A long and rocky road

Luxembourg's Government path towards true Web Accessibility

Presentation at Funka's Accessibility Days on 10 April 2019 in Stockholm

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Luxembourg: The context

- ~ 620 000 inhabitants

- No regions

- Public sector IT highly centralised and mainly managed by 5 to 6 important IT centres responsible for their sector: central government, 102 municipalities, social security, education, health, …

- ~ 400-500 public sector bodies falling under the scope of the WAD

- ~ 150 governmental bodies

- ~ 100 governmental portals or websites

- ~ 80 organisations present themselves via webpages integrated in the common central portal government.lu

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A short history of WA: 2002, the early years

- First version of the web quality framework for governmental websites (strategy, standards, UX, accessibility, ...)

- First common, mutualised Web Content Management System (WCMS) for governmental websites

- Common and standardised templates, standardised document types, common building blocks, common navigation and information architecture (IA) principles, standardised labels, corporate identity, etc.

- Important progress

- But still a lot of shortcomings

A short history of WA: 2007, growing maturity

- Second version of the web quality framework for governmental websites (strategy, standards, UX, accessibility, project management (PM), quality assurance (QA), etc.)

- Truly accessible common and standardised templates

- A higher number of common accessible building blocks

- Still standardised document types, common navigation and IA principles, standardised labels, corporate identity

- Even more progress

- But still some shortcomings

A short history of WA: from 2010 on

- Web quality framework renamed in Renow: cf. renow.lu
- Continuous and regular improvement of the framework
- From 2013 on: Each new website = responsive by design
- Dedicated WA unit: even better QA
- Progressive migration of the old websites to a new WCMS
- Very high level of conformance for all new websites, especially the important portals: guichet.lu, government.lu …
- Situation close to perfect, but still not always perfect

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Lessons learnt & good practices

- Importance of a mutualised technical infrastructure: WCMS, templates, building blocks, etc.: efficiency, higher quality and simpler to do QA

- Standardisation is central

- Competence centre in-house: don't rely only on external expertise

- Training and coaching of all the involved actors is very important

- Reduction of the number of websites and concentration of efforts on the really important portals

- Offering a clean technical framework to reduce complexity: the content editor can concentrate on his job

- Design for all and QA procedures embedded in the PM procedures

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Luxembourg's role in designing the WAD

- Luxembourg played a key role in the design of the WAD (Web Accessibility Directive) as it presided the EU Council during the 2nd semester 2015 and was responsible for finalising the first common position of the Council end of 2015.

- Many of the elements are still included in the WAD come from this time.

- Luxembourg always tried to defend an ambitious, yet realistic position, thus trying to avoid to push the requirements of the WAD too far.

- Luxembourg therefore initiated or supported the exclusion from the scope of some types of public sector bodies or some types of content.

- The final version of the WAD is very ambitious and many Member States (MSs) will struggle to implement it despite the existing scope exclusions.

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Mobile apps

- Mobile apps fall under the scope of the WAD.

- Have been added to the scope during the negotiations with the EU Parliament 1st semester 2016.

- EU Council was at the start in favour of excluding hybrid and native apps because WCAG are not sufficient for native or hybrid apps, because of the general lack of experience in making the software of apps accessible and because web apps did fall anyway under the scope of the WAD.

- Luxembourg government has very few native or hybrid apps. But many web apps as the websites are usually responsive by design. If the websites are accessible, then the web apps are also accessible.

Exclusion of most of the NGOs' websites & apps

- "Websites and mobile applications of NGOs that **do not provide** services that are **essential** to the public, or services that **specifically address** the needs of, or are meant for, **persons with disabilities**" are excluded from the scope of the WAD.

- Definition of non-governmental organisation (NGO): Some lack of clarity but "voluntary self-governing body established to pursue essentially non-profit making objectives" is given as definition in recital 25 of the WAD.

- Definition of a service that is "not essential to the public": Some lack of clarity also in regard to this in the WAD but "services that are not directly mandated by State, regional or local authorities" is given as an example.

- Why this exclusion?: "To avoid imposing a disproportionate burden on" NGOs that are public sector bodies.

Office file formats

- "Office file formats published before 23 September 2018, unless such content is needed for active administrative processes relating to the tasks performed by the public sector body concerned", are excluded from the scope of the WAD

- Why?: Because a huge amount of legacy files in office file formats exists on the different governmental websites. These types of files are far more difficult to make accessible than web files. Making it mandatory to make all these files compliant to WAD requirements would cause a disproportionate burden and would perhaps often lead simply to a deletion of these files and their total non-availability.

Archives

- "Content of websites and mobile applications qualifying as archives, meaning that they only contain content that is neither needed for active administrative processes nor updated or edited after 23 September 2019" is excluded from the scope of the WAD.

- Why?: Some websites or apps are only kept for reasons of documentation of past events: for example websites of EU Council Presidencies. It would constitute a disproportionate burden to make fully accessible such old websites or apps that are not updated or edited anymore. Owners risk to prefer to make them unavailable instead of making them accessible.

- Problem of the WAD text: it defines this exception only for websites archived in their entirety but not for parts of websites that are in fact archives. This could lead to problematic decisions leading to a split of websites in two or more different URLs in order to fall under the scope of this exception with one of these new websites.

Extranets and intranets

- Extranets and intranets fall under the scope of the WAD, they are only excluded if they are published before 23 September 2019 and have not undergone a substantial revision afterwards.

- Extranets and intranets have been added to the scope during the negotiations with the EU Parliament 1st semester 2016. Many Member States were before opposed to the inclusion of extranets and intranets.

- Reasons for this opposition:
    - Each website "only available for a closed group of people and not to the general public as such" has to be considered as extranet or intranet, i.e. also web applications and proprietary software proposed via a browser. It risks to be very difficult to guarantee the accessibility of some of these extranets/intranets because of lack of control over them.
    - No minimal usage is defined for the extranets or intranets. Even if an extranet/intranet is only used only by 4 or 5 people and if none of its users has any problems in using it, it has nevertheless to be made accessible.

Lack of common evaluation methodology (EM)

- In the context of the WAD, a common monitoring methodology has been defined in some detail via the Commission Implementing Decision (EU) 2018/1524 of 11 October 2018

- But no common EM for websites or apps has been defined. Each MS or, even in a MS, each public sector body, can define or use its own EM.

- WCAG are only guidelines, they need interpretation. Interpretation can differ to some extent, sometimes to a large and significant extent. Compliance level therefore depends on the EM used.

- The lack of a common EM leads to a lack of comparability between monitoring done in different MSs or evaluation done on different websites in a MS.

Fully, partially or not compliant

- The Commission implementing decision 2018/1523 of 11 October 2018 defines the different levels of compliance to WAD:
  - Fully compliant: all requirements of the standard or technical specification are fully met without exceptions
  - Partially compliant: most requirements of the standard or technical specification are met, but with some exceptions
  - Not compliant: most requirements of the standard or technical specification are not met
- "Fully compliant" depends on the EM: sample, interpretation, etc.
- Difficult to be fully compliant: most of the websites are probably partially compliant, but they will have a tendency to declare full compliance as they have to be fully compliant from a legal point of view.

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Transposition of the Directive in Luxembourg

- General approach: be ambitious, yet stay realistic: Complexity, limited resources, etc.

- No additional requirements going beyond the Directive

- Leaves flexibility to decide on the details of the evaluation and monitoring of websites once more experience has been gathered: no excessive details in the legislation: pragmatic approach

- Organisation responsible for monitoring and reporting: Information and Press Service (SIP) of the Ministry of State

- Organisations responsible for the enforcement: SIP & Ombudsman

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The distance still to cover

- Definition of a common, standardised EM serving as a reference for all public sector bodies in Luxembourg

- Systematic check of the compliance to the requirements of the WAD and of the WCAG 2.1

- Action plan based on the results of this compliance check

- Integration of old inaccessible websites in new portals or relaunch of these websites

- More training, especially of the content editors

- Communication and awareness raising

- Stricter QA procedures and rules

- Regular QA also once the websites are online

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Conclusion

- The WAD is a very ambitious piece of law.

- Most, if not all, Member States will really have to struggle to be fully compliant.

- Even Luxembourg, which took the long and rocky road towards web accessibility already a long time ago, cannot say that it is at this moment already fully compliant on all websites. Additional serious efforts still have to be done in the next months and years.

- Making websites perfectly accessible is not an easy task. Underestimating the complexity and the workload involved is the first step to a probable failure to achieve the defined goals.

Questions?

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