

# ROYAL DECREE 1112/2018, OF 7 SEPTEMBER,

## ON THE ACCESSIBILITY OF WEBSITES AND MOBILE APPLICATIONS IN THE PUBLIC SECTOR



## I. GENERAL PROVISIONS

# MINISTRY OF THE PRESIDENCY, PARLIAMENTARY RELATIONS AND EQUALITY

**12699** *Royal Decree 1112/2018, of 7 September, on the accessibility of websites and mobile applications in the public sector.*

Directive (EU) 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 is aimed at improving the operation of the internal market by standardising national laws, regulations and administrative provisions regarding the accessibility requirements, where accessibility is understood as the set of principles and techniques that must be followed when designing, developing, maintaining and updating websites and mobile applications.

The Directive applies to all the websites and mobile applications in the public sector, from the national administration, regional and local governments to courts of law and constitutional bodies to the services managed by public sector bodies, including hospitals, schools, universities, public libraries, etc.

In this context, the Directive aims to ensure that the websites and mobile applications of public sector bodies across Europe are made more accessible on the basis of common accessibility requirements, putting an end to market fragmentation and the existing technical differences by avoiding the application of different versions, compliance levels or technical differences at the national level, reducing uncertainty among developers and encouraging interoperability. All this should lead to an improved internal market for web and mobile products and services related with accessibility, thus contributing to economic growth and job creation in the European Union.

In order to achieve this goal and ensure that citizens can enjoy greater access to public sector services through increasingly accessible websites and mobile applications, the Directive lays down minimum accessibility requirements and sets forth regulations for the design, development, maintenance and update of websites and mobile applications. Likewise, it envisages the drafting, regular update and publication of an accessibility statement on the conformity of websites and mobile applications with the required accessibility requirements, facilitating the adaptation to the state of the art at any given time. The Directive also allows for exceptions when meeting the aforementioned requirements is a disproportionate burden, but it does not consider lack of priority, time or knowledge as valid reasons for exception.

In addition, in order to ensure compliance with the provisions in the

Directive, member states are required to establish a communication mechanism associated with the application procedure that enable website and mobile app users in the public sector to report lack of conformity with the accessibility requirements, file complaints and make suggestions. The Directive also envisages the establishment of a body in charge of the application procedure, ensuring that user communications and requests are dealt with effectively.

Also, by virtue of the Directive, member states are required to develop regular reporting systems to submit reports to the European Commission and monitor them; to take promotion, training and awareness-raising measures on accessibility for all stakeholders and authorities; and to broaden the scope of application to the regulations in force to other types of websites and mobile apps.

From the regulatory point of view, the need to regulate the basic criteria of accessibility for the use of information society services was first acknowledged in domestic law with Law 51/2003, of 2 December, on equal opportunities, non-discrimination and universal access for disabled persons, which set a two-year deadline for the establishment of said criteria. The provisions of this Law, now abrogated, were subsumed under Royal Legislative Decree 1/2013, of 29 November, approving the revised text of the General Law on disabled persons and their social integration.

Subsequently, on 4 December 2005, the Council of Ministers adopted by agreement the Plan 2006-2010 for the development of the information society and convergence with Europe and between autonomous communities and cities (Plan Avanza), which included a mission for the Ministry of Employment and Social Affairs, the Ministry of Industry, Tourism and Trade, and the Ministry of Public Administration to draft a bill regulating the aforementioned basic conditions. The result were the Regulations on the basic conditions for access to technology, information society products and services, and social media for disabled persons, approved by Royal Decree 1494/2007, of 12 November, whose Chapter III includes special accessibility measures for the websites of public administrations and state-funded bodies.

There are other laws regulating the accessibility requirements of the websites of public administrations, which shall now have stronger foundations by virtue of this Royal Decree. They include Law 34/2002, of 11 July, on information society services and electronic commerce; Law 40/2015, of 1 October, on the Legal Framework for the Public Sector; Law 19/2013, of 9 December, on transparency, access to public information and good governance; Law 18/2011, of 5 July, regulating the use of information and communication technologies in the Judiciary; Law 27/2007, of 23 October, giving recognition to Spanish sign languages and regulating the means of support to oral communication for persons with hearing impairments, the deaf and the deaf-blind; and Law 9/2017, of 8 November, on contracts in the public sector, transposing Directives 2014/23/EU and 2014/24/EU of the European Parliament and of the Council of 26 February 2014 into the Spanish legal system. This Royal Decree supplements Royal Decree 1494/2007, of 12 November, and in so doing it abrogates Articles 5, 6, 7 and 8 and further develops their provisions, which refer to website accessibility. It thus includes the particulars of the minimum accessibility requirements for websites and mobile apps in the public sector while taking the necessary measures to comply with the provisions in Directive (EU) 2016/2102, in order

to further ensure actual, effective accessibility and non-discrimination for people in general and disabled persons in particular in their relations with the public administration. To that effect, in addition to laying down said minimum requirements and including other actions as envisaged in the aforementioned Directive, this Royal Decree proposes a system whereby users will be able to report lack of conformity with the accessibility requirements by a public sector body's website or mobile app, and stakeholders will be able to make valid, reasonable requests for contents that lie beyond the scope of application of this Royal Decree or are exempt from conformity with the accessibility requirements because they impose a disproportionate burden on the relevant public sector body.

The possibility of contacting an ombudsman, as envisaged in Article 9 of the Directive, is already part of the regulations in force in Spain. Organic Law 3/1981, of 6 April, on the ombudsman, provides for the possibility of filing complaints to the ombudsman for the protection of the rights mentioned in Title I of the Spanish Constitution and in connection with the public administration. This includes all accessibility issues in the public sector, with the level of obligation imposed at any given time by the regulations in force.

In addition, an Office for Disabled Citizens has been set up in accordance with the provisions in the revised text of the General Law on disabled persons and their social integration, approved by Royal Legislative Decree 1/2013, of 29 November. Said Office is the specialised, standing body of the National Disability Council, promoting equal opportunities, non-discrimination and universal access for persons with disabilities and dealing with the inquiries, claims and complaints filed by disabled citizens in areas such as telecommunications and information society, among others.

The Royal Decree also includes an additional provision that sets out the requirements to be met by the websites of organisations, companies and centres offering public services through public franchise or other types of contracts with the public administration.

Another additional provision lists the accessibility criteria to be applied to the websites and mobile apps of national constitutional bodies and regional legislative and control bodies by adapting their specific regulations to the provisions of the Royal Decree while in accordance with the spirit of said regulations.

Regarding entry into force, the Directive is quite flexible, requiring new websites to comply with all provisions by 23 September 2019 and existing websites to do so by 23 September 2020. Taking into consideration that the existing laws in Spain already set out most of the requirements, the entry into force of the Royal Decree gives continuity to the provisions in Royal Decree 1494/2007, of 12 November. This has resulted in a gradual introduction under the terms of the Directive only for claim and complaint management, and for mobile applications. Besides, based on the requests received in the area of disabled persons, some of the deadlines in the Directive have been brought forward. In any case, the estimations on the Royal Decree have been adjusted to follow the European Commission's instructions timely and in due form in terms of report submission and monitoring. This Royal Decree shares in the status of basic legislation in accordance with Articles 149.1.1.<sup>a</sup> and 18.<sup>a</sup> of the Spanish Constitution.

For the drafting of this Royal Decree, reports were collected from the Territorial Council of Social Services, Autonomy System and Dependency

Service, the State Council for Senior Citizens, the National Disability Council, with representation of organisations for disabled persons, the Consumer and User Council, the State Council of Non-Governmental Social Organisations, the Sector Committee for Public Administration, the ICT Strategy Committee of the Central Administration and the State Technical Committee of the Judicial E-Administration.

This Royal Decree, which is part of the Annual Regulatory Plan 2018 in accordance with Article 25 of Government Law 50/1997, of 27 November, takes over the mission of transposing Directive (EU) 2016/2102 of 26 October 2016, based on the principles of good regulation set forth in Law 39/2015, of 1 October, on common administrative procedures to public administrations. In particular, it is in line with the principle of necessity and efficiency, as it fulfils the obligation of transposing the provisions into domestic law while being faithful to the original text of the Directive and to the principles of proportionality, by including the essential regulations for the intended purpose; transparency, in so far as it strengthens the safeguards around it and facilitates compliance; and legal certainty, in that it contributes to the development of a clear, comprehensive, predictable and stable regulatory framework.

By virtue thereof, on the motion of the Minister of Territorial Policy and Public Administration, the Minister of Economy and Business, and the Minister of Health, Consumption and Social Welfare, in agreement with the Council of State and following deliberation by the Council of Ministers on 7 September 2018,

I HEREBY PROVIDE:

#### CHAPTER I

#### **General provisions**

Article 1. *Purpose.*

1. This Royal Decree is intended to ensure that accessibility requirements are met by the websites and mobile applications of public sector bodies and other bodies that fall within the scope in Article 2.

2. For the purpose of this Royal Decree, accessibility shall be understood as the set of principles and techniques that must be followed when designing, developing, maintaining and updating websites and mobile applications in order to ensure equality and non-discrimination in access by users, in particular disabled and older users.

Article 2. *Subjective scope.*

1. This Royal Decree applies to all agencies in the public sector, including the following:

- a) The Central Administration.
- b) Regional Administrations.
- c) Local Government bodies.
- d) The institutional public sector, under the terms of Article 2.2. of Law 39/2015, of 1 October, on common administrative procedures to public

administrations.

e) The associations entered into by public administrations, bodies, agencies and entities in the public sector.

2. The provisions of this Royal Decree shall also be applicable to the Judiciary.

Article 3. *Objective scope of application.*

1. This Royal Decree applies to both the websites, irrespective of the device used to access them, and the mobile applications of public sector bodies and other bodies that fall within the scope in Article 2.

2. Accessible content of websites and mobile apps includes both text and non-textual information, downloadable forms and documents, temporarily available recorded multimedia contents, means of two-way interaction, the processing of e-forms, and login, authentication, signature and payment procedures, irrespective of the platform in which they are made available to the public.

3. The temporarily available live or recorded multimedia contents of the websites and mobile apps of public broadcasting service providers and their subsidiaries, or other entities fulfilling a contract to provide public broadcasting services and their subsidiaries shall fall outside the scope of this Royal Decree and shall be governed by special regulations of their own.

4. Likewise, the following types of content shall also fall outside the scope of this Royal Decree:

a) Computer file formats published before the entry into force of the Royal Decree, except those files required to perform active administrative tasks associated with the functions of the subjects bound by this Royal Decree.

b) Temporarily available recorded multimedia contents published before the entry into force of the Royal Decree.

c) Temporarily available live multimedia contents, unless otherwise stated by special regulations imposing obligations in this regard.

d) Online mapping and cartography services, provided that the essential information is digitally accessible for maps used for navigation purposes.

e) Third-party contents that are not developed or financed by, or under the control of the subjects bound this Royal Decree.

f) Heritage collection reproductions that cannot be made fully accessible because of one of the following reasons:

1° Accessibility requirements that are incompatible with asset conservation or reproduction authenticity.

2° Lack of cost-effective automated solutions to extract text from manuscripts or other items in heritage collections and transform it into content that meets accessibility requirements.

g) Extranet or intranet contents, understood as websites accessible by a limited number of people rather than the general public published before 23 September 2019, until they are subject to major revision.

h) Website and mobile app contents with the status of files or file tools, i.e. whose contents are not necessary to perform any active administrative tasks, provided that they have not been edited or updated after the entry into force of this Royal Decree.

Article 4. *Definitions.*

For the purpose of this Royal Decree, a series of terms need to be clarified.

a) Website: A set of office electronic files and web pages about a topic in particular under a special domain that are accessed using a web browser.

b) Mobile application: A software app designed and developed to be used by the general public using mobile devices, including smartphones and tablets. The software programme controlling the device itself (mobile operating system) or the hardware are not mobile applications.

c) Office electronic file: A document that is not meant for web use but is part of a website. Office files can be in standard Portable Document Format (PDF) or created using text processor, spreadsheet or presentation programmes.

d) Heritage collection item: An item belonging to a public or private collection with historical, archaeological, aesthetic, scientific or technical value, kept in cultural institutions such as libraries, museums or archives.

e) Website and mobile app content: Text and non-textual information, downloadable forms and documents, means of two-way interaction, the processing of e-forms, and login, authentication, signature and payment procedures.

f) Temporarily available multimedia content: Multimedia files of the following types: audio only, video only, audio and video, or any of the above plus interaction.

g) Recorded multimedia content: Temporarily available multimedia files streamed live and kept online or broadcast again later, just after the original or the new streaming.

h) Measure data: Quantitative results of monitoring activity to check website and mobile app conformity with accessibility requirements. They include quantitative data of website and mobile app samples tested and quantitative information on accessibility level.

i) Standard: A set of technical specifications, implemented repeatedly or continuously, adopted by an official standardisation body, compliance with which is not mandatory.

j) European standard: A set of technical specifications adopted by a European standardisation body.

k) Harmonised standard: An European standard adopted at the request of the European Commission for the implementation of standardisation regulations in the European Union.

l) Perceptibility: The quality of being perceived by users as applied to information and user interface elements by virtue of the accessibility principle.

m) Operability: The quality of being used by all types of users as applied to user interface elements and navigation by virtue of the accessibility principle.

n) Understandability: The quality of being understood by all types of

users as applied to information and user interface functioning by virtue of the accessibility principle.

o) Robustness: The quality of being strong enough to be reliably interpreted by a wide range of user agents, including assistive technology, by virtue of the accessibility principle.

*Article 5. Accessibility requirements for websites and mobile applications.*

1. The websites and mobile applications of the bodies within the scope of this Royal Decree shall be accessible to users, in particular to disabled and older users, in such a manner that their contents are perceptible, operable, understandable and robust in accordance with the provisions in Article 6.

2. Accessibility shall be globally taken into account in the design, management, maintenance and update of contents for said websites and mobile apps.

3. The bodies bound by this Royal Decree shall take measures, whenever possible, to increase website and mobile app accessibility according to the existing minimum requirements at any given time.

*Article 6. Presumption of conformity with accessibility requirements.*

1. It shall be assumed that the website and mobile app contents fully or partially complying with the harmonised standards whose references have appeared in the Official Journal of the European Union are in accordance with the accessibility requirements set out in Article 5 that are fully or partially covered by said harmonised standards.

2. If the references to harmonised standards mentioned in Paragraph 1 have not been published, it shall be assumed that the mobile app contents fully or partially complying with the technical specifications adopted by the European Commission by means of implementing acts are in accordance with the accessibility requirements set out in Article 5 that are fully or partially covered by said technical specifications.

3. If the references to harmonised standards mentioned in Paragraph 1 have not been published, it shall be assumed that the website contents fully or partially complying with the relevant requirements in standard EN 301 549 V1.1.2 (2015-04) are in accordance with the accessibility requirements set out in Article 5 that are fully or partially covered by said standard.

If the references to harmonised standards mentioned in Paragraph 1 have not been published and in the absence of the technical specifications mentioned in Paragraph 2, it shall be assumed that the mobile app contents fully or partially complying with the relevant requirements in standard EN 301 549 V1.1.2 (2015-04) are in accordance with the accessibility requirements set out in Article 5 that are fully or partially covered by said standard.

4. All reference updates of standard EN 301 549 V1.1.2 (2015-04) adopted by the European Commission by means of delegated acts in reference to a newer version of said standard or a European standard replacing it shall be applied directly.

5. The body in charge of European Commission report submission and monitoring shall keep references available on its website to all applicable

harmonised standards, standards and technical specifications at any given time.

Article 7. *Disproportionate burden.*

1. On an exceptional basis, considering the disproportionate burden that complying with accessibility requirements might be for the bodies bound by this Royal Decree, the latter shall be exempted from such compliance.

Compliance exemption shall be grounded on valid reasons and limited to the specific contents that are strictly necessary to reduce the burden. However, the body in question shall still make these contents as accessible as possible and comply with all accessibility requirements for the rest of its contents.

2. A burden is disproportionate for a body when it leads to the use of too many financial or administrative resources, or when it compromises its ability to accomplish its mission or publish the necessary and relevant information to adequately perform its tasks or provide its services, taking into account the possible benefit or detriment for the citizens, especially people with disabilities or older users.

3. Lack of priority, time or knowledge should not be considered as legitimate reasons for exception. Likewise, there should not be any legitimate reasons for not procuring or developing software systems to manage content on websites and mobile applications in an accessible manner.

4. In order to assess to what extent complying with the accessibility requirements set out in this Royal Decree imposes a disproportionate burden on the bodies bound by the Royal Decree, the following circumstances shall be taken into account:

- a) The size, nature and resources of the body in question.
- b) The estimated costs and benefits for the body in question, vis-à-vis the estimated benefits for disabled and older users, taking the particular duration and frequency of use of the website or mobile app into account.

5. Those bodies wishing to invoke the exception provided for in Paragraph 1 shall make an initial evaluation to the burden imposed by complying with the accessibility requirements set out in this Royal Decree. The results shall be included in a written report. The evaluation shall be revised at least on an annual basis for potential organisational or technical changes leading to new situations in terms of burden.

6. In any case, the post-evaluation accessibility statement for the particular website or mobile app shall specify the accessibility requirements the body is unable to meet and, if relevant, provide for accessible alternatives under the terms of Article 15.

Article 8. *Promotion, training and awareness raising.*

1. The public sector bodies and other bodies falling within the scope of application in Article 2 shall take dissemination and awareness raising measures to make the public administrations and society at large aware of the need for accessibility requirements and their universal benefits, and to give information on the relevant measures taken by virtue of this Royal

Decree, especially on the possibility and the means available to file claims or complaints in the event of non-compliance.

2. In particular, the bodies bound by this Royal Decree shall be concerned with awareness raising among employees, especially in the case of bodies or units with competencies in public sector website or mobile app development, or in public sector website or mobile app content creation and editing.

3. The bodies bound by this Royal Decree shall promote and facilitate in-house training programmes giving up-to-date information on accessibility conditions for the creation, management and update of website and mobile app contents. To this end:

a) The relevant institutes and bodies concerned with training in the public administration shall include training activities on website, mobile app and content accessibility.

b) The bodies bound by this Royal Decree shall offer supplementary special training programmes to their employees, in particular to the staff bodies or units with competencies in public sector website or mobile app development, or in public sector website or mobile app content creation and editing.

4. The public sector bodies and other bodies falling within the scope of application in Article 2 shall promote measures for awareness raising, dissemination, education and training in accessibility in an effort to drive the owners of websites and mobile apps other than those covered by this Royal Decree to gradually and wherever possible integrate accessibility requirements, especially in connection with goods and services offered to the public.

5. The public sector bodies and other bodies falling within the scope of application in Article 2 shall comply with the universal accessibility promotion mandates in the special regulatory provisions applying to public procurement, and they shall exercise the powers and make use of the possibilities set out for procuring bodies in said provisions to increase digital accessibility when buying products, goods and services.

#### Article 9. *Participation of stakeholders.*

The public administrations shall determine the participation mechanisms for both users and stakeholders in the monitoring of website and mobile app accessibility policies, with a special interest in the participation of the organisations representing disabled and older users, and their families.

## CHAPTER II

### Communications, claims and complaints

#### Article 10. *Communication mechanisms.*

1. The bodies bound by this Royal Decree shall offer users communication mechanisms whereby anybody can make suggestions, file a complaint or report lack of conformity with accessibility requirements by

websites or mobile applications and request information about content outside the scope of the Royal Decree.

2. There shall be two mechanisms, depending on the type of communication, and its effects and processing:

a) Communications on accessibility requirements: They enable any individual or legal entity to report non-conformity with accessibility requirements by a website or mobile application. They also enable users to report difficulties when accessing content, making inquiries or making suggestions for improved accessibility.

b) Requests for accessible information and complaints: They enable any individual or legal entity to file complaints about conformity with the standards in this Royal Decree and requesting information about the contents that fall outside its scope of application in accordance with Article 3, Paragraph 4 or are exempt from conformity with accessibility requirements because they impose a disproportionate burden on the body in question.

*Article 11. Communications on accessibility requirements.*

Communications on accessibility requirements shall be sent by email to a specially created email address or using an online form. Additionally, there shall be a phone number and/or an office for this purpose.

*Article 12. Requests for accessible information and complaints.*

1. Requests for accessible information and complaints shall be submitted and processed according to the provisions in Law 39/2015, of 1 October, on common administrative procedures to public administrations.

2. For information requests, the sender shall clearly state the request, along with all relevant facts and underlying reasons that make it possible to check that it is a reasonable, legitimate request.

3. Once a body receives a request for accessible information or a complaint, it shall reply within twenty (20) working days.

4. During this period, the body can ask the person making the request or complaint to make clarifications within ten (10) days for it to be adequately processed. If the person fails to make the necessary clarifications within this period, their request or complaint shall follow the regular procedures.

5. Replies shall include the following information:

- a) The body or unit sending the reply.
- b) The decision made.
- c) The requested information on accessible contents, if relevant.
- d) The estimated period of time to take corrective measures in case they cannot be taken right away and the body or Unit in charge of taking them.
- e) The body or Unit to be addressed for further claims and the adequate procedure to do so.

6. If no reply is sent within the estimated period of time, it shall be understood that the request for information or complaint has been dismissed.

*Article 13. Claim procedure.*

1. If a user has their request for information or complaint dismissed, does not agree with the decision made by the body or unit in charge, or gets a reply that does not comply with the requirements set out in Article 12.5, they are entitled to file a claim to be informed of or object to the reasons for dismissal, demand more adequate measures to be taken or explain why they think the reply does not comply with the relevant requirements.

They can also file a claim if they have failed to get a reply within twenty (20) working days.

2. All claims shall be submitted and processed in accordance with the procedures set out in Law 39/2015, of 1 October.

They shall be addressed to the Unit in charge of accessibility matters for the area in question or to the head of the unit if a reply was sent from said unit.

3. All bodies bound by this Royal Decree shall include the unit to which all claims shall be addressed in their accessibility statements, along with the link to the registration system where the claims shall be filed.

4. Once a claim is filed, the unit in charge of processing it shall reply within two (2) months.

5. During this period, the unit can ask the person filing the claim to make clarifications within ten (10) days for it to be adequately processed. If the person fails to make the necessary clarifications within this period, their claim.

6. If no claim resolution notification is sent within the estimated period of time, it shall be understood that the claim has been dismissed.

#### Article 14. *Appeal procedure.*

If the user is not satisfied with the resolution of their claim according to the aforementioned procedure, they can bring an administrative appeal in accordance with the provisions in Article 112 of Law 39/2015, of 1 October.

### CHAPTER III

#### **Control, review, monitoring and reporting**

#### Article 15. *Accessibility statement.*

1. The bodies owning websites and mobile applications shall offer clear, detailed and comprehensive statements accounting for their conformity with the accessibility requirements in this Royal Decree. Said statements shall be updated on a regular basis, at least once a year or every time their accessibility policies are revised in accordance with Article 17 below.

The accessibility statement shall be offered in an accessible format, following the instructions and the template provided in Paragraph 3 below.

For websites, the statement shall be published on the website itself, being available to access from every web page through a link titled 'Accessibility' or the equivalent term in the language in which the website is available.

For mobile applications, the statement shall be published on the website

of the body that has developed the app, along with the download link, or shall be made available along with other information when the app is downloaded from the distribution platform.

2 The accessibility statement shall include at least the following:

- a) Explanation about the content that is not accessible and the reasons why this is so, as well as the accessible alternatives offered, if any.
- b) Link to and description of the communication mechanisms set out in Articles 10, 11 and 12 above.
- c) Link to the claim procedure described in Article 13 above, for users to resort to it if they are not satisfied with the resolution of their requests or complaints.

3 By order of the Minister of Territorial Policy and Public Administration, specific instructions shall be issued for the creation and availability of accessibility statements throughout the country in accordance with the requirements set out in the European model.

Article 16. *Unit in charge of accessibility matters.*

1. The bodies bound by this Royal Decree shall appoint a unit in charge, which shall ensure conformity with accessibility requirements by the websites and mobile applications within its jurisdiction.

Within the Central Administration, the units in charge of accessibility matters shall be part of the sub-secretariats in each department, considering all the public bodies and public-law entities within the department in question.

At the level of regional governments, there shall be one unit in charge of accessibility matters for each regional government.

As for local governments and other bodies, the units in charge of accessibility matters shall be appointed according to their organisational characteristics.

2 Each unit in charge of accessibility matters shall define its own operating model, being in charge for the whole area or appointing delegates for the various bodies or entities within its jurisdiction.

3 The unit in charge of accessibility matters shall have the following functions:

- a) To coordinate and ensure the effective operation of the communication mechanisms set out in Chapter II above, contributing to their design, issuing guidelines and promoting the means and procedures to guarantee the adequate management of all the inquiries, suggestions, communications, complaints and accessibility requests sent to the bodies, agencies and entities within its jurisdiction.
- b) To process and reply to the claims filed in accordance with Article 13 above.
- c) To review the evaluation procedures for accessibility compliance exemption due to disproportionate burden as regulated in Article 7 above.
- d) To coordinate regular accessibility reviews as stated in Article 17, with the cooperation of information and communication technology units if necessary.

e) To encourage and coordinate promotion, awareness raising and training activities as stipulated in Article 8 above.

f) To produce the required reports to ensure compliance with the provisions in Article 19 below.

g) To be in contact with the body in charge of monitoring and reporting procedures, working together to perform the tasks with which they have been entrusted.

h) Any other function required to ensure the accessibility of websites and mobile applications within its jurisdiction.

4. The body in charge of the monitoring and reporting procedures described in Article 18 below shall be informed of the appointments, changes and discharges of units in charge of accessibility matters.

#### Article 17. *Accessibility reviews.*

1. The bodies bound by this Royal Decree shall do reviews of conformity with accessibility requirements during both the design and the implementation of websites and mobile applications.

2. Once a website or mobile app has been launched, the body they belong to shall check conformity with accessibility requirements on a regular basis, ensuring compliance over time. In particular, it shall take into consideration the content added or changed throughout the website's life cycle, as well as technology upgrades for websites and mobile apps.

3. Accessibility reviews shall check all requirements and consider aspects for both automatic and specialised manual review. The results shall be included in an accessibility review report.

4. By order of the Minister of Territorial Policy and Public Administration, templates and sets of instructions for accessibility reviews can be issued to supplement the European methodology for monitoring conformity. In any case, the reviews can follow the minimum standards for in-depth website or mobile app reviews in the European methodology.

5. The bodies bound by this Royal Decree can have their websites and mobile applications certified for conformity with the accessibility requirements herein by a certifying agency whose technical competence has been recognised by the National Accreditation Board (ENAC) or other national bodies, in accordance with Regulation (EC) No. 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No. 339/93.

6. In any case, the first accessibility review shall be done within two (2) years of the entry into force of this Royal Decree for websites and within three (3) years for mobile apps.

#### Article 18. *Monitoring and reporting procedures.*

1. The Ministry of Territorial Policy and Public Administration shall be in charge of the monitoring and reporting to the European Commission.

2. Said Ministry shall be entitled to check the conformity of the websites and mobile applications of public sector bodies in terms of accessibility requirements on the basis of the monitoring methodology referred to in

Article 8.2 of Directive (EU) 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 as stipulated by the European Commission in the relevant implementing acts.

The Ministry shall also be entitled to pick random samples for accuracy verification of the accessibility review reports referred to in Article 17 above.

3. By 23 December 2021, the Ministry shall submit a report on the monitoring results to the European Commission. Afterwards, similar reports shall be submitted every three years. Said reports will be available in an accessible format.

4. The aforementioned reports shall meet the requirements in the implementing acts of the European Commission for reporting on Directive (EU) 2016/2102. At any rate, they shall include the following:

- a) Measurement data.
- b) Information on the claim procedure described in Article 13.
- c) Information on the items listed in Paragraph 5 below if there have been significant changes vis-à-vis the previous report.

5. The first report being submitted shall also comprise the following:

- a) Description of the mechanisms established in Spain to ask stakeholders about website and mobile app accessibility.
- b) Procedures to publish developments in website and mobile app accessibility policies; experiences and conclusions drawn from the implementation of regulations for conformity with accessibility requirements.
- c) Information on training and awareness raising activities.

Article 19. *Monitoring and reporting coordination.*

1. Every unit in charge of accessibility matters shall prepare three annual reports on its area of activity, which shall be available by 1 October every year as of 2020:

a) Report on claim and complaint management: It shall include the measures taken to take care of the issues mentioned in Article 16.3.a above and a study of the communications, inquiries, suggestions, accessible information requests and complaints received. It shall also analyse the claims processed and the reviews done in accordance with Articles 16.3.b and 16.3.c. above, respectively.

b) Monitoring report on conformity with accessibility requirements within the unit's jurisdiction: It shall include the measures taken to perform the tasks listed in Article 16.3.d. and analyse the results obtained. It shall also include all the accessibility review reports prepared according to the provisions in Article 17 above.

c) Monitoring report on promotion, awareness raising and training actions within the unit's jurisdiction: It shall include the measures taken to perform the tasks referred to in Article 16.3.e and analyse the results obtained.

2. In its role concerning conformity with accessibility requirements, the

Ministry of Territorial Policy and Public Administration shall get support from: the Digital Accessibility Contact Network of the Public Administration referred to in Article 20 below, all units in charge of accessibility matters and all actors involved in the accessibility review, claim management, promotion, training and coordination activities envisaged in this Royal Decree.

The aforementioned bodies shall provide specific information following the guidelines, constraints and procedures established by the Ministry of Territorial Policy and Public Administration.

3. For the design of the guidelines, constraints and procedures to gather knowledge and report on these matters on a regular basis, the Ministry of Territorial Policy and Public Administration can rely on the following bodies for cooperation:

- a) The Digital Accessibility Contact Network of the Public Administration.
- b) The IT coordination bodies in the Central Administration envisaged in Royal Decree 806/2014, of 19 September.
- c) The Sector Committee for Public Administration set up in the Ninth Additional Provision of Law 40/2015, of 1 October, on the Legal Framework for the Public Sector.
- d) The State Technical Committee of the Judicial E-Administration set up in Article 44 of Law 18/2011, of 5 July, regulating the use of information and communication technologies in the Judiciary.

Article 20. *Digital Accessibility Contact Network of the Public Administration.*

1. A Digital Accessibility Contact Network of the Public Administration shall be established to support the Ministry of Territorial Policy and Public Administration in its role regulated in Article 18 above, with the status of a working group as envisaged in Article 22.3 of Law 40/2015, of 1 October.

2. The Digital Accessibility Contact Network of the Public Administration shall consist of:

- a) The heads of the units in charge of accessibility matters in the Central Administration.
- b) The heads of the units in charge of accessibility matters in regional governments.
- c) At least one contact at the provincial level, bringing together local governments, provided by the provincial government, autonomous city, town federation or consortium, depending on the specific characteristics of the territory and in compliance with particular local government regulations.
- d) A representative of the Spanish Rectors' Conference, bringing together universities.
- e) A representative of the State Technical Committee of the Judicial E-Administration on behalf of the bodies in the Judiciary.
- f) The heads of the units in charge of accessibility matters in bodies other than those listed in clauses a) to e) above.
- g) The associations referred to in Article 2.1.e shall be represented by the participants mentioned above, depending on the type of majority-owned entity in each association.

3. The members of the Digital Accessibility Contact Network shall gather and share the information available in the bodies they represent.

4. The Ministry of Territorial Policy and Public Administration shall be informed of the appointments, changes and discharges of members in the Digital Accessibility Contact Network.

First additional provision. *Accessibility criteria applicable to state-funded mobile applications and websites.*

The public administration shall require that the accessibility criteria described in Articles 5 and 6 of this Royal Decree be applied to:

- a) The websites and mobile applications receiving public funding for their design or maintenance.
- b) The websites and mobile applications associated with the provision of public services, owned by companies or entities already managing public services through public franchise or other types of contracts, in particular in the fields of education, health, culture, sports and social service.
- c) The websites and mobile applications of private educational, training or university centres relying on total or partial public funding.

Second additional provision. *Accessibility criteria applicable to the websites and mobile applications of national constitutional bodies and regional legislative and control bodies.*

The accessibility criteria set out in this Royal Decree shall apply to the websites and mobile applications of the competent bodies of the Congress of Deputies, the Senate, the Economic and Social Council, the General Council of the Judiciary, the Constitutional Court, the Court of Auditors, the Ombudsman, the Bank of Spain, the regional legislative assemblies and other regional institutions performing similar functions, in connection with their activities governed by Administrative Law and by special regulations.

The head of the unit in charge of accessibility matters for each of these bodies shall become a member of the Digital Accessibility Contact Network of the Public Administration if the body in question so decides.

Third additional provision. *Spanish sign languages and means of support to oral communication.*

Regarding Spanish sign languages and means of support to oral communication, websites and mobile applications shall comply with the provisions in Law 27/2007, of 23 October, giving recognition to Spanish sign languages and regulating the means of support to oral communication for persons with hearing impairments, the deaf and the deaf-blind, and its implementing provisions.

Fourth additional provision. *No increase in personnel costs and units in charge of accessibility matters in the Central Administration.*

In accordance with the 39<sup>th</sup> Additional Provision of Law 6/2018, of 3 July, on the National Budget for 2018, the measures envisaged in this Royal

Decree cannot lead to an increase in financial appropriations, remunerations or personnel expenses in the Central Administration.

The tasks to be performed by units in charge of accessibility matters shall be allocated to existing units.

Single transitional provision. *Model statement.*

For as long as there is no model for the statement referred to in Article 15, the accessibility statement shall be used established by the European Commission by means of the implementing acts envisaged in Directive (EU) 2016/2102 of 26 October 2016.

Single derogatory provision.

All the regulations of equal or lower rank opposing the provisions in this law are hereby repealed. In particular, said regulations include Articles 5, 6 and 7 of Royal Decree 1494/2007, of 12 November, approving the Regulations on the basic conditions for the access of disabled persons to information society products, services and technologies, and social media.

First final provision. *Amended Regulations on the basic conditions for the access of disabled persons to information society products, services and technologies, and social media, approved by Royal Decree 1494/2007, of 12 November.*

Article 9 of the Regulations on the basic conditions for the access of disabled persons to information society products, services and technologies, and social media, approved by Royal Decree 1494/2007, of 12 November, shall hereinafter be worded as follows:

*'Article 9. Basic conditions for access to reliable products and services.*

The reliable services provided and the end-user products used in the provision of said services must be accessible to disabled and older users. On an exceptional basis, this obligation shall not apply to those reliable products or services without a technology solution to make them accessible.'

Second final provision. *Attribution of competence.*

This Royal Decree is made pursuant to the provisions in Articles 149.1.1.<sup>a</sup> and 18.<sup>a</sup> of the Spanish Constitution, which entrust the state with the competences for the 'regulation of the basic conditions that ensure equality among all Spanish nationals in the exercise of rights and the fulfilment of constitutional obligations' and for the regulation of the 'foundations of the legal framework of the public administration and the common administrative procedure,' respectively.

Third final provision. *Transposition of EU law.*

This Royal Decree transposes Directive (EU) 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 into the Spanish legal system.

Fourth final provision. *Regulatory enactment.*

The authorities of the Ministry of Territorial Policy and Public Administration shall be entitled to issue all the necessary additional provisions for the implementation and enforcement of the provisions of this Royal Decree, as well as to take the measures that shall ensure effective implementation, without prejudice to the competences of regional governments regarding the enforcement and implementation of fundamental state laws.

Fifth final provision. *Coming into force.*

This Royal Decree shall come into force on the day after being published in the Official State Gazette, with the following exceptions:

For new websites, the provisions in Articles 10.2.b, 12 and 13 shall be implemented within one (1) year of the entry into force of this Royal Decree, the time period being two (2) years for existing websites.

For mobile applications, all provisions shall be implemented as of 23 June 2021.

Madrid, 7 September 2018.

FELIPE Rex

Vice-President of the Government of Spain  
And  
Minister of the Presidency, Relations with Congress and Equality  
CARMEN CALVO POYATO