

Opinion of the European Economic and Social Committee on the Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee and the Committee of the Regions — eAccessibility

(COM(2005) 425 final)

(2006/C 110/05)

On 13 September 2005 the Commission decided to consult the European Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the abovementioned communication.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 23 February 2006. The rapporteur was Mr Cabra de Luna.

At its 425th plenary session, held on 15-16 March 2006 (meeting of 15 March), the European Economic and Social Committee adopted the following opinion by 142 votes to 2 with 3 abstentions.

1. Reasons

1.1 There is an urgent and pressing need to ensure the market in accessible ICT goods and services pursues a path of interoperability and compatibility both across the European region as well as globally.

1.2 The ICT industry are beginning to wake-up to the untapped market of disabled consumers as well as an ever growing population of older consumers who could benefit considerably from accessible features in the design and production of goods and services in this sector.

1.3 EU Member States are increasingly acting both together and independently to address the digital divide and to promote eInclusion and eAccessibility through both legislative and voluntary measures. It is imperative that there is EU level coordination on this matter to reverse existing market fragmentation, to ensure avoidance of further fragmentation in the market and to avoid past mistakes whereby there was a lack of accessibility in mainstream ICT and a mis-match between assistive technologies and mainstream goods and services which isolated many potential consumers from the market. Such mistakes have had the additional negative effect in wider economic terms in particular by perpetuating the social exclusion of many persons and inhibiting their access to the labour market.

1.4 The European Commission communication on eAccessibility presents the main priorities to consider and address in order to avoid market fragmentation but rather to promote greater convergence and economic growth in this sector.

2. Background to the eAccessibility Communication

2.1 The Commission Communication on eAccessibility is intended to contribute to the principal strategic framework on

a European information society as set down in the i2010 Communication ⁽¹⁾ published in June 2005.

2.2 The main objective of the Communication is stated as being to promote a more consistent approach to eAccessibility initiatives in the Member States and by industry.

2.3 This Communication details both the benefits provided to disabled persons by new technology as well as the problems and the new barriers being created in the development of such technologies.

2.4 The Communication expresses concern about the existing fragmented market in accessible technologies and the danger that a lack of harmonisation and interoperability in this market will further accentuate the problems.

2.5 Three approaches are identified in the Communication as a means to address the issue:

- the promotion of accessibility requirements in public procurement;
- accessibility certification;
- better use of existing legislation.

3. Disabled people and the information society

3.1 It is increasingly well understood that the advances in information communication technology (ICT) must incorporate the needs of all persons in society, in particular those most vulnerable to social exclusion, to address the problem of the digital divide and an entrenched two-tier society.

⁽¹⁾ COM(2005) 229 final.

3.2 Access to information by disabled persons must be recognised first and foremost as a rights issue. Disabled people, who make up 10 % of the EU population, have the same rights as non-disabled people to access to goods and services and this includes ICT goods and services.

3.3 There are also important economic reasons for Governments and industry to seriously address this issue. By addressing and finding solutions to the challenges faced by disabled persons to accessing ICT it will be to the advantage and to the benefit of **all** users in particular to the benefit of a growing population of older persons, children and persons with temporary disabilities.

3.4 Disabled persons constitute a heterogeneous group of people. At the same time it is fair to say that the main impairment groups facing accessibility difficulties in ICT are: persons with cognitive and learning disabilities, persons with sensory disabilities (deaf and hard of hearing, blind and visually impaired persons, deafblind persons, persons with speech disabilities) and persons with physical disabilities.

3.5 Disabled persons have benefited in many ways from advances in ICT — both in the respect of mainstream technologies and in respect of assistive technologies; for example:

- the advantages of SMS texting for deaf persons, bearing in mind that it still does not offer real-time communication;
- the availability of speech or magnification software for blind and partially sighted computer users;
- and voice recognition systems.

3.6 However, at the same time new barriers are being created; for example:

- The development of new computer technology has dramatically reduced blind peoples' ability to use personal computers — while 99 % of PCs could be used by blind users in 1990, only 1/3 are accessible today due, for instance, to the increased use of visual commands over the years ⁽²⁾.
- The increased complexity of mobile phones and increased use of visual display commands creates barriers for disabled persons as well as for non-disabled consumers.

⁽²⁾ Source: European Blind Union.

- There exist different text telephony systems operating in Europe, none of which are compatible one with the other. Deaf and hard of hearing persons are unable to communicate in real-time across Europe and internationally using existing telecommunications systems.

- Digital television, an increasingly important technology for interactive communication and public information, is less accessible for disabled persons than is analogue television. Digital television is a technology which relies heavily on visual displays, visual commands and it is extremely complicated to use and could exclude a further 4.4 % of television viewers because it is less accessible ⁽³⁾.

- The European Commission communication itself provides a number of examples of challenges to be faced in respect of interoperable ICT devices and systems.

4. The economic and business case for eAccessibility & eInclusion

4.1 The Lisbon strategy emphasises the need to secure the social and economic inclusion of all persons via employability. However, if information communication technologies are not designed in an accessible way disabled persons will be continually and increasingly excluded from the mainstream labour market. Full and effective implementation of eAccessibility principles and practices are essential to the economic inclusion of disabled persons as well as the social inclusion of disabled persons. Adherence to eAccessibility principles also means adherence to environmental safety requirements (such as addressing the incompatibility of electronic and noise interference experienced by persons wearing hearing aids when using mobile telephones). On average, the participation rate of disabled people in the EU workforce is under 35 %, compared to 70 % for workers without disabilities. And the Commission has estimated that around 2 to 3.5 million people with disabilities could potentially be integrated in to the labour force if positive measures are taken to properly address the barriers to their inclusion ⁽⁴⁾. Economic inclusion of disabled persons will benefit society and the economy of Europe at large — shifting away the dependency of many disabled persons.

⁽³⁾ Digital Television For All A report on usability and accessible design for the UK's Digital Television Project by the Generics Groups.

⁽⁴⁾ European Commission report 'Active Labour Market Programmes for People with Disabilities' (2002).

4.2 While a growing number in the ICT industry need to realise the economic and business advantages to be made by addressing the needs of disabled and older users in the design of products and services, awareness of these advantages should be promoted more actively and further across the industry. There is a particular need to educate the industry personnel, both at management level, technicians and front-line staff, about accessibility requirements and features in order to better address the growing needs.

4.3 Disabled persons make up 10-12 % of the European population. Furthermore, Europe is facing important demographic change. Most significant will be the impact of an ageing population in Europe. By 2050 34.5 % of Europe's population will be over the age of 60 years old.

4.4 Disabled persons, persons with temporary disabilities and older persons combined make up 30 % of the European population ⁽⁵⁾. Furthermore accessible technology would benefit the wider consumer population at large including children and those unfamiliar with new technologies and wider socially excluded groups. One example is real-time text communication, which has the potential for a market which extends much more widely beyond the disability community.

4.5 Disabled persons and older persons are an untapped market which industry needs to take better advantage of and to market its goods to such consumers in a way it does not do at present. A German study has revealed that 48 % of persons over 50 years old consider that their age group was not adequately addressed by ICT products and services ⁽⁶⁾. Furthermore, a recent study undertaken by Microsoft identified that 50 % of the population aged over 59 years would benefit considerably from accessibility features in ICT technologies. Accessible and design-for-all technologies has led to job creation within the sector itself, in particular among SMEs which have paved the way for innovations in accessible technologies and advancement in new fields and professions.

5. General comments

- The EESC welcomes the European Commission communication on eAccessibility which sets out important proposals and commitments in the field of, public procurement, certification and legislation. This eAccessibility communication provides an important reinforcement to the i2010 Communication on the European Information Society for Growth and Employment.
- The EESC calls on the EU institutions to bring the actions proposed in the eAccessibility communication to the very centre of the European strategic framework on information

society. The aims and objectives to promote eAccessibility and eInclusion will be given much more prominent attention in the i2010 actions.

- The EESC recognises that there are many individuals and families who are denied continual access to telephone services because of their limited income. In addition, ICT equipment and services (such as access to the internet) can be prohibitively expensive for these people — including disabled people and older people; the EESC calls on Member State Governments to provide economic support to facilitate access to ICT goods and services by vulnerable and socially excluded groups in society.
- The EESC is aware of, and very much welcomes, the work in progress by the Inclusive Communications Committee (INCOM) and TCAM ⁽⁷⁾ working groups on Disability chaired by the European Commission. These respective working groups have brought together all the relevant stakeholders to set down key priorities and areas for action in respect to eAccessibility — access to both goods and services.
- The EESC recalls that the promotion of mainstream eAccessibility and disabled people to goods and services has been referred to and supported in a number of EESC Resolutions; notably:
 - The EESC opinion on the Proposal for a Council Decision on the European Year of People with Disabilities 2003 COM(2001) 271 final — 2001/0116 (CNS), CES 1064/2001.
 - The EESC opinion on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on eEurope 2002: Accessibility of Public Web Sites and their Content COM(2001) 529 final, CES 1546/2001.
 - The EESC opinion on the Integration of Disabled People in Society (CES 853/2002).
 - The EESC opinion on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions — Equal opportunities for people with disabilities: A European Action Plan COM(2003) 650 final, CESE 311/2004.
 - The EESC opinion on the Proposal for a Regulation of the European Parliament and of the Council concerning the rights of persons with reduced mobility when travelling by air (CESE 730/2005).

⁽⁵⁾ OECD-ECMT Study 'Improving Transport for People with Mobility Disabilities' 1999, dates before UE-15.

⁽⁶⁾ Study reference www.seniorwatch.de.

⁽⁷⁾ Telecommunications Conformity Assessment and Market Surveillance Committee (TCAM).

6. EESC general comments on the main proposals of the Communication

6.1 *Harmonised standards and interoperability*

6.1.1 The EESC shares the concern of the European Commission regarding the lack of harmonised solutions in the field of eAccessibility. Given the global nature of the ICT industry it is essential to ensure against European fragmentation due to the existence and development of separate Member State solutions. However, in order to provide the greatest possible economies of scale and the greatest choice to consumers, it is also essential to avoid global fragmentation by the introduction of unique regional requirements.

6.1.2 The EESC considers that the ICT industry is increasingly becoming aware of the untapped market among disabled and older consumers in Europe and internationally but this awareness must be more strongly promoted and supported.

6.1.3 The EESC fully supports the development and implementation of European standards for accessibility which are open, consensual and objective. These standards must also, at the same time, recognise the global situation and complement international standards. Lack of complementarity of European and international standards will lead to confusion and frustration for both the disabled consumer and the industry.

6.1.4 There has to be active user involvement in the standardisation process and support must be made available to ensure representative disability organisations can be represented in the decision making processes on the drawing up of European accessibility standards.

6.1.5 The EESC considers that the European Standardisation Organisations should be required to consider eAccessibility issues in the development of all standards.

6.2 *Public procurement*

6.2.1 Introducing accessibility requirements into public procurement tenders has been shown to be a very effective means to promote the mainstreaming of design for all and accessible technologies as well as in promoting employment and growth. Use of public procurement to advance accessibility approaches is a means whereby industry have a real incentive to bring this approach to the centre of their mode of operation. Furthermore, the EESC calls on the new Commission initiative, eProcurement to promote on-line purchasing, to be made fully accessible to disabled persons (consistent with the aims and objectives of eAccessibility) and to avoid incidents of mishandling or corruption.

6.2.2 The revision of the EU Directives on Public Procurements promote the opportunity to include accessibility as a criteria in the public purchase of ICT equipment and services. It is important to remember that public procurement makes up 16 % EU gross domestic product i.e. EUR 1 500 billion and, of this, the ICT sector makes-up 6 % EU GDP. The European public sector ICT average spending is 0.8 % of GDP which is EUR 76 billion. With this level of investment it is essential that public purchases ensure a long-term sustainable purchasing policy whereby ALL members of society have access to the goods and services being provided. Such a policy of eInclusion is essential to the effective function of local economies and in the promotion of the well-being and independence of members of the community.

6.2.3 The EESC, therefore, fully supports the European Commission proposal to go forward with the European Standardisation bodies to develop European accessibility requirements for public procurement of products and services in the ICT domain. However, it is essential that any such requirements are balanced between user needs, industry requirements and that they are usable by public authorities and do not lead to fragmentation within the European and, as much as possible, the global market.

6.2.4 Furthermore, in the case of future revisions of the EU public procurement Directives⁽⁸⁾, the EESC would welcome a strengthening of the provisions to the Directive to include mandatory requirements on accessibility in public purchasing.

6.3 *Certification and third party testing versus self-declaration*

6.3.1 There is a need for the ICT industry to more clearly communicate to the consumer the accessibility and design-for-all features of its mainstream goods and services.

6.3.2 The EESC considers interesting the European Commission proposal to explore certification and self declaration schemes and to encourage transparency and better recognition of eAccessibility, as well as through the consideration of adequate certification schemes for an eAccessibility mark for goods and services that are compliant with standards on eAccessibility.

6.3.3 EESC considers the forthcoming investigation and data gathering on the different options will assist to clarify the best way forward. In particular, we welcome the forthcoming EU conference(s) and initiatives on this issue.

⁽⁸⁾ Directive 2004/18/EC and Directive 2004/17/EC.

6.4 Use of legislation

6.4.1 The European Commission correctly draws attention to existing EU legislation that can be used to promote and enforce eAccessibility.

6.4.2 Voluntary commitments made by industry are to be very much welcomed and encouraged. Such voluntary commitments demonstrate the level of interest and attention on the part of industry to address accessibility in the design of goods and services. At the same time, voluntary commitments alone have not proved to be sufficient to ensure adequate implementation of accessibility requirements to address access barriers which disabled people experience to mainstream technologies. Voluntary commitments should be complemented by legislative initiatives also including the field of public procurement.

6.4.3 It is important that EU commitment to eInclusion and eAccessibility is explicitly recognised and taken up horizontally in all other relevant EU initiatives.

6.4.4 For instance, the existing legislation in public procurement and electronic communications is also strongly supported by EU non-discrimination legislation in the field of employment which provides some important opportunities to advance the access needs of disabled people.

- There must be regular and comprehensive monitoring at both Commission and Member State level of how effectively legislative commitments in the eAccessibility field are being implemented on the ground.
- There should be examination of how to improve the existing legislation in forthcoming legislative reviews in order that eAccessibility provisions can be strengthened and extended. There is a need for explicit support and promotion of eAccessibility in the EU Regulations for the Structural Funds and in the EU Framework Programme on Research (2007-2013).
- There is a need for the EU institutions to introduce stronger and more comprehensive legislation on access to goods and services for disabled persons, also in respect to information communication technologies, in order for the EU to ensure respect for social and human rights of disabled persons and the right of disabled persons to equality of access to goods and services.
- There is a need for the strengthening and broadening of scope of accessibility provisions in the package of EU electronic communications Directives.

6.4.5 The Directive on Universal Service ⁽⁹⁾ at present covers access to public pay phones and publicly available telephone services such as emergency services and directory enquiry services. The EESC regrets that the Directive does not cover, within its scope either mobile telephones or broadband. The scope of the Universal Service Directive should be extended to cover both mobile phones and broadband ⁽¹⁰⁾. Furthermore, equal access to networks and services must be assured through fair tariffs and, where necessary, social tariffs.

6.4.6 Many disabled persons continue to face severe useability and access problems in relation to mobile communications. There is a need for real-time interactive mobile communication for deaf and hard of hearing persons, persons with speech difficulties and deafblind persons; interactive communication through mobile communications to be received on an equal basis with non-disabled persons — meaning in respect to useability and quality of service and equipment, choice, availability and price.

6.4.7 There is the need to address the problem of interoperability of existing systems used by persons with sensory disabilities. Disabled persons must be able to make a real time call across Europe and internationally without difficulty.

6.4.8 The internet is increasingly being used as a public service and communication tool but there are still important access problems which disabled people experience when trying to use the internet. One example of accessibility problems in relation to broadband: New voice services such as Voice Over Internet Protocol (VOIP) are already offering broadband-based 'telephony' services, a cheap service very attractive to users, especially for international calls. However, there is no guarantee that the VOIP will provide access to emergency services or directory enquiry services. This needs to be addressed.

7. EESC specific proposals

In view of the aforementioned objectives and issues the EESC considers the following concrete proposals would make a useful contribution to achieving the overall objectives:

⁽⁹⁾ Directive 2002/22/EC.

⁽¹⁰⁾ The EESC notes that Pay-As-You-Go mobile telephony has made an important contribution to widening access to telephony services to persons on low incomes, and has arguably done better in this respect than national carriers.

7.1 *Harmonised standards and interoperability*

7.1.1 The EESC calls for the European Standardisation Organisations to be required to consider accessibility when developing all ICT standards.

7.1.2 The EESC calls for EU standards and legislative commitments to be adopted to bring about the harmonisation of disability accessibility requirements notably in respect to the following areas:

- access to emergency services incorporating IP networks;
- development of real-time communication in particular for deaf and hard of hearing persons;
- access to interactive digital television;
- the need to interconnect accessible service provision with access and useability of equipment.

7.2 *Certification and third party testing versus self-declaration*

7.2.1 The EESC supports the Commission proposal to examine the idea for a certification scheme and product labelling and Self Declarations of Conformity together with the mandatory or voluntary nature of these processes and supports the involvement of all interested stakeholders, especially including representative disability organisations. These findings to be made available by the European Commission to the EESC during the year 2007.

7.3 *Public procurement*

7.3.1 The EESC urges EU Member States to fully transpose the Directives on Public Procurement into National law without delay and to ensure strong provisions on requirements for disability access are included in the framework of national law.

7.3.2 The EESC calls on all public authorities to include accessibility criteria in their tendering process.

7.3.3 The EESC calls for mandatory provisions on accessibility to ICT goods and services to be included in the future revision of public procurement Directives. Thereby, it should be legally prohibited for public authorities to use software, hardware or other ICT products and services which do not conform to existing accessibility standards.

7.3.4 In respect of the standardisation mandate to CEN, CENELEC and ETSI in support of European accessibility requirements for public procurement of products and services

in the ICT domain, the EESC calls on EU Member States to produce a plan of action on the implementation of how to apply the European standard to best effect at national level consistent with a common and coherent approach.

7.4 *Mainstreaming*

7.4.1 The EESC calls for explicit recognition of the importance of eAccessibility and design for all and ergonomic approaches to ICT to be made across all relevant EU legislative and non-legislative proposals, in particular in key EU documents on the information society and in respect to the Structural Fund Regulations, the funding instruments for the new accession countries and in the 7th Framework Programme on Research.

7.5 *Web Accessibility*

7.5.1 The EESC calls on all EU Member States to formally adopt, unchanged, Version 2 of the Web Accessibility Initiative Guidelines and to fully incorporate the Version 2 across all public websites.

7.5.2 The EESC calls for the application of the 2nd level of consent of Version 2 of the W3C-WAI Web Content Accessibility Guidelines, which implies the higher accessibility level, to be applied to all web resources.

7.5.3 The EESC notes and calls for the urgent need to develop and make easily available authoring tools⁽¹⁾ on accessibility which web designers can use to ensure W3C-WAI WCAG 2.0 compliance of their websites. These tools should conform with version 2 of the W3C WAI Authoring Tool Accessibility Guidelines ATAG.

7.6 *Legislation*

7.6.1 The European Commission must undertake stronger action to ensure the Member States implement and meet their obligations to disabled users under the existing electronic communications Directives. It is apparent from the responses received by the Commission to the INCOM questionnaire on the Electronic Communications Package, that Member States have not adequately respected these commitments.

7.6.2 Where Member States are not implementing their obligations under EU law, the EESC calls on the European Commission to launch infringement proceedings towards the Member State(s) concerned to ensure full compliance.

⁽¹⁾ The term 'authoring tool' refers to the wide range of software used for creating Web content.

7.6.3 The EESC calls for forthcoming revisions to the EU legislation on electronic communications to considerably strengthen the accessibility provisions and to make such provisions mandatory.

7.6.4 The EESC calls for the publication of a comparative report, by the European Commission, of the status of Member States' activities in respect to eAccessibility and for legal action to be taken where Member States have not met their commitments under the respective electronic communication Directives.

7.6.5 The EESC calls for strengthening and broadening of scope of accessibility provisions in the EU Electronic Communications Directives on services and equipment. In particular:

- for the scope of the Universal Service Directive to be extended to cover mobile communications and broadband technologies;
- for the RTTE Directive to be revised to include mandatory requirements on accessibility to electronic equipment.

7.7 *The new strategic framework for the European Information Society*

7.7.1 The EESC notes that the European Commission strategy for the European Information Society⁽¹²⁾ requires Member States to report annually on their achievements and how they are to implement their national reform programmes.

7.7.2 The EESC calls on the Member States to include a specific section on eAccessibility and eInclusion in their annual reporting and for the European Commission to support this call.

7.7.3 The EESC calls on the Member States to set clear and explicit targets and timetables for implementation of eAccessibility provisions in the national action plans.

7.8 *User involvement*

7.8.1 The EESC calls on EU decision makers to ensure full and equal consultation and systematic involvement of disabled

users from representative disability organisations, in the development and design of goods and services and in the development of standards. Additional resources must be provided by the EU institutions to ensure disabled users are able to participate adequately in the process.

7.9 *Education & Training and a Design-for-all curriculum*

7.9.1 The EESC calls on Governments and industry to develop and support measures to promote ICT education and training of disabled persons, and certain older persons within the framework of lifelong learning as well as among other excluded groups in order they may have better and easier, cheaper and better access to such technologies.

7.9.2 Awareness raising measures, such as the promotion of a European Design for All Curriculum have a great potential to improve understanding and the integration of accessibility into ICT.

7.9.3 The EESC calls on the European Commission, all Member States and industry to actively promote and incorporate a design-for-all curriculum into all education and training programmes in the ICT field.

7.9.4 The EESC calls on industry to ensure systematic in-house or external training of its personnel on accessible design.

7.10 *EESC in-house actions*

7.10.1 The EESC is committed to 'getting its own house in order' and ensuring it will respect the principle and practice of accessibility in public purchasing in its public procurement activities.

7.10.2 The EESC will examine the extent to which improvements must be made to ensure full and equal access by disabled persons to the EESC website, computer software systems and ICT equipment.

7.10.3 The EESC will introduce internal procedures to ensure that all documents are issued in an accessible format.

Brussels, 15 March 2006.

The President
of the European Economic and Social Committee
Anne-Marie SIGMUND

⁽¹²⁾ COM(2005) 229 final.