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DG ENTR/D4

**M 376 - EN**

**STANDARDISATION MANDATE TO CEN, CENELEC AND ETSI IN SUPPORT OF  
EUROPEAN ACCESSIBILITY REQUIREMENTS FOR PUBLIC PROCUREMENT OF PRODUCTS  
AND SERVICES IN THE ICT DOMAIN**

**1. OBJECTIVE OF THE MANDATE**

Mandate to CEN, CENELEC and ETSI in support of the policies for e-accessibility, namely:

- Communication COM(2001) 529 final of 25 September 2001 “eEurope 2002: accessibility of public web sites and their content” which aimed at making web sites more accessible to people with disabilities and older people;
- Council Resolution of 25 March 2002<sup>1</sup> “eEurope Action Plan 2002: accessibility of public websites and their content”;
- European Parliament Resolution of 13 June 2002<sup>2</sup> on the Commission Communication eEurope 2002: Accessibility of Public Web Sites and their Content<sup>3</sup>;
- Council Resolution of 6 February 2003<sup>4</sup> “eAccessibility – improving the access of people with disabilities to the knowledge based society”.

Several Member States have developed, or are in the process of developing legislation to improve ICT (Information and Communication Technologies) accessibility. This is known as eAccessibility. eAccessibility means overcoming the barriers and difficulties that people experience when trying to access goods and services based on ICTs.

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<sup>1</sup> OJ C 86, 10.4.2002, p. 2.

<sup>2</sup> OJ C 261 E, 30.10.2003, p. 582.

<sup>3</sup> P5\_TA (2002) 0325.

<sup>4</sup> OJ C 39, 18.2.2003, p. 5.

Specific “assistive technology” devices can help improve accessibility. Furthermore Europe is also promoting a “Design for All” approach to products and services so that these become readily usable by as many people as possible. For many people with disabilities, a combination of both assistive technology and good design is needed to achieve an adequate solution. It is thus essential that mainstream products (designed for all) will interface seamlessly with assistive devices for those with specific needs.

This includes the development of a variety of accessibility requirements, including those to be used for public procurement. Stakeholders strongly agree on the importance to call for interoperability and harmonization of the actions taken around the world<sup>5</sup>. Except for Web accessibility which is well developed in Europe, and for which there is a broad consensus about the joint efforts taken and the accomplishments of the W3C/WAI, in other areas of ICT consensus about requirements for accessibility needs to be built... Europe now has a unique opportunity to promote harmonization and interoperability in the field of accessibility.

ICT products should be designed in an accessible manner so that people with disabilities and elderly persons can use and profit from them in the same way as everyone else. In doing so harmonisation of these requirements will not only facilitate the work of industry, it will also enlarge markets, and provide potential buyers with better products and services. The inclusion of accessibility requirements in public procurement will constitute an incentive for manufacturers to develop and to offer accessible devices, applications and services, which in turn will benefit people with disabilities and older people but also will be to the benefit of other users.

Against this background the main objectives of this mandate are:

- to harmonise and facilitate the public procurement of accessible ICT products and services by identifying a set of functional European accessibility requirements for public procurement of products and services in the ICT domain, and
- to provide a mechanism through which the public procurers have access to an electronic toolkit, enabling them to make use of these harmonised requirements in procurement process.

The mandate request the standards organizations work to harmonise in Europe those accessibility requirements that may be applied, regardless of the value of the purchase to public procurement of ICT products and services and there by to achieve interoperability .

## **2. RATIONALE**

### **2.1. Background**

People with disabilities and older people constitute a large group of the population in the European Union. An estimated 90 million people, or 20% of the population, belong to this group; these numbers show that accessibility is a major issue. With the changing age structure and the fact that disability is strongly related to age, the European Union faces a major challenge to maintain and improve the quality of life, independence and integration

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<sup>5</sup> [http://europa.eu.int/information\\_society/policy/accessibility/regulation/pubproc\\_ws\\_2004/index\\_en.htm](http://europa.eu.int/information_society/policy/accessibility/regulation/pubproc_ws_2004/index_en.htm)

of these citizens. ICT plays an important role in economic, educational and social life of Europeans. Therefore, access to mainstream ICT is crucial for people with disabilities and older persons. Making this technology, and the services using it, more accessible would facilitate the inclusion of this already disadvantaged group. It is socially, ethically, economically and politically important that the advantages of ICT are made available to as many citizens as possible. If not, Europe will be confronted with a situation of social exclusion where ICT sets people apart, instead of bringing them together.

## **2.2. Policy issues**

Lack of equal access to ICT products and services can be seen as a form of discrimination. Article 13 of the Treaty provides for measures against discrimination *inter alia* on the grounds of disability<sup>6</sup>. In November 1999 the European Commission adopted an anti-discrimination package based on Article 13 of the Treaty which led to a Directive in the field of employment and occupation prohibiting discrimination on all grounds listed in Article 13<sup>7</sup>. Legislative measures have been taken not only in the social area but also within the ICT domain. Several Directives already include clauses with reference to people with disabilities and older persons, including the Electronic Communications Networks and Services Directive<sup>8</sup>, that on Radio and Telecommunication Terminal Equipment<sup>9</sup>, and the Public Procurement Directives<sup>10</sup>. Moreover, the creation of equal opportunities for people with disabilities is addressed by a specific European Action Plan<sup>11</sup>.

The urgent need to build a more inclusive information society has been reflected in recent policy activities. The Council, the Parliament and the Commission have in various ways expressed concern about the barriers to effective participation in the information society that some groups are faced with. As part of the Lisbon strategy and the integrated European approach towards economic and social renewal, the Commission has expressed the will to create an Information Society for all. Concrete action for a more accessible information society was taken on different levels in the two action plans eEurope 2002 and eEurope 2005. Furthermore, several Member States are developing specific legislation in this domain.

Although the new generation of technology provides numerous new opportunities for people with disabilities and older persons, new technology can also be troublesome from an accessibility point of view. There has not been sufficient market reaction to what has been done at a policy level to enhance accessibility. Therefore, the mandates M273 and

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<sup>6</sup> Also in the future Constitution.

<sup>7</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, OJ L 303/16 of 02.12.2000.

<sup>8</sup> Directive 2002/21/EC, OJ L 108 of 24.4.2002, p. 33.

<sup>9</sup> Directive 1999/5/EC, OJ L 91 of 7.4.1999, p. 10.

<sup>10</sup> Directive 2004/17/EC and Directive 2004/18/EC, OJ L 134 of 30.4.2004. The details are published at [http://europa.eu.int/comm/internal\\_market/publicprocurement/legislation\\_en.htm](http://europa.eu.int/comm/internal_market/publicprocurement/legislation_en.htm)

<sup>11</sup> COM(2003) 650 final of 30.10.2003.

M283<sup>12</sup> need to be complemented. While the first one made an inventory on standardisation needs in the field of assistive technology and Design for all, the second one addressed the needs of standardises in this field. This new mandate which builds upon previous work, deals with the development of European accessibility requirements for public procurement of products and services in the ICT domain could give an incentive both for the market and public organisations to take the aspect of accessibility into further consideration, and to foster interoperability and harmonisation at EU level.

### 2.3. Public procurement legislation

Although the most significant field of application of the results of the mandate is public procurement the results might be useful for other purposes like procurement in the private sector. Public purchases constitute an important market: total public procurement in the EU (15) amounts to €1.500 billion or 16% of the Union's GDP. To ensure fair conditions for the cross-border competition of suppliers, public procurement is subject to Community and international rules, apart from public purchases below certain thresholds and certain products. However, procurers can specify accessibility requirements when they purchase goods of a value below the threshold.

Legislative developments that have been prepared within the Internal Market led to a legislative package of Public Procurement Directives that was approved in 2004 by the European Parliament and the Council of Ministers<sup>13</sup>. These Directives offer possibilities to integrate social considerations<sup>14</sup> and specifically the use of Design for All and Accessibility requirements in the technical specifications in the contract documentation for public bids. There are also possibilities for including Design for All and Accessibility in the technical specifications and award criteria addressing the social area.

In Europe several Member States are already using these possibilities.

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<sup>12</sup> M273: Standards for disabled and elderly peoples' access to information and communications technologies (ICT) products and services including "design for all".

M283: Standards that promote barrier-free design, enabling the use of products by disabled and elderly people by applying the principles of design for all, adaptable design, and assistive technology.

<sup>13</sup> [Directive 2004/18/EC](#) of 31 March 2004 of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, OJ L 134/114 of 30 April 2004. Also available at: [http://europa.eu.int/comm/internal\\_market/publicprocurement/legislation\\_en.htm](http://europa.eu.int/comm/internal_market/publicprocurement/legislation_en.htm)

<sup>14</sup> [http://europa.eu.int/smartapi/cgi/sga\\_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=52001DC0566&model=guichett](http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=52001DC0566&model=guichett)

Environmental considerations can also be used in Public procurement. Buying green! A handbook on environmental public procurement.

[http://europa.eu.int/comm/internal\\_market/publicprocurement/docs/keydocs/gpphandbook\\_en.pdf](http://europa.eu.int/comm/internal_market/publicprocurement/docs/keydocs/gpphandbook_en.pdf)

At international level several countries such as the US<sup>15</sup> and Canada<sup>16</sup> are asking for accessible ICT products and services in their public tenders. To this effect requirements for accessibility have been developed.

### **3. DESCRIPTION OF THE MANDATED WORK**

The mandate shall be carried out in two phases:

#### **Phase I – Inventory of European and international accessibility requirements and assessment of suitable testing and conformity schemes**

The deliverables of this phase shall be submitted to the Commission not later than 12 months after the acceptance of the mandate, and shall consist of two Technical Reports:

##### **(I.1) A first report covering**

- (a) An inventory of ICT products and services (grouped in technical areas) that are usually bought by public procurers (it should cover at least the ICT products address in Section 508 and Canadian toolkit. Other ICT products might be added if identified as bought by public administrations).
- (b) A list of existing functional accessibility requirements in Member States and internationally for those ICT products and services within each technical area, particularly those currently in use in public procurement. The requirements shall cover the concepts of “Design for All” and “Assistive Technology”.
- (c) In each technical area gaps should be identified where no accessibility requirements exist and suggestions should be provided for developing missing or additional requirements.
- (d) A list of existing national, European and international standards and technical specifications (in the sense of Directive 98/34<sup>17</sup>) which might comply with those requirements. An assessment on whether the above mentioned requirements can be used as either technical specifications or as criteria for awarding public contracts (in the sense of the Public Procurement Directives).
- (e) A proposal for a standardization work programme for the development of requirements and award criteria that still do not exist or that are not yet standardized or where the existing requirements are not considered adequate or suitable as either technical specification or award criteria. The work programme should provide an indication of the types of standardisation deliverables best

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<sup>15</sup> Section 508 of the Rehabilitation Act as amended by the Workforce Investment Act of 1998. <http://www.section508.gov>

<sup>16</sup> Accessible Procurement Toolkit, <http://www.apr.gc.ca>

<sup>17</sup> Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations, OJ L 204/37 of 21 July 1998.

suited to carry out the work described in phase II, other than for II.1 where an EN is required.

*Note: it is suggested to summarise the findings in a table that should have separate columns indicating the above headings (rows: technical areas, columns: technical specifications covering functional requirements and award criteria and the related standards and technical specifications to comply with those requirements).*

- (I.2) To make the best use of the work carried out in this Phase, the ESOs will also prepare a second report that will present an analysis on testing and conformity schemes of products and services meeting accessibility requirements. The analysis shall refer to existing schemes of this nature at European and international level. The analysis shall consider the full range of possible solutions, including supplier self-declaration, certification/ accreditation of suppliers, and third party certification schemes.

The analysis shall also address existing or propose requirements for suppliers' technical capacities and abilities in the accessibility domain, which can be used for the selection of suppliers or in support of the conformity process.

The two draft versions of these reports will be submitted to an open and accessible review process to facilitate feedback from all interested parties for example via Internet and an open event. The final reports submitted to the Commission will take due account of the European policy objectives, in particular in the field of accessibility, harmonisation and interoperability.

## **Phase II - Standardisation activities**

Phase II will start after the agreement by the Commission of the deliverables of Phase I.

The aim is to elaborate a complete list of European functional accessibility requirements for public procurement of products and services in the ICT domain that shall be made available online. The list shall provide guidance and ready text to public procurers who will access it. The requirements should be described in a user-friendly manner so that the target audience, mainly procurer officers, can use them either as technical specifications or award criteria in the tenders or in support of conformity processes. Already existing requirements/guidelines/toolkits and best practices developed within this field in Europe and internationally should be taken into consideration<sup>18</sup>.

The five deliverables of Phase II are:

- II. 1 A European Standard (EN) specifying for all ICT products and services within each of the technical areas the corresponding requirements for accessibility<sup>19</sup>,

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<sup>18</sup> The following list of countries is known to have (or consider having) some accessibility requirements for public procurement in the ICT domain and should be considered: Italy, Denmark, Sweden, Ireland, Spain, Germany, Portugal at international level, US, Canada, Japan and Australia. This list is by no means exhaustive.

<sup>19</sup> To be used in terms of technical specifications in the sense mentioned in the public procurement Directives.

whether they already exist or are newly developed following the results of Phase I of this mandate.

The draft European Standard shall be provided within 12 months of the start of Phase II. The EN should be provided within 18 months of the start of Phase II, subject to due completion of the approval process by the ESOs.

- II.2 A report listing the standards and technical specifications (building on deliverable I.1 (d)) that comply with the above mentioned requirements for accessibility.

The completed report shall be provided within 12 months of the start of Phase II, subject to due completion of the approval process.

- II.3 Guidelines on accessibility award criteria that are relevant to each technical area that can be used in the procurement of ICT products and services.

The completed guidelines shall be provided within 12 months of the start of Phase II, subject to due completion of the approval process.

- II.4 Guidance and support material for public procurements, which should address at least the following<sup>20</sup> :

- Information Technology planning guidelines
- Broad circulation of materials on accessible information technology
- Technical advice on new ICT hardware or software
- Training of IT staff on the use of the developed material
- Inventory of existing accessibility support services and of accessibility support needs
- Inclusion of accessibility in ICT call for proposals
- Verification of supplier claims of accessibility
- Tracking of non-compliance of products and services with accessibility requirements in tenders
- Information on the testing and conformity aspects

The guidance and support material shall be provided within 12 months of the start of Phase II.

- II.5 An online,<sup>21</sup> accessible toolkit providing structured access to the full content of the EN, the report, the guidelines and the guidance material. It shall provide, in particular, thorough guidance and ready text to public procurers who will access it.

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<sup>20</sup> The ACCENT project issued useful information on this topic (see [http://www.statskontoret.se/statskontoret/templates/Page\\_1793.aspx](http://www.statskontoret.se/statskontoret/templates/Page_1793.aspx))

<sup>21</sup> This toolkit and the rest of the standardisation deliverables will be considered deliverables under eEurope and as such the Commission requests the ESOs, to the largest possible extent, to consider making available these deliverables free of charge.

A pilot version of the toolkit shall be available on line 12 months after the start of Phase II. The toolkit shall be provided within 18 months of the start of Phase II.

#### **4. MODUS OPERANDI AND CO-ORDINATION ASPECTS**

CEN, CENELEC and ETSI shall establish and maintain adequate and efficient coordination mechanisms for the execution of the mandate with a view to achieving the widest possible consensus amongst all parties concerned, and shall work in close co-operation with relevant stakeholders, e.g. industry representatives, public authorities (i.e. procurers), people with disabilities and older people and their representative organisations, accessibility experts, consumer organisations.

In addition, arrangements shall be made to establish relevant international co-operation. In this respect, the following principles shall be followed:

- Close co-operation with relevant industry standards fora and consortia including the World Wide Web Consortium (W3C/WAI) shall be established, as appropriate.
- International co-operation at technical level shall be ensured as appropriate, in particular with IEC, ISO, JTC1, ITU-T and UN/CEFACT while closely coordinating with the EC.
- Results of relevant EU research projects and ongoing standardisation projects shall be taken into account.
- Close involvement of European and national organisations related to people with disabilities and consumers, e.g. European Disability Forum EDF and ANEC shall be ensured, possibly through the ICT Standard Board's DATSCG<sup>22</sup>.
- Particular attention shall be given to the involvement of public procurers and national organisations and authorities concerned with the implementation of Directives 2004/17/EC and 2004/18/EC.

Close coordination with responsible Commission services will be ensured, in particular with DG INFSO eInclusion unit, DG ENTR (unit for Technology for innovation, ICT industries and e- business and unit for Standardisation, financial support, coordination of contractual links with standardisation bodies) and DG MARKT (unit Formulation and enforcement of Public Procurement law).

#### **5. EXECUTION OF THE MANDATE**

**5.1** Within 3 months of the date of acceptance of this mandate, CEN, CENELEC and ETSI shall present a joint report including the work programme to the Commission setting out the arrangements they have made for the execution of this mandate. Particular attention shall be paid to the involvement of all relevant parties (as described in section 4) and to the working arrangements with relevant experts in the field of eAccessibility,

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<sup>22</sup> DATSCG – Design for All and Assistive Technology Standardisation Co-ordination Group

industry associations, users with disabilities and older persons and other relevant organisation/consortia.

**5.2** Subject to the acceptance of the proposed arrangements by the Commission, CEN, CENELEC and ETSI are invited to execute the work. Adequate monitoring mechanisms for the work will be put in place by the Commission in coordination with the ESOs.

**5.3** On acceptance by CEN, CENELEC and ETSI of the mandate the appropriate standstill period will start in accordance with Article 7.1 of the Directive 98/34/EC of 22 June 1998.