

MINISTRY OF THE PRESIDENCY

ROYAL DECREE 1494/2007, of November 12, by which the Regulations on basic conditions for access for disabled persons to technologies, products and services related to the information society and media, are approved.

Law 51/2003, of December 2, concerning equal opportunities, non-discrimination and universal accessibility for the disabled, contains a seventh final provision that recommends that the Government should, in the two-year interval before its entry into force, establish some basic conditions of accessibility and non-discrimination for access to and use of technologies, products and services related to the information society and media.

In the same regard, Law 34/2002, of July 11, on the information society and eCommerce services, in its fifth additional provision, obliges the public administration to adopt the necessary measures so that the information available on their respective Internet websites can be accessible to the elderly and disabled, according to the generally recognized criteria for accessibility to content, by December 31st, 2005. The fifth additional provision also establishes that the public administration should promote the adoption by service providers and manufacturers of computer programs and equipment, of accessibility standards, in order to facilitate access by the elderly or disabled to the digital contents.

The Council of Ministers of November 4th, 2005, adopted the Agreement by which Plan 2006-2010 is approved for the development of the information society and convergence with Europe and between autonomous communities and cities with an autonomous status (*Avanza Plan*), which includes a mandate for the Ministry of Labour and Social Affairs, the Ministry of Industry, Tourism and Trade and the Ministry of Public Administration, to prepare a draft for a Royal Decree by which the conditions of accessibility and non-discrimination can be regulated for access to and the use of services related to the information society, particularly taking into account European recommendations in this regard.

The present Royal Decree is inspired by the principles established in Law 51/2003, of December 2, basically, universal accessibility and design for all.

Some criteria for accessibility applicable to the Internet websites are those that are collected, at the international level, in the Web Accessibility Initiative of the World Wide Web Consortium, which has defined them in the form of guidelines commonly accepted in all Internet spheres, as the reference specifications when it comes to making all Internet websites accessible to persons with disabilities. According to these guidelines, the Web Accessibility Initiative has defined three levels of accessibility: basic, medium and high, which are known as levels A, AA or double A and AAA or triple A. These guidelines have been incorporated in Spain through standard UNE 139803:2004, which establishes three levels of priorities.

The present Royal Decree specifies the degree of accessibility applicable to websites of the public administration, establishing as a minimum obligatory level the fulfilment of priorities 1 and 2 of the above-mentioned UNE Standard.

In the same regard, Law 10/2005, of June 14, on urgent measures for the promotion of digital terrestrial television, liberalisation of cable television, and the development of pluralism, in its second additional provision refers to the guarantee of accessibility to digital terrestrial television for the disabled, indicating that the competent administrations, after a preliminary audience given to representatives of stakeholders, shall adopt the necessary measures for guaranteeing, from the beginning, accessibility for the disabled to digital terrestrial television services, specifying that, to this end, the

measures that are adopted shall take into account the principles of universal accessibility and design for all people.

Also, the General Telecommunications Law 32/2003, of November 3, in its Article 3, "Objectives and principles", contemplates the defence of the interests and satisfaction of the needs of persons with special requirements, such as the disabled, and establishes, in its Article 22, in the area of universal service, that final users with disabilities should have access to the telephone service available to the public at a fixed location and to the other elements of universal service under conditions comparable to those offered to other final users.

The implementing regulations of this law, on conditions for the provision of electronic communications services, universal service and the protection of users, approved by Royal Decree 424/2005, of April 15, specify the range of universal service, imposing obligations on the designated operator with regard to accessibility, such as those that guarantee the existence of an adequate supply of special terminals, technologically up to date, adapted to the different types of disabilities and giving them adequate public exposure; that which makes the telephone directory available to all users, in an accessible format, through the Internet; that which makes available to blind users, or those with serious visual impairment, a certain exemption for subscriber's numbers in calls to the directory assistance service, as well as providing invoices and the conditions for providing the service, free of charge, in Braille or in large type; the special rating for calls that are made from any point on national territory to the Telephone Intermediation Centre of the Ministry of Labour and Social Affairs by deaf persons or those with hearing and/or speaking impairment; the obligation to formulate plans for adapting phone booths in public areas to facilitate their accessibility for users with disabilities, in particular blind users, those in wheelchairs or those of short stature.

Finally, Law 11/2007, of June 22, on the electronic access of citizens to public services, establishes the principle of accessibility to services and information through electronic media in Article 4.c), in the terms established by the regulations in force in this area, through systems that would make it possible to obtain them reliably and comprehensibly, especially guaranteeing universal accessibility and design for all forms, ways and settings intended for all people to exercise their rights under equal conditions, incorporating the characteristics necessary to guarantee accessibility for those groups who require it.

The present Royal Decree, in its first additional provision, extends the benefits that the designated operator shall offer, modifying the universal service regulations. Specifically, the obligation is incorporated for the telephone directory to be accessible through the Internet, with conditions of accessibility contemplated for public administration websites; obligations regarding the adaptation of public pay phones are extended so that the plans mentioned should expressly contemplate measures for making access available to blind users. These plans shall also contemplate accessibility for persons with serious visual impairment to both the visual information that is shown on the terminal screen, and that located in the booth itself. Finally, the obligation of the designated operator is reinforced in connection with the supplying of fixed terminals adapted to different types of disability, and the inclusion of solutions is expressly mentioned so that persons with visual impairment can have access to the contents of the screens.

On the other hand, the 2004-2012 National Accessibility Plan, adopted by the Council of Ministers Agreement of July 5, 2003, shows that the use made by the disabled of the technologies, systems, products and services related to communication, information and signalling is higher than the Spanish average.

The use of new technological resources is very often linked to quality of life, normalization and the integration of the disabled into society. For this reason, the barriers that exist in this field are of special importance and must be torn down. The present Royal Decree is issued with that purpose in mind.

This present Royal Decree was consulted on with the 36th Sectoral Conference on Social Affairs, the National Council on Disability, the Telecommunications Market Commission, the Telecommunications Advisory Council and the Information Society, and the Higher Council for Electronic Administration, for consultation. Through consultations, the social fabric for disabilities organised around the Spanish Committee of Representatives for the Disabled, also participated in its preparation.

Accordingly, upon the joint proposal of the Ministers of Industry, Tourism and Trade, of Labour and Social Affairs, and of Public Administration, in accordance with the Council of State and subsequent to deliberation of the Council of Ministers in their meeting on November 8, 2007,

I H E R E B Y D E C R E E:

Sole article. Approval of the Regulations.

The Regulations on the basic conditions for access for the disabled to the technologies, products and services related to the Information Society and the media, are approved.

First additional provision. Modification of Royal Decree 424/2005, of April 15, by which the Regulations on the conditions for the provision of services in electronic communications, universal service and the protection of users, are approved.

The Royal Decree 424/2005, of April 15, by which the Regulations on the conditions for the provision of services of electronic communications, universal service and user protection are approved, is modified in the following terms:

One. A second paragraph is added to Article 30.2 in connection with accessibility to the universal telephone directory through the Internet:

"The designated operator shall offer access to the telephone directories through the Internet, in a format accessible for users with disabilities, under the conditions and within the time limits for accessibility established for the public administration websites, in the regulations on the basic conditions for access for the disabled to the technologies, products and services related to the Information Society and media."

Two. The second paragraph of Section 4 of Article 32 reads as follows:

"For this reason, the designated operator shall present plans for adapting the public pay telephones to facilitate accessibility to disabled users and, in particular, for users who are blind, in wheelchairs or of short stature, for approval by the Ministry of Industry, Tourism and Trade. In connection with blind users, the plans shall contemplate accessibility, both to the dynamic information provided by the terminal viewer, and to the static information referred to in Section 3.f) of this article. These plans are to be presented one year in advance of the finalisation of that in effect, or whenever the Ministry of Industry, Tourism and Trade shall demand it, considering that in effect to be no longer applicable."

Three. The first paragraph of Section 2 of Article 33 reads as follows:

"For purposes of the provisions of the previous section, the designated operator shall guarantee the existence of an adequate supply of special terminals,

technologically up to date and adapted to different types of disability, such as text telephones, video telephones or telephones with amplification for persons with hearing impairment, or solutions so that persons with visual impairment can have access to the contents of the terminal screens, and shall give it adequate public exposure."

Four. Paragraph 2 of Section 2.a) of Article 35 reads in the following way:

"2. Blind users or those with serious visual impairment. This shall consist in the application of a certain exemption in calls to the telephone assistance service at subscribed numbers, and the establishment of conditions for receiving, free of charge, invoices and advertising/information provided to other subscribers with fixed telephony on the conditions for provision of the services, in Braille or in large-type letters or characters, notwithstanding the offer that may be made of this information in other systems or in alternative formats."

Additional second provision. Complementary supports.

In accordance with the orders in Article 10.2 c) of Law 51/2003, of December 2, on equal opportunities, non-discrimination and universal accessibility for the disabled, the following complementary supports are established:

a) Disabled persons and their families shall be able to benefit from grants and economic aid established by the public administration for the most advantageous rental or acquisition possible of elements, goods, products and services of the information society, within the scope of its responsibilities.

b) The elderly and disabled shall be considered a high-priority population group for access to any e-inclusion and extension actions, programs and initiatives of the information society that the public administration may develop. The Ministry of Labour and Social Affairs and the Ministry of Industry, Tourism and Trade, through appropriate mechanisms and, where applicable, the National Institute of Communication Technologies, shall promote the regular, normalised access of disabled persons to the information society.

c) The State Centre for Personal Autonomy and Technical Aids of the Ministry of Labour and Social Affairs and the Ministry of Industry, Tourism and Trade shall enable a website that is accessible to the disabled and elderly and that shall contain general, complete, up to date information on all elements, goods, products and services of the information society, as well as the initiatives, programs and actions, developed in the sphere of the information society and the media, that are relevant from the perspective of the disabled and elderly.

Third additional provision. National Council on Disability.

The National Council on Disability, based on the annual report or on measures or decisions proposed by the Specialized Permanent Office to the Plenary, shall inform on the extent of fulfilment of obligations with regard to accessibility as regulated in this Royal Decree, to be borne in mind by the ministerial department responsible.

Sole transitory provision. Time intervals.

1. The obligations and measures contained in this Royal Decree and the annexed regulations shall be enforceable as of December 4th, 2009, for all new products and services including institutional campaigns that are broadcast audio-visually and, as of December 4th, 2013, for all existing ones that are subject to reasonable adjustments.

2. The public administration websites or those with public financing shall be adapted to provisions in Article 5 of said regulations, within the following intervals of time:

a) The new pages shall be adjusted to priority 1 of Standard UNE 139803:2004 as of the entry into force of the Royal Decree.

b) The existing pages shall adapt to priority 1 of Standard UNE 139803:2004 within an interval of 6 months after its entry into force.

c) All pages, either existing at the moment or newly created, shall fulfil priority 2 of Standard UNE 139803:2004 as of December 31st, 2008. Nevertheless, this adaptation period, and the technical reference standard mentioned above, may be modified for updating by means of a joint ministerial order, in the terms established in the third final provision of this Royal Decree.

3. The obligations that the first additional provision of this Royal Decree introduces into the regulations approved by Royal Decree 424/2005, of April 15, shall be fulfilled as of the entry into force of the present Royal Decree, except for provisions there for accessibility to the universal telephone directory through the Internet, to which the time intervals established in the previous section shall be applicable.

First final provision. Financing.

The measures anticipated in the present Royal Decree shall be financed by ordinary credits from the corresponding departments and competent public bodies.

Second final provision. Jurisdiction.

1. This Royal Decree is issued under Regulations 1 and 21 of Article 149.1 of the Constitution, which reserve for the State those responsibilities for the regulation of basic conditions that would guarantee the equality of all Spaniards in the exercise of their rights and in the fulfilment of constitutional duties with regard to telecommunications, respectively.

2. Articles 5 and 8 of the regulations annexed to the present Royal Decree serve as basic legislation over the legal system of the public administration, according to provisions in Article 149.1.18. of the Constitution.

Third final provision. Implementing powers.

The Ministers of Economy and the Treasury, of Labour and Social Affairs, of Industry, Tourism and Trade and of Public Administration, after due consultation with the National Council on Disability and the sector of operators and companies required to comply with the measures of the Royal Decree, are authorized to propose to the Minister of the Presidency the adoption, by order, of as many provisions as may be necessary for the updating of standards defined in the regulations on the basic conditions for access for the disabled to technologies, products and services related to the information society and the media, or the recognition of other new ones.

Fourth final provision. Accessibility to websites.

Within the scope of the General State Administration, the exception anticipated in Article 5.2 of the Regulations shall be determined by Order of the Minister of the Presidency issued upon the joint proposal by the Ministers of Economy and the Treasury, of Labour and Social Affairs, of Industry, Tourism and Trade, and of the Minister of Public Administration.

Fifth final provision. Entry into force.

The present Royal Decree shall enter into force the day following its publication in the "Official State Bulletin".

Issued in Madrid, November 12, 2007. JUAN CARLOS Rex.

First Vice-President of the Government and Minister of the Presidency,
MARÍA TERESA FERNÁNDEZ DE LA VEGA SANZ

REGULATIONS REGARDING THE BASIC CONDITIONS FOR ACCESS TO THE TECHNOLOGIES, PRODUCTS AND SERVICES RELATED TO THE INFORMATION SOCIETY AND THE MEDIA FOR PERSONS WITH DISABILITIES

CHAPTER I

General provisions

Article 1. Object of the regulations.

The object of these regulations is to establish the criteria and conditions that are considered basic for guaranteeing access for disabled persons to the technologies, products and services of the information society and to any media, in accordance with the principles of equal opportunities, non-discrimination and universal accessibility.

Article 2. Sphere of application.

The public administration, telecommunications operators, providers of services of the information society and those media owners who provide their services under Spanish jurisdiction must fulfil the basic conditions of accessibility established in the present regulations.

CHAPTER II

Basic conditions of accessibility and non-discrimination with regard to telecommunications

Article 3. Basic conditions of accessibility to customer services and the content of contracts, invoices and other information required.

1. The operators must make reasonable adjustments that would permit access for persons with disabilities to customer services, mentioned in Article 104 of the regulations, approved by Royal Decree 424/2005, of April 15, within the time periods established in the seventh final provision of Law 51/2003, of December 2.

2. The operators shall also provide the contracts, invoices, and other information given to all subscribers, to all subscribers with visual impairment who may request it, in accessible formats and conditions, in compliance with the provisions of the General Telecommunications Law 32/2003, of November 3, and implementing regulations, with regard to users' rights. When the information or communication is carried out through the Internet, the provisions in these regulations for public administration websites, or those with public financing, shall be applicable.

Article 4. Basic conditions for accessibility to the service of mobile telephony.

1. Notwithstanding the provisions in the Regulations on conditions for the provision of electronic communications services, universal service and protection of users, approved by Royal Decree 424/2005, of April 15, the Ministry of Labour and Social Affairs, through the State Centre for Personal Autonomy and Technical Aids, shall promote the existence of an adequate supply of special mobile telephony terminals, technologically up to date and adapted to different types of disability. For these purposes, the following elements or facilities shall be taken into consideration, among others:

- a) Voice dialling and management of the main telephone functions by voice.

b) Information, through voice synthesis, of the different options available at each moment or of any change that takes place on the screen.

c) Voice generation to facilitate accessibility to text messaging.

d) Connectors to install auxiliary equipment such as earphones, amplifiers with induction coil, external screens, or keyboards to send messages.

e) High contrast screens with large or amplified characters and a user configuration option.

2. When, in accordance with Directive 1999/5/CE of the European Parliament and the Council, of March 9, 1999, on radio-electric equipment and telecommunication terminal equipment and mutual recognition of their approval, the European Commission decides to incorporate additional requirements into the terminal equipment for mobile telephone systems, with regard to its compatibility with functionalities that simplify their use for users with disabilities, they shall be published in Spain by means of a resolution of the Secretary of State for Telecommunications and for the Information Society, according to provisions in Article 4 of the Regulations that establish the procedure for evaluating compliance of telecommunications devices, that was approved by Royal Decree 1890/2000, of November 20.

CHAPTER III

Basic conditions and criteria for accessibility and non-discrimination with regard to the information society

Article 5. Applicable criteria of accessibility to public administration websites or to those with public financing.

1. The information available on the public administration websites shall be accessible to the elderly and disabled, with a minimum level of accessibility that shall meet priorities 1 and 2 of Standard UNE 139803:2004.

This obligation shall not be applicable when some information, functionality or service does not have an economically reasonable and proportionate technological alternative that would permit its accessibility.

Also, regarding sign language, the above-mentioned websites shall take into account the provisions in Law 27/2007, of October 23, by which Spanish sign languages are recognized, and the means of support for the oral communication of deaf persons, hard of hearing and deafblind, are regulated.

2. As an exception, the public administration shall be able to recognize the accessibility of websites according to technical standards different from those in Section 1 of this article, as long as it can be shown that they reach a level of accessibility similar to that guaranteed by these standards.

3. Websites of public administration must contain clear information regarding the extent of accessibility to their content that has been applied, as well as the date on which revision of the expressed level of accessibility was made.

4. In order to have access to public financing for the design or maintenance of websites, it shall be necessary to agree to compliance with the accessibility criteria anticipated in Section 1 of the present Article.

Similarly, these accessibility criteria shall be enforceable, and in the same period of time, for the websites of agencies and companies that take charge, either through a concession or through another form of contract, of managing public services, especially educational, health or social services. Also, the conditions in this section shall be obligatory for all websites (and their contents) of public educational, training and university centres, as well as those of private centres, maintained wholly or partially by public funds.

5. Public administration websites shall offer users a contact system so that they can transmit any difficulty in accessing the content of the websites, or formulate any complaint, consultation or suggestion for improvement. The competent bodies shall regularly conduct studies of a public nature into the consultations, suggestions and complaints formulated.

Article 6. Criteria of accessibility to other websites.

The public administration shall promote measures for raising awareness, informing, educating and, especially, training in the area of accessibility, in order to help the owners of other websites different from those to whom the above article refers, to progressively incorporate the accessibility criteria as far as possible, and to improve the levels mentioned there, particularly those whose content refers to goods and services available to the public and, on a priority basis, those with a content related to educational, health and social services.

Article 7. Website certification system.

1. For purposes of this Royal Decree, websites may be certified by a certification body whose technical competence has been formally recognized by an accreditation body according to provisions in Chapter II of Title III, regarding industrial quality, of Law 21/1992, of July 16, on Industry, and in the corresponding implementing provisions contained in Royal Decree 2200/1995, of December 28, by which the Regulations regarding the infrastructure for quality and industrial security are approved.

2. In the certification procedures referred to in the above section, preference shall be given to the use of Spanish technical standards, standards approved by European standardisation bodies and, failing that, other international standards approved by official standardisation bodies.

Article 8. Basic conditions for accessibility to computer equipment and computer programs.

1. Computer equipment and computer programs -regardless of whether they are unrestricted or subject to patent rights or the payment of rights- used by the public administration, whose intended purpose is use by the public in general, must be accessible to the elderly and disabled, in accordance with the guiding principle of "Design for all" and the specific accessibility requirements demanded, with preference given to the national technical standards that incorporate European standards, international standards, other systems of technical references prepared by the European standardisation bodies or, failing that, national standards (Standards UNE 139801:2003 and 139802:2003), and in the time intervals established in Section 1 of the sole transitory provision of the Royal Decree by which the present regulation is approved.

2. Measures for raising public awareness and for public exposure must be promoted so that the manufacturers of computer equipment and computer programs can progressively incorporate the "Design for all" and accessibility criteria that simplify access to the information society for the elderly and disabled, into their products and services as far as possible.

Article 9. Basic accessibility conditions with regard to electronic signature.

In accordance with stipulations in the ninth additional provision of Law 59/2003, of December 19, on electronic signature, all electronic signature services, processes, procedures and devices must be fully accessible to the elderly and disabled, who may not,

under any circumstance, be discriminated against in the exercise of their rights and powers for causes motivated by disability or advanced age.

For purposes of the above paragraph, the stipulations in Articles 5, 6 and 8 of these regulations shall be applicable to all electronic signature services, processes, procedures and devices.

CHAPTER IV

Basic conditions of accessibility and non-discrimination with regard to the media

Article 10. Basic conditions of accessibility to television contents.

1. Persons with disabilities shall have access to the contents of the audiovisual media, according to the availability permitted by technical progress, universal designs and reasonable adjustments that need to be carried out, in order to attend to their special requirements.

2. The audiovisual contents of television must be made accessible to the disabled by incorporating subtitling, audio description and sign language interpretation in the terms established specifically in the general audio-visual legislation which, serving as a basic standard, shall regulate non-discrimination and access conditions in television contents.

Article 11. Basic conditions of accessibility to digital television.

1. The public administration shall adopt the measures necessary to guarantee the access of disabled persons to the services of digital television, in accordance with the principles of universal accessibility and design for all people.

2. The public administration shall adopt the measures necessary to guarantee disabled persons the existence of a sufficient supply of equipment for receiving digital television that would make it possible to receive its contents, simplify navigation through configuration menus, electronic programming guides, interactive services and other textual contents, as well as all the basic benefits offered by digital television receivers, according to the principles of universal accessibility and design for all.

The tools of accessibility that are used for this purpose, shall be able to incorporate the following technological elements:

a) Text-to-voice conversion to simplify the navigability of the configuration menus, electronic programming guides and interactive services and other textual contents.

b) Applications of voice recognition to make configuration operations, application of information of the electronic programming guides, or use of interactive services or other textual contents.

c) Ergonomics in the digital television receivers, as well as in all their associated devices, and, very particularly, in the design of remote controls.

d) Personalization applications so that disabled persons can configure the digital television receivers, and, particularly, the visualization parameters: font size and colour, background colour, contrast, and others.

e) Other technical tools designed to make the contents received through digital television accessible to disabled persons, simplifying handling of the receiver and permitting a reception of digital television without obstacles and appropriate to the type and degree of disability.

The public administration, in the sphere of their respective authorities, shall promote public exposure for the measures of accessibility to digital television, shall coordinate performances and synergies among all agents involved, and shall develop research, development and innovation (R+D+I) plans, in order to encourage the

installation and the putting into practice of the necessary technologies so that disabled persons can have full access to digital television. The public administration involved shall also promote the development of standardization policies, good practice codes and tools that would incorporate the accessibility requirements.

Article 12. Basic conditions of accessibility to institutional publicity in audiovisual support.

1. In compliance with specifications in Law 29/2005, of December 29, on institutional communication and publicity, those institutional campaigns that are spread by audiovisual means, shall always anticipate in their Terms and Conditions the conditioning procedures needed to enable the contained messages to be accessible for the disabled and aged.

2. For the purposes of this article, accessibility shall be understood to mean the open subtitling of spoken messages. For the transmission in sign language of spoken messages (small window in one corner of the screen), the audio description and voice over of all written messages that appear shall obey stipulations of Law 27/2007, of October 23, by which Spanish sign languages are recognized and the means of support for the oral communication of deaf persons, hard of hearing and deafblind, are regulated. All these conditioning procedures to permit accessibility shall be carried out according to the technical standards established for each case.

3. The present article shall be exclusively applicable in the area of the General State Administration and other entities making up the state public sector.