

TRANSPOSITION NOTE

Directive 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies.

This Transposition Note has been prepared by Cabinet Office. The table below sets out the main elements of the UK’s implementation of the Directive in the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 (“the Regulations”). The note includes a list of Articles from the Directive, the purpose of those Articles, and how they have been implemented in the Directive. The Regulations come into effect on 23 September 2018.

Article	Purpose	Implementation
1.3	Exemptions for particular types of public sector bodies.	Regulation 4(1).
1.4	Exemptions for particular types of content of websites and mobile applications.	Regulation 4(2) - (3).
3	Definitions.	Definitions primarily implemented through Regulation 3. Definitions of “archives”, “extranets and intranets”, “items in historical collections” and “office file formats” contained in Regulation 4(3)(a) – (d) respectively (<i>Application</i>). Definition of the “technical specifications” contained in Regulation 9(3) (<i>Presumed Conformity</i>). Definitions of “measurement data” and “monitoring methodology” contained in Regulation 10(4) and (5) respectively (<i>Monitoring and Reporting</i>).
4	Requirement to make websites and mobile applications more accessible by making them perceivable, operable, understandable and robust.	Regulation 6, and this requirement is defined as “accessibility requirement” in Regulation 3.
5.1	Sets out disproportionate burden - partial exemption to meeting accessibility requirement.	Regulation 7(1).

5.2	Factors to consider when assessing disproportionate burden.	Regulation 7(3).
5.3	Duty on a public sector body to perform initial disproportionate burden assessment.	Regulation 7(2).
5.4	Where disproportionate burden claimed, duty on public sector body to explain this in accessibility statement and provide for accessible alternatives.	Regulation 7(4).
6.1	If websites and mobile applications meet harmonised standards they will be presumed to conform with the accessibility requirement.	Regulations 9(1)(a) for websites and 9(2)(a) for mobile applications.
6.2	Where harmonised standards are not published, mobile applications that meet the technical specifications will be presumed to conform with the accessibility requirement.	Regulation 9(2)(b).
6.3	Where harmonised standards are not published, websites that meet the European standard EN 301 549 will be presumed to conform with the accessibility requirement. In the absence of harmonised standards or technical specifications, mobile applications that meet standard EN 301 549 will be presumed to conform with the accessibility requirement.	Regulation 9(1)(b). Regulation 9(2)(c).
7.1	Accessibility statements: sets out requirements for accessibility statements, including format and content.	Regulation 8. Regulation 13 deals with the requirement for public sector bodies to provide a response to a notification of any failure to comply with the accessibility requirement, and any request for information in an accessible format within a reasonable period of time.
8.1	Requirement for Member States to monitor compliance with the accessibility requirement.	Regulation 10(1).
8.4	Requirement for Member States to report back to the Commission on the outcome of	Regulation 10(2).

	monitoring by 23.12.21 and every three years thereafter.	
9.1	Duty on Member States to ensure an adequate and effective enforcement procedure to guarantee compliance with the Directive.	Regulations 11, 12 and 13 deal with enforcement of Articles 4 and 5. Regulation 14 establishes that compliance with Article 7(1) will be enforced by the Minister for the Cabinet Office.
12.3	Dates on which the measures in the Directive will be applied.	Regulation 5 (<i>Application of Part 2</i>).