the references of the harmonised standards referred to in Article 4 have not yet been published, the websites concerned that meet European standards or parts thereof that have been determined pursuant to paragraph 2 shall be presumed to be in conformity with the web-accessibility requirements covered by those standards or parts thereof, set out in Article 3.			
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 8, in order to determine the European standards or parts thereof referred to in paragraph 1.			

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
3. As long as the references of the European standards referred to in paragraph 1 have not yet been determined, the websites concerned that meet the parts of the ISO/IEC 40500: 2012 covering the Success Criteria and Conformance Requirements for Level AA conformance, shall be presumed to be in conformity with the web-accessibility requirements set out in Article 3.	3. As long as the references of the European standards referred to in paragraph 1 of this Article have not yet been determined, the websites concerned that meet the <i>international technical standard WCAG 2.0.</i> covering the Success Criteria and Conformance Requirements for Level AA conformance, shall be presumed to be in conformity with the <i>web accessibility</i> requirements set out in Article 3(1).[AM 49]		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
<i>Article 6</i>	<i>Article 6</i>	<i>Article 6</i>	
Additional measures	Additional measures	Additional measures	
1. Member States shall promote that the websites concerned provide a statement on their accessibility, in particular on their compliance with this Directive and with possibly additional accessibility information in support to users.	1. Member States shall <i>ensure</i> that the websites concerned provide a <i>clear and concise</i> statement on their accessibility, in particular on their compliance with this Directive, <i>including information on the degree of compliance with web accessibility requirements related to live audio content</i>, and with possibly additional accessibility information <i>to support users in assessing the degree of accessibility of the websites concerned. That information shall be provided in accessible format.</i>[AM 50] <i>1a. The Commission shall establish a model statement on accessibility by means of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 9(2).</i>[AM 50]	1. Member States shall promote that public sector bodies' websites provide a detailed, comprehensive and clear statement on their web accessibility in general including an accessible explanation on parts of the content that are not accessible, the reasons for this inaccessibility. The statement shall include a link to a feedback mechanism to enable any natural or legal person to notify any failures of the website to comply with the requirements set out in Article 3.	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
2. Member States shall take measures to facilitate the application of the web-accessibility requirements as defined in Article 3 to all public sector bodies' websites beyond those concerned, in particular, to public sector bodies' websites covered by existing national laws or relevant measures on web-accessibility.	2. Member States shall take measures to facilitate the application of the <i>web accessibility</i> requirements <i>set out</i> in Article 3(1) to all websites beyond those concerned, in particular, to websites covered by existing national laws or relevant measures on <i>web accessibility</i> . [AM 51]	DELETED	
	<i>2a. (new) Member States shall promote and support web accessibility training programmes for relevant stakeholders, including staff of public sector bodies and entities performing public tasks, to create, manage and update web pages, including their content. [AM 52]</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>2b. Member States shall take the necessary measures to raise awareness of the web accessibility requirements set out in Article 3(1), their benefits to users and website owners and of the possibility to lodge complaints in cases of non-compliance with the requirements of this Directive, as set out in Article 7a.[AM 53]</i>		
	<i>2c. Member States shall take the necessary measures to promote the use of authoring tools that support the achievement of the objectives of this Directive.[AM 54]</i>		
3. Member States shall support appropriate mechanisms for consultations on web-accessibility with relevant stakeholders and make public any developments in web-accessibility policy together with the experiences and findings from the implementation of conformity of web-accessibility requirements.	3. Member States shall support appropriate mechanisms for consultations on <i>web accessibility</i> with relevant stakeholders and <i>organisations representing the interests of people with disabilities and of the elderly</i> , and make public any developments in <i>web accessibility</i> policy together with the experiences and findings from the implementation of conformity of <i>web accessibility</i> requirements. [AM 55]	DELETED	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
4. Member States shall cooperate at Union level with industry and civil society stakeholders, with facilitation by the Commission, in order to review, for the purpose of the annual reporting referred to in Article 7(4), market and technological developments and progress in web-accessibility and to exchange best practices.	4. Member States shall cooperate, <i>at national and Union level</i> , with <i>relevant social partners</i> , industry and civil society stakeholders, with facilitation by the Commission, in order to review, for the purpose of the reporting referred to in Article 7b, market and technological developments and progress in <i>web accessibility</i> and to exchange best practices.[AM 56]	4. For the purpose of the monitoring referred to in Article 7(1), the Commission shall facilitate cooperation at Union level between Member States, and between them and industry and civil society stakeholders, in order to exchange best practices and to review the monitoring methodology referred to in Article 7(4), the market and technological developments and the progress in web accessibility.	
	<i>4a. (new) Member States shall take the necessary measures to ensure that the relevant social partners participate in the development and application of the training programmes and awareness-raising schemes, referred to respectively in paragraphs 2a and 2b.[AM 57]</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
<i>Article 7</i> Monitoring and reporting	<i>Article 7</i> Monitoring [AM 58]	<i>Article 7</i> Monitoring and reporting	
1. Member States shall monitor the compliance of the websites concerned with the requirements for web-accessibility on a continuous basis, using the methodology provided for in paragraph 4.		1. Member States shall periodically monitor the compliance of public sector bodies' websites with the web accessibility requirements set out in Article 3, taking into account the methodology provided for in paragraph 4.	
	<i>1a. The Commission shall establish an expert group to meet at least every two years, upon the Commission's invitation, in order to discuss the results of the monitoring, to exchange best practices regarding the implementation of this Directive and to assess the need for any additional specifications of the web accessibility requirements as defined in Article 3(1). That expert group shall consist of governmental and private experts, including relevant stakeholders, including elderly persons, persons with disabilities and their representative organisations.[AM 59]</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
2. Member States shall report annually on the outcome of the monitoring carried out according to paragraph 4 including the measurement data and, where appropriate, the list of the websites referred to in Article 1(3).	<i>deleted [AM 60]</i>	2. For the purposes of the review referred to in Article 11, Member States shall report to the Commission on the outcome of the monitoring including the measurement data ²⁰ . The report shall be sent to the Commission by 54 months after the date set in Article 12.	
3. This report shall also cover the actions conducted pursuant to Article 6.	<i>deleted [AM 61]</i>		

²⁰

To be accompanied by the following recital :

'Measurement data' is the quantified results of the monitoring activity carried out in order to verify the compliance of public sector bodies' websites with the web accessibility requirements set out in Article 3. Measurement data covers both quantitative information about the sample of websites tested (number of websites with potentially their number of visitors,..) and quantitative information about the level of accessibility.

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
4. The Commission establishes, by way of implementing acts, the methodology for the monitoring of the conformity of the websites concerned with the requirements for web-accessibility as set out in Article 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9(3). The methodology will be published in the Official Journal of the European Union.	4. The Commission <i>shall establish, by means of</i> implementing acts, the methodology for the monitoring of the conformity of the websites concerned with the requirements for <i>web accessibility</i> as set out in <i>Article 3(1)</i>. <i>That methodology shall be transparent, transferable, comparable and reproducible and it shall be prepared in close consultation with relevant industry and civil society stakeholders including, in particular, representative organisations of persons with disabilities.</i> Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9(3). <i>The first methodology shall be adopted by ... *</i>. The methodology will be published in the Official Journal of the European Union.[AM 62] <i>* OJ: Please insert: one year after the entry into force of this Directive.</i>	4. By two years after the entry into force of this Directive, the Commission shall establish, by means of implementing acts, a methodology for the monitoring of the conformity of websites with the requirements for web accessibility as set out in Article 3. That methodology shall be transparent, transferable, comparable and reproducible, and its usage shall not impose an undue burden to the Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9(3).	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
5. The methodology referred to in paragraph 4 shall include:			
(a) the periodicity of the monitoring and the sampling of the websites concerned that shall be subject to monitoring; and		(a) the periodicity of the monitoring and the sampling of the websites that shall be subject to monitoring; and	
(b) at website level, the description of how compliance with the requirements for web-accessibility referred to in Article 3 is to be demonstrated, directly referencing - whenever available - to the relevant descriptions in the harmonised standard, or in their absence in the European or international standards referred to in Articles 4 and 5 respectively.		(b) at website level, the description of how compliance with the web accessibility requirements set out in Article 3 is to be demonstrated, directly referencing the relevant descriptions in the harmonised standard; or, in its absence, in the European standards referred to in Articles 4, and	
	<i>(ba) in accordance with methodology of research which combines experts analysis with user experience, including users with disabilities.[AM 63]</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
		(c) in the event of deficiencies being identified, a mechanism to provide data and information on the compliance with the requirements set out in Article 3 in a format which can be used by public sector bodies to correct the deficiencies.	
6. The arrangements for reporting by Member States to the Commission shall be established by the Commission by way of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 9(2).	<i>deleted [AM 64]</i>	DELETED	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>Article 7 a (new) [AM 65]</i> <i>Enforcement body</i>		
	<i>1. Member States shall designate a competent authority (enforcement body) responsible for enforcing the compliance of the websites concerned with the requirements for web accessibility set out in Article 3(1). Member States shall ensure that, to the extent possible, the designated competent authority cooperates closely with relevant stakeholders, including elderly persons, persons with disabilities and their representative organisations.</i>		
	<i>2. Member States shall ensure that the designated competent authority has the necessary human and financial resources to fulfil the following tasks:</i>		
	<i>(a) monitor compliance of the websites concerned with the requirements for web accessibility, as set out in Article 7;</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>(b) set up a complaint mechanism to enable any natural or legal person to notify any failures to comply with the requirements for web accessibility of the websites concerned; and</i>		
	<i>(c) examine any complaints lodged.</i>		
	<i>3. Member States may assign responsibility for the implementation of additional measures as set out in Article 6 to the enforcement body.</i>		
	<i>4. Member States shall inform the Commission about the designated enforcement body by ...* .</i> <i>* OJ: Please insert: date of transposition.</i>		
	<i>Article 7b [AM 66]</i> <i>Reporting</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>1. Member States shall report to the Commission every two years on the outcome of the monitoring carried out in accordance with Article 7 including in relation to the measurement data and, where appropriate, the list of the websites referred to in Article 1(3).</i>		
	<i>2. That report shall also cover the measures adopted pursuant to Article 6 including possible general conclusions drawn by relevant enforcement bodies on the basis of the monitoring.</i>		
	<i>3. That report shall be made public in readily accessible formats.</i>		
	<i>4. The arrangements for reporting by Member States to the Commission shall be established by means of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 9(2).</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>Article 7c[AM 67]</i> <i>Amendment of Annex Ia</i>		
	<i>In order to take account of technological progress, the Commission shall be empowered to adopt delegated acts, in accordance with Article 8, to amend Annex Ia.</i>		
	<i>Article 7d [AM 74]</i> <i>Penalties</i>		
	<i>Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that the penalties are implemented. The penalties provided for shall be effective, proportionate and dissuasive.</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>Member States shall notify those provisions to the Commission by *XXXX and shall notify it without delay of any subsequent amendment affecting them.”</i> <i>* OJ: Please insert: six months from the date of entry into force of this Directive.</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
<i>Article 8</i> Exercise of the delegation		DELETED	
1. The powers to adopt the delegated acts shall be conferred on the Commission subject to the conditions laid down in this Article.			
2. The powers to adopt the delegated acts referred to in Article 3 and 5 shall be conferred for an indeterminate period of time from the date of entry into force of this Directive.			

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
3. The delegation of power referred to in Article 3 and 5 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following that of the publication of the decision in the Official Journal of the European Union or on a later date, specified therein. It shall not affect the validity of any delegated acts already in force.			
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
5. A delegated act adopted pursuant to Article 3 and 5 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.			

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
<i>Article 9</i> Committee		Article 9 Committee	
1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.		1. In view of defining the methodology required by article 7(4), the Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011	
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.		DELETED	
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.		3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
<i>Article 10</i> Transposition			
1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2014 at the latest. They shall forthwith communicate to the Commission the text of those provisions. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.		1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 24 months after the date set out in Article 12 at the latest. They shall forthwith communicate to the Commission the text of those provisions. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>1a. (new) Member States shall apply the measures referred to in Article 3(1) for all new content of websites concerned by *XXXX and for all existing content of websites concerned by **XXXX.[AM 75]</i> <i>* OJ: Please insert: one year from the date of entry into force of this Directive.</i> <i>** OJ: Please insert: three years from the date of entry into force of this Directive.</i>	1a (new) Member States shall apply those provisions as follows: i. to public sector bodies' websites not published before the [insert date: transposition date set out in Article 10(1)]: from [insert date: 12 months after that date], ii. to all public sector bodies' websites not covered by point (i): from [insert date: 24 months after the transposition date set out in Article 10(1)].	
	<i>1b. (new) The application deadlines set out in paragraph 1a shall be extended by two years as regards the requirements for web accessibility related to live audio content.[AM 70]</i>		
2. Member States shall communicate to the Commission the text of the main provisions of national law, they adopt in the field covered by this Directive.		DELETED	

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
<i>Article 11</i> Review	<i>Article 11</i> Review	<i>Article 11</i> Review	
The Commission shall carry out a review of the application of this Directive within three years from its entry into force.	<i>On the basis of Member States' reports referred to in Article 7b, the Commission shall carry out a review of the application of this Directive, in particular Annex Ia thereof, within ...* and shall make the findings of that review public.</i> [AM 71] <i>* OJ: Please insert: two years from the date of entry into force of this Directive.</i>	The Commission shall carry out a review of the application of this Directive within five years from its entry into force, including a review of technological advances that could make accessibility easier for some types of content currently excluded.	
<i>Article 12</i> Entry into force			
This Directive shall enter into force on the 20th day following its publication in the Official Journal of the European Union.			

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
<i>Article 13</i> Addressees			
This Directive is addressed to the Member States in accordance with the Treaties. Done at Brussels,			

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
<u>ANNEX</u> Types of public sector bodies' (as referred to in Article 1(2))	<i>deleted [AM 72]</i>	DELETED	
(1) Income taxes: declaration, notification of assessment			
(2) Job search services by labour offices			
(3) Social-security benefits: unemployment benefits, child allowances, medical costs (reimbursement or direct settlement), student grants.			
(4) Personal documents: passports or driving license			
(5) Car registration			
(6) Application for building permission			
(7) Declaration to police, e.g. in case of theft			

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
(8) Public libraries, e.g. catalogues and search tools			
(9) Request and delivery of birth or marriage certificates			
(10) Enrolment in higher education or university			
(11) Notification of change of residence			
(12) Health-related services: interactive advice on the availability of services, online services for patients, appointments.			

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>Annex I a (new) [AM 73]</i>		
	<i>Types of public tasks referred to in point (b) of Article 1(2)</i>		
	<i>(1) Network services: gas, heat, electricity and water services; postal services; electronic communication network and services;</i>		
	<i>(2) Transport-related services;</i>		
	<i>(3) Basic banking and insurance services (including at least the following: basic payment account, home contents and building insurance, life insurance and medical insurance);</i>		
	<i>(4) Primary, secondary, higher and adult education;</i>		

COMMISSION	EP	COUNCIL	POSSIBLE COMPROMISE SOLUTION
	<i>(5) Statutory and complementary social security schemes covering the main risks of life (including at least those linked to health, ageing, occupational accidents, unemployment, retirement and disability);</i>		
	<i>(6) Health-related services;</i>		
	<i>(7) Childcare services;</i>		
	<i>(8) Other essential services provided directly to the public to facilitate social inclusion and safeguard fundamental rights;</i>		
	<i>(9) Cultural activities and tourist information.</i>		