The European consumer
voice in standardisation

AGE-ANEC-EDF Response to the European Commission's Communication "Towards an Accessible Information Society" (COM/2008/804 final)

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"In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations."
Article 4, paragraph 3 of the Convention of the Rights of Persons with Disabilities

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Introduction

The Information Society is, at once, a potential tool for achieving full integration for disabled people through the use of technical aids, but also a potential new barrier to inclusion of people with disabilities and older people. Information and communication technologies (ICT) represent real opportunities for disabled users and the elderly to combat isolation and social exclusion and enable them to include all parts of social life on an equitable basis with their non-disabled peers than ever before. ICT have a crucial role to play in everyday life of consumers of all ages and abilities and are gateways to education, work and leisure. Therefore, AGE, the European Older People's Platform, ANEC, the European consumer voice in standardisation, and the European Disability Forum (EDF) are responding to the European Commission (EC)'s Communication "Towards an accessible information society".

As background reflexion, AGE, ANEC and EDF want to refer to the UN Convention on the Rights of People with Disabilities, a convention that both Member States and the European Union have recently signed. The overall purpose of article 9 is to enable disabled persons to live independently and participate fully in all aspects of life. The Convention is very clear on what States Parties should do to fulfil this obligation in regards to ICT: they shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, of the ICT. The article 21 states the freedom of expression and opinion, which includes the "freedom to seek, receive and impart information and ideas" with appropriate ICT means. The article 30 provides that cultural and recreational activities (cultural life, recreation, leisure and sport) should also be accessible on an equal basis with others. This includes provisions of information for television and films in accessible format.

At European level, the European institutions recognised the existence of several barriers for disabled users and the elderly to access the information society and committed to improve e- and web-accessibility in the European Union (EU): Council Resolutions in 2002 and 2003, Ministerial Declaration in 2006, EC Communication in 2005 and 2007. However, people with disabilities continue to encounter severe obstacles to access the digital society as stated in the Study 'Measuring e-accessibility in Europe' (MeAC Study). Given this state of play, AGE, ANEC and EDF would like to express their disappointment at the lack of ambition of the European Commission, despite some positive initiative in the Communication. In this respect, AGE, ANEC and EDF would like to share some thoughts and suggest ideas to ensure that the perspective of disabled people is adequately covered.

Measures concerning e-accessibility

By e-accessibility, AGE, ANEC and EDF "understand access to mainstream ICT products and services by the widest possible number of people, regardless of their age or disabilities, in accordance with the concept of Design for All. However, persons with disabilities, who are a very heterogeneous group, may still need in some cases special services or goods. It is therefore important to also support the development of assistive technologies and ensure compatibility and interoperability between assistive and mainstream technologies."[1]

E-accessibility cannot be achieved as a simple "plug-in" but it has to be thought of from the onset[2]. Whenever this is not achievable, interoperability with assistive technologies should be enhanced. In order to ensure interaction and compatibility between mainstream and assistive technologies, it is critical to integrate assistive technologies within the single market. This would contribute to innovation and lowering prices in the sector, which would be both beneficial to users and to national budgets.

AGE, ANEC and EDF would also like to remind that developing e-accessibility at the European level is a win-win situation for all stakeholders (primarily disabled and older users, but also most users of ICT products and services, as well as industry and governments). E-accessibility supports social and economic inclusion of disadvantaged people; and designed-for-all ICT products and services enhanced usability, which is a benefit for all consumers. But e-accessibility also supports the competitiveness and Internal Market objectives of the EU, which, in terms of e-accessibility, is lacking behind the United States of America with the section 508 and the Draft Accessibility legislation.

There are no more needs to demonstrate the e-accessibility case but an urgent necessity to take actions and ensure e-accessibility to people with disabilities.

In this respect, AGE, ANEC and EDF would like to draw attention on the following aspects to correctly cover the needs of disabled users when accessing the digital society.

1. Set-up of a High Level Group on e-accessibility

AGE, ANEC and EDF broadly welcome the setting up of this new High Level Group dedicated to e-accessibility because it could constitute a European reference point to deal with e-accessibility, and would bring better understanding of what happens in

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[1] ANEC-EDF Position Paper on e- and web-accessibility, July 2008, p. 5.
[2] The results of diverse projects such as DTV4Aall remind this state of play. For more information on the DTV4All project: http://www.psp-dtv4all.org/.

the field. AGE, ANEC and EDF reaffirm their commitment to European actions on e-accessibility and its intention to contribute to the work of the e-accessibility high level group.

However, we think that the composition, mandate and deliverables of the group are not precise enough. Participants should represent all involved stakeholders, but would they have a decision-making power or just an information task? The group should provide guidance but to what extent?

Recalling its participation in the e-inclusion partnership in particular, AGE and EDF would like to make the following suggestions:

- AGE and EDF fully agree on the support for disabled users, researchers, policy makers and industry working together to implement e-accessibility, but they will not do so unless there are strong incentives such as legislation.
- AGE and EDF think that the work of the e-accessibility High Level Group is unlikely to have any effects if it is only informational. It should aim at gathering stakeholders around clear outcomes, such as the preparation of recommendation papers.
- AGE and EDF believe that this group should not address mainstream products and services only but also assistive technologies and interoperability between them.
- Among the 20 experts, around 5 should represent consumers, including the disabled ones maintaining gender balance representation[3]. AGE, ANEC and EDF would provide expertise in regards to the needs of disabled and older consumers accessing the information society.
  We also propose that Member States are represented through government officials from the countries holding the Presidencies of the EU according to the rotating schedule and, when relevant, from Member States with leading expertise in the topics to be discussed. In addition, they should come from departments under the Telecoms council formation.
  It is also crucial that manufacturers' and service providers' representatives include CEOs and managers because they are setting priorities and control funding and they need to be convinced of the benefits of the design for all approach.
- The EC's role should consist in orientating, facilitating and coordinating the work of the high level group and between the stakeholders. The EC should also set a clear roadmap with deadlines for intermediate and final outcomes for each working area. Concretely, the EC should define the results to be

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[3] Considering the less frequent ICT usage by women with disabilities in comparison to men and the potential ICT and social software tools have as a gateway to their social, professional and educational inclusion, it is essential to include the gender perspective in the development of recommendations that are going to be given for the design of EU policies, programmes and projects regarding e-accessibility so that women with disabilities are also included and positive actions are developed to prevent their lack of access and exclusion.

achieved within a certain time limit, and the failure of which should imply the undertaking of legislative measures.

The EC should also encourage the user perspective in the Member States by suggesting the participation of disability organisation's representatives coming from national levels in the sub and high level groups.

- The EU Telecoms Council and the European Parliament should receive annual reports about the work done by the High level group and its main recommendations.

2. Monitoring e-accessibility and identifying best practices

Collection of data is crucial to get a better understanding of the state of play. However, AGE, ANEC and EDF would like to recall the clear results of the MeAC Study[4]: improvements of e-accessibility are directly linked to existence of binding legislative measures. We consider that the monitoring should be continuous because Member States would have to regularly report on their efforts and it will encourage exchange of best practices between successful countries.

Besides, AGE, ANEC and EDF value the exchange of best practices in this field and encourage its members to participate to the CIP ICT PSP thematic network on e- and web-accessibility. However, the added value of such a thematic network remains unclear and should be better defined by the EC. We suggest that the network should not only focus on funding opportunities but also enable mutual learning.

3. Mainstreaming e-accessibility in EU research, development and innovation programmes

It is indeed important to foster and mainstream funding for research, development and innovation with regards to e-accessibility. AGE, ANEC and EDF strongly support the existence of disability toolkits to explain how to mainstream disability and how take into account e-accessibility requirements in the EU funding opportunities. However, we believe that such a toolkit would be efficient only if it is coupled with binding provisions and a continuous monitoring to effectively implement it.

In the development and funding of research, it is important to focus on positive action towards target groups that are prone to be more excluded as it is the case of women with disabilities. In this regard, it is necessary to promote research projects that involve the use of ICT as an empowering tool for inclusion, stimulating networks and

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[4] For more information:
http://ec.europa.eu/information_society/activities/einclusion/library/studies/meac_study/index_en.htm

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ICT training and breaking with existing stereotypes about women with disabilities and their use of ICT, among others.

4. Use of standardisation to avoid fragmentation in the market of accessible ICT products and services

The presence of accessibility requirements in public procurement is one of the most powerful tools to increase the availability of accessible goods and services because if ICT producers are required to make their products and services accessible to make them eligible to be used by public authorities, they will be accessible for all consumers. One way of implementing this is to ensure that all calls for tenders include accessibility requirements as provided for in the Public Procurement Directive. Public authorities also usually draw up lists of criteria which they use to award marks to tenders when deciding which one to choose, and accessibility should be one of those criteria. In this respect, AGE, ANEC and EDF strongly support the work undertaken under the Mandate 376 and will continue to be involved and contribute during phase 2. AGE, ANEC and EDF urge the European Commission and the European Standardisation Bodies to launch it as soon as possible in order not to slow down this important process.

Consumer with disabilities' empowerment and participation in standardisation is another crucial aspect. Recalling the results of the USEM project - User Empowerment in standardisation[5], we would like to remind the needs to find sustainable solutions to finance consumers' group representation and participation in standardisation, without which non-profit organisations experience strong difficulties in engaging in these processes. Standards alone should not be used alone to address accessibility issues as this approach tends to shift decision-making from democratic institutions to standards bodies where consumer representation is not balanced. In addition, standards should be widely available to all interested parties and not be used as a means of market segmentation.

5. Use of existing legislation to its full potential to make progress with regard to e-accessibility

Even though there are e-accessibility binding provisions contained in specific European legislation, access to the information society for disabled users remains very limited for several reasons.
First, most of existing legislation is limited by a restrictive scope or -compulsory obligations. The audiovisual media services Directive is a good example: only persons with visual or hearing disabilities are concerned, the scope is covering

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[5] For more information on the USEM project: http://www.usem-net.eu/

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audiovisual media services only (i.e. the content and not the hardware) and the measure is not compulsory.

Second, some other legislative measures have been already transposed and won't deliver more e-accessibility, unless as a consequence of rulings of the European Court of Justice. This is for instance the case of the Employment Equality Directive. In this respect, EDF could also like to remind that, as users with disabilities, we have no ways of pursuing access except through an extraordinarily expensive court process that most of disabled users cannot afford. There needs to be a way to exercise rights of access that disabled persons are supposed to already enjoy without enormous costs.

Therefore, AGE, ANEC and EDF ask the European Commission to clarify how it will proactively ensure that e-accessibility provisions are met within national legislation in practice.

As a matter of fact, e-accessibility can only be delivered if terminal equipments, services and content are accessible to disabled consumers. A full access to the information society exists only when an end-to-end connectivity and interoperability between mainstream and assistive technologies are provided to disabled users. AGE, ANEC and EDF are convinced that only a binding and comprehensive approach will deliver e-accessibility. It is clear that, although new or existing sector-specific legislation on e-accessibility should be proposed or implemented whenever justified, a horizontal e-accessibility Directive is the most effective instrument to address the areas that are not covered by specific legislation and ensure that e-accessibility is not forgotten amidst rapid technological developments such as Voice over IP or Mobile TV[6].

6. Defining priorities of work

AGE, ANEC and EDF will support the EC's priorities of work with regard to e-accessibility and therefore would like to suggest some further ideas concerning each of these priorities.

6.1. Accessibility of digital television

Digital television is a significant step forward for most consumers as they can enjoy better quality and more programmes as well as new functionalities. But disabled viewers are unlikely to benefit from this new technology. For some of them, a simple switch-off will occur as written information on screen is not accessible to blind and

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[6] For more information, please refer to ANEC-EDF Joint Position Paper on e- and web-accessibility, July 2008.

partially-sighted users. For others, new programmes won't enhance quality and quantity of programmes. This situation is not acceptable for disabled people who enjoy watching television and we call for a fully accessible digital television to be achieved by the end of the switchover process in 2012.

Two tools would pursue this target. On one hand, the transposition and implementation of the audiovisual media services Directive should enhance accessibility of programmes with sign language, subtitling, audio description and easily understandable menu navigation. EDF already mobilized its membership for the transposition process with the release of a toolkit[7]. However, without a voluntary approach from the Member States and the EC, now changes won't be achieved. On the other hand, both audiovisual media services and the TV set need to be accessible for disabled viewers to enjoy watching television. EDF deeply supports the current discussions with EICTA and its membership to improve accessibility of the TV set, which is unfortunately not covered by any legislation. But EDF claims for defining clear results to be achieved by 2012.

6.2. Accessibility of electronic communications, including the European emergency number 112

Consumers with disabilities want to access all types of electronic communications equipments and services – landline and mobile phones, public pay telephones, directory enquiry services and directories, fax, broadband Internet- on an equal basis with their non-disabled peers. This includes access to emergency services and especially the European emergency number 112. As, in an emergency, anyone can be disabled, the importance of an accessible and interoperable emergency number is therefore relevant not for a small category of disabled people, but for all European citizens.

In this respect, EDF considers that, under the review of the Telecoms Package, critical improvements are needed to ensure that the perspective of disabled people is adequately covered: ensuring an adequate wording on measures requiring access to terminal equipments (Articles 1.1 of the Better Regulation and Users' Rights Directives); improving the specific measures concerning people with disabilities (Article 7 of the Users' Rights Directive); ensuring equivalent access to emergency services (Article 26.1 of the Users' Rights Directive)[8]. Besides, the scope of the Telecoms Package is rather restrictive. Mobile phone and broadband Internet should be included as lack of accessibility is quite significant in these areas. Finally, once

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7 EDF Toolkit for the Transposition of the Audiovisual Media Services Directive into National EU Member States Law, September 2008.

8 For detailed information, please refer to EDF Position Paper on the review of the EU regulatory Framework (the Telecoms Package), March 2008, and EDF Position on the Telecoms Package, February 2009.

the Telecoms package is adopted, AGE, ANEC and EDF call for a rapid reactivation of INCOM activities to ensure smooth and effective implementation.

6.3.   Accessibility of self-services machines, including ATMs, and internet banking

Public services and services of general interests must be accessible to all citizens on an equal basis, and especially to those who particularly benefits from them. In this area, the switch to provisions of services via self-services machines is a general trend: transport tickets, banking, mobile telephony services, etc.
ATMs and Internet banking are at particular stake because the replacement of teller services is excluding many persons with disabilities: unreadable touch screen for blind and partially-sighted persons, inadequate high of cash machines for wheelchair users, complexity and lack of usability of procedures for users with cognitive disabilities. And with the practice of charging teller and postal service many disabled consumers are at a disadvantage, compared to other consumers. But, obviously the development of more user-friendly and accessible interfaces would have a positive impact on all clients. Therefore, AGE, ANEC and EDF are deeply committed to this issue and will support the EC's works in this area such as the review of the Internal Market and the financial inclusion aspect; discussions with involved stakeholders.
In this respect, we call the European institutions, especially national governments, to secure access to digital society for all citizens, including persons encountering e-accessibility barriers and the less digitally literate ones. In the meantime, equal alternative for people not able to use or not using ICT themselves should exist. For instance, a consumer shall not pay a higher fare because s-he is not able to access online websites, which is happening for some companies.
And we support the development of standards on accessibility of self-services machines, which can also be used in public procurement tenders.

Measures concerning web-accessibility

By web-accessibility, AGE, ANEC and EDF "mean access to mainstream websites by the widest possible number of people, regardless of their age or disabilities, in accordance with the concept of Design for All"[9].

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[9] ANEC-EDF Position Paper on e- and web-accessibility, July 2008, p. 5.

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1. Ensure rapid and uniform implementation of the WCAG 2.0 to avoid fragmentation of web-accessibility in Europe

The new version of the web-accessibility content guidelines (WCAG 2.0) is a very useful instrument to ensure web-accessibility in Europe to all disabled consumers[10]. AGE, ANEC and EDF strongly support its harmonised implementation across Europe, for which a better coordination of national experiences is key.

On this aspect, AGE, ANEC and EDF recalls that disabled users should be able to access websites to the maximum extent and benefit from the Internet on equal terms with their non disabled peers. Therefore web-accessibility should concern not only public but also private and intranet websites[11]. We also think that the definition of public websites should include websites of entities that provide basic services for the public such as public transport operators, gas/electricity providers, banking, social security, etc.

Moreover, another approach should be taken into account. Nowadays and with the development of the web 2.0, where viewers are also content creators, most websites are not produced using html language but using authoring tool. Thus, we would like to reaffirm the need of developing authoring tools, which automatically incorporate accessibility requirements, recalling the existence of the WAI Authoring Tool Accessibility Guidelines[12].
In addition, AGE, ANEC and EDF would like to invite the European Commission and the standardisation bodies to begin investigations on the possibility to develop an evaluation and assessment methodology and conformity assessment methods, to complement the WAI guidelines, and to provide consumers with reliable information about the accessibility of website they access. The use of automatic testing and human testing elements should also be systematically considered. When looking at external evaluations of websites, it must be made very clear that self-declaration of accessibility is not the best solution. The system put in place to judge the compliance to accessibility standards should be made of a mixed group of experts, coming from consumers, web designers and industry representatives[13].

As previously explained (section 4 - Use of standardisation to avoid fragmentation in the market of accessible ICT products and services), AGE, ANEC and EDF strongly supports the work undertaken under the mandate 376 and calls the EC for a timely

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[10] We would like to refer to article 9.2.a of the UN Convention on the Rights of People with Disabilities which consider that State Parties should "take appropriate measure to develop, promulgate and monitor the implementation of minimum standards and guidelines for accessibility of facilities and services open or provided to the public."

[11] Article 9 of UN Convention on Rights of persons with disabilities, 2007, stresses this point.

[12] For more information: http://www.w3.org/WAI/intro/atag.php.

[13] Final report on the ANEC study "Web Accessibility in context: an investigation into standardisation issues", ANEC-R&T-2007-DFA-006final

launch of phase 2. We will continue to contribute to the deliverables because we think that the creation of a European standard on web-accessibility with a third-party certification is the right approach to deliver web-accessibility to disabled users of public websites and websites of entities that provide services of general interests and basic services for the public such as public transport operators, gas/electricity providers, banking, social security, etc.

As retrofitting of existing inaccessible websites could be considered as an excessive burden, ANEC and EDF consider that the focus should be on new content and functionalities of websites, at the same time as it should encourage the existing entire websites to become more accessible. A clause about making available on request in accessible format old legacy content should be provided.

2. Awareness raising and developing competences with regards to web-accessibility

Aside from developing technical guidance, another aspect concerns the implementation itself. In this phase, raising awareness and skills of people designing and developing ICT products and services in line with the design for all principles is crucial.

In this respect, AGE and EDF support education and training courses on design for all of ICT products and services. Such curricula should incorporate teaching about European standards related to e- and web-accessibility.

Digital literacy of boys, girls, women and men with disabilities and of older women and men, who are persons with less digital and IT skills, is another aspect to take into account. AGE and EDF think that it is important to develop measures targeting these groups to improve their IT competences. Since there is also a gender unbalance in the sector, awareness raising and training should specifically be targeted on women with disabilities of all age.

3. Potential future legislation[14]

Although AGE, ANEC and EDF welcome the initiatives announced in this communication, we believe that, if web-accessibility is not delivered in a satisfactory way within a reasonable time limit (i.e. 2010[15]), the EC should propose binding legislation on web-accessibility. Despite the political commitments to harmonized action in the field of web accessibility, different national legislations and standards, especially in the framework of public procurement, have been approved. There is

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[14] For our complete position, please refer to ANEC-EDF Position Paper on e- and web-accessibility, July 2008.

[15] In the Riga Ministerial Declaration, 2010 is the deadline to deliver accessibility of public websites.

therefore the risk of fragmentation and further risks in terms of free-movement of products and services, not to mention access to information.

AGE, ANEC and EDF are convinced that action at the Community is needed to produce clear benefits in terms of its effectiveness and its scale[16].

In particular, AGE, ANEC and EDF request a reinforcement of legal web-accessibility provisions and the adoption of a directive, as consumers with disabilities still face several barriers when using the Internet. Even though we fully agree on the support for users, researchers, policymakers and industry working together to implement e- and web-accessibility, we believe that they will not do unless there is stronger legislation and incentives binding legislation.

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[16] Joint ANEC/EDF position paper on eAccessibility , December 2007, ANEC-DFA-2007-G-057final

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About AGE, ANEC and EDF

About AGE

AGE - the European Older People's Platform is a European network of organisations of people aged 50+ and directly represents over 25 million older people in Europe. AGE aims to voice and promote the interests of the 150 million inhabitants aged 50+ in the European Union and to raise awareness of the issues that concern them most. AGE aims to give a voice to older and retired people in the EU policy debates through the active participation of their representative organisations at EU, national, regional and local levels so as to inform EU policy development.
AGE's work focuses on a wide range of policy areas that impact on older and retired people. These include issues of anti-discrimination, active ageing, social protection, pension reform, social inclusion, health, research, accessibility of public transport and of the build environment, and new technologies.

About ANEC

ANEC is the European consumer voice in standardisation, representing and defending consumer interests in the process of standardisation and certification, also in policy and legislation related to standardisation. Our aim is a high level of consumer protection. ANEC was set up in 1995 as an international non-profit association under Belgian law. It represents consumer organisations from the European Union Member States and the European Free Trade Association (EFTA) countries. Our General Assembly is composed of one national member per country, nominated jointly by the national consumer organisations in their country. The European Commission and EFTA fund ANEC, while national

About EDF

European Disability Forum (EDF) is a European umbrella organization with democratic structure, representing the interests of over 50 million persons with different types of disabilities in all EU/EEA countries. The mission of EDF is to ensure disabled people full access to fundamental and human rights through their active involvement in policy development and implementation in Europe. Working towards accessible, user needs-based and affordable telecommunications solutions for persons with disabilities is one of the highest priorities for EDF and its member organizations.

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