

European Accessibility Act: report on the state of the art of publishing standards

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Scope of the document

In light of the forthcoming implementation of the European Accessibility Act, this document aims to provide a thorough description of the standards currently widely adopted in the publishing industry to create accessible e-books and the metadata describing their accessibility features, in order to provide the Commission with an articulate and complete overview of:

- their characteristics;
- the process used to create and maintain them;
- the level of their adoption at EU and international level.

This document also aims to describe their compliance with:

- the rules of European standards that should be market-driven, taking into account the public interest, as well as its own policy objectives, and be based on consensus;
- the accessibility requirements described in Annex I, II and V of the EAA for the digital publishing industry;
- the requirements for the adoption of Technical specification vs EU Harmonized standards.

The impact of EAA on the digital publishing industry

The European Accessibility Act (EAA) is an EU Directive that sets binding accessibility goals to be achieved by all the member states. The Act completes and complements other EU legislation tackling accessibility, such as the Directive on public website accessibility.

Its aim is to strengthen the rights of persons with disabilities to access goods and services. In particular, the goal is to eliminate and prevent barriers to the free movement of certain accessible products and services arising from divergent accessibility requirements in the member states. This would increase the availability of accessible products and services in the EU market and improve the accessibility of relevant information.

The EAA has been approved on 27 June 2019, should be implemented by Member States by 28 June 2022 and will enter in force from 28 June 2025.

The legislation foresees, for a range of products and services, mandatory compliance with defined accessibility standard requirements, the possibility of certifying conformity, and the presence of European and national enforcement authorities.

The EAA applies to many products and services, and foreign distributors to the EU market must fulfil its requirements. Products and services include consumer computer hardware systems (personal computers, notebooks, smartphones, and tablets) and operating systems, self-service terminals (i.e., payment or ticketing terminals), consumer banking services, electronic communication services, payment services, and services to access audio-visual media services.

As the EAA includes e-books, dedicated reading software, e-reading devices, and e-commerce, it will have a wide impact on all the actors operating in the digital publishing industry.

E-books and software e-reading solutions are considered as services. This means that the concept of a service provider includes not only publishers, but all others involved in the distribution of publications in the following areas:

- Distributors and online retailers, e-commerce websites and mobile apps, online platforms;
- Software e-reading solutions;
- Digital rights management (DRM) solutions;
- Metadata.

The EAA requires publishers to produce their digital publications in an accessible format, and requires the entire supply chain (retailers, e-commerce sites, hardware and software reading solutions, online platforms, DRM solutions, etc.) to make content available to users through accessible services so that any user can carry out the entire process independently.

For both products and services, the EAA provides for the following:

- Mandatory compliance with the requirements;
- Ability to certify conformity;
- European and national enforcement authorities.

Standard Requirements in the publishing industry

The requirements described in the EAA can apply to different standards adopted in the publishing industry, in particular:

- The standard formats used to produce e-books that should be compliant with the EAA accessibility requirements;
- The metadata that should describe with detailed information the accessibility of products and services and should be provided to end users in the mainstream distribution channels, allowing users with specific reading requirements to make informed purchasing decisions.

In regard of web-sites, apps, and e-commerce, in the publishing industry the W3C standards, that are in line with the accessibility requirements of the EAA and also with the already existing EU Harmonized Standard EN 301 549 V2.1.2 (2018-08), are already adopted. The EAA sets out the absolute minimum requirements that must be met without detailing how to comply with these requirements. The European Commission also has the power to specify the accessibility requirements laid down in Annex I of the Directive. It can also ask the European Standardization organisations to draft harmonized standards for the product accessibility requirements set out in Annex I.

In the following sections the document provides an overview of how the already widely adopted standards available in the publishing industry comply with the EAA requirements both for the formats used to create e-books and for the metadata describing to end users their accessibility features.

Formats to create accessible e-books

In the publishing industry the widely adopted different formats to produce e-books are EPUB, Mobi and PDF.

Earlier on accessible e-books' publishing has relied on specialized formats, such as the DAISY format. Nowadays, as the latest version of the EPUB format, version 3, has been designed with the full help of the DAISY Consortium, EPUB is the most accessible format for producing mainstream born accessible publications. Initially developed in 2011 by the International Digital Publishing Forum (IDPF), EPUB 3 is now maintained within the World Wide Web Consortium (W3C), after IDPF combining in 2017, becoming part of the greatest non-for-profit organisation for Web standards as « Publishing@W3C ».

The EPUB format is particularly accessible because it is based on the Open Web Platform, i.e., the set of technologies used to create websites (including HTML, CSS, XML), and it incorporates all the accessibility features previously available in the DAISY format.

The EPUB format is the most widely used format for the production and distribution of e-books at the international level. It is accepted by all the aggregators and distributors.

The EPUB format has the necessary features required for a person with a print disability; it can also be useful for people with other disabilities, in line with the EAA requirements of Annex I and as well as for the general public. Its interoperability allows it to be supported by both consumer reading tools as well as by equipment dedicated to people with disabilities. Besides, the books in EPUB format can be automatically vocalized, transcribed in electronic braille, enlarged and modulated in their presentation. It also allows a complete graphical customization of content, according to the needs of the users, and it can use advanced semantic tagging (ARIA roles, etc.) for blind readers.

The work carried out at the international level by actors such as the W3C, the Daisy consortium and EDRLab, offers the technical basis for the born accessible e-book development for books with a simple layout and few illustrations (general literature, essays, human sciences, etc.).

Regarding MOBI, the format used by Amazon, noticeably the company, who previously used to ingest e-books as EPUBs but distributed them in its proprietary format MOBI, has recently announced to the publishing industry that, as of June 28, 2021, it will no longer ingest from publishers their own e-books files format (MOBI, PRC, AZK) for reflowable e-books, recommending providing the EPUB format instead¹.

More details on the compliance of the EPUB specification with the EAA requirements and detailed information on how the standard has been created in line with the European requirements for standards are provided in the following sections.

As for PDFs, the format is widely used for digital publication, especially in the academic and professional publishing sector. Publications in this format can be produced with tags and therefore be accessible to blind people; in some cases, they may be difficult to use for persons who have low vision.

Metadata standard describing accessibility features: ONIX and Schema.org

As required by the EAA it is fundamental to provide every reader detailed information describing the accessibility characteristics of the title. Hence, the adoption of metadata standards for accessibility becomes highly relevant.

In the publishing industry there are widely adopted two different metadata standards able to describe accessibility features and that can be distributed along the publishing value chain.

- The ONIX family of standards is developed by EDItEUR (editeur.org), an international non-for-profit organisation that includes all actors of the book supply-chain. It was created with the aim to have a shared set of metadata standards to support machine-to-machine communication in the publishing supply chain, and it is nowadays the international standard adopted in the market.

The XML-based standard metadata schema for representing and communicating book industry product information in electronic form is ONIX for Books. The first version 1.0 was published in 2000, followed by version 2.1 in 2003, widely adopted in the print books sector; in 2009, to respond to the emerging requirements of the e-book market and to new business models, version 3.0 was published.

The ONIX format is based on a set of free text fields and controlled value fields; the controlled value fields are described by sets of codes gathered in code lists (i.e. controlled vocabularies). Each code list includes all the allowed codes for a given field and the related descriptions.

ONIX is the metadata schema widely adopted worldwide in the commercial distribution channels to share the information along the whole value chain, from publishers, to aggregators and distributors to online bookstore, to provide end users with all the

¹ https://kdp.amazon.com/en_US/help/topic/G200634390

bibliographic and commercial information on a title (i.e. Authors, price, summary, pages etc) The ONIX for Books metadata include a specific code list to describe accessibility features of digital publications: codelist 196. The list includes 32 values that can describe the accessibility characteristics of the file (e.g., navigable Table of Contents, correct reading order, alternative descriptions for the images present) and indicate the accessibility standards that were used in the validation.

With this industry codelist, the content creator, through the entire value chain, is able to communicate effectively and completely to the end user what to expect (in terms of accessibility) from the publication. By doing so, the end-user will be able to realize whether the publication meets each need in terms of accessibility before the purchase or loan.

- All the more than 28.000 accessible e-books available in the www.libriitalianiaccessibili.it created and maintained by Fondazione LIA² in collaboration with 76 Italian publishers display the accessibility metadata of the codelist 196 to provide end user with all the information on the accessibility features of a title so that they can know if it fits their needs. Hachette Livre in France switched the production process for simple books (novels, essays) to accessible EPUB3 in 2018 and, for the simpler ones without image, is sending accessibility metadata in ONIX to all digital distributors.
- The other emerging standard used in the publishing industry is Schema.org that, as ONIX, describes accessibility information but it is included into the EPUB file as defined in the guidelines on EPUB Accessibility 1.1³.

The Schema.org vocabulary was originally developed by the major web search engine companies but is now maintained as an open community within the W3C. Its aim is to enable more intelligent processing of metadata information both on the web and in web-based formats such as EPUB.

Unlike metadata in ONIX that is distributed along the digital publishing supply chain, metadata in the Schema.org format is embedded within the file itself, accompanying the e-book in distribution. This means upon ingestion in a distribution system, the accessibility metadata can be extracted for presentation to the consumer.

Both the metadata standards are relevant to describe the accessibility features and so both should be used. More details on the compliance of the ONIX and Schema.org specification with the EAA requirements and detailed information on how the standards have been created in line with the European requirements for standards are provided in the following sections.

EPUB3 conforming to EPUB accessibility guidelines: how it covers EAA accessibility requirements in Annex 1, section 3 and section 4 (f)

EPUB is the standard format for the creation and distribution of publications in the digital publishing trade sector.

As anticipated, the specifications of the EPUB standard are based on the Open Web Platform⁴ and HTML, CSS, JavaScript and SVG are the core technologies used for content creation. The use of the latter means that EPUB publications can be written with a high degree of accessibility simply through

² Fondazione LIA is a no profit organization created in 2014 by the Italian Publisher Association (AIE) along with the Italian Blind Union (UICI) <https://www.fondazione Lia.org/en/>

³ <https://www.w3.org/TR/epub-a11y-11/#sec-disc-package>

⁴ https://www.w3.org/wiki/Open_Web_Platform

the proper application of established web accessibility techniques, namely the Web Content Accessibility Guidelines⁵ (WCAG).

In order to outline how to make fully accessible EPUBs, the EPUB Accessibility⁶ guidelines have been drafted to address two key needs in the EPUB ecosystem:

- discoverability of accessibility features of publications (metadata);
- evaluation and certification of accessible EPUB publications.

Providing accessibility metadata facilitates informed decisions about the usability of an EPUB publication. Consumers can examine the characteristics of the content and decide whether an EPUB publication is appropriate for each need.

While it has always been possible to create EPUB publications with a high degree of accessibility, this document also establishes formal requirements for contents to be certified as accessible. These requirements provide EPUB creators with a clear set of guidelines for evaluating their content with respect to quality certification and enable it.

This document does not target a single version of EPUB (most commercially available publications are in EPUB 3 or EPUB 2 format). It is designed to be applicable to all EPUB publications conforming to any version or profile, including future versions of the standard.

Mapping EPUB Accessibility to the requirements in Annex 1, section 3 and section 4 (f)

The requirements of Annex 1, section 3 and section 4 (f) of the EAA concerning digital publications concern both the content creators (and therefore the EPUB format), the distribution process (metadata), and the reading solutions (applications that show the content to end users). In this mapping⁷, created in collaboration with the W3C Accessibility task force in the EPUB 3 WG, and published as a Working Group Note, the requirements have been identified and it is indicated how content creators can meet them, by following the directions of the EPUB Accessibility document.

The mapping document may be updated independently from the update of this document, we recommend to refer to the URL⁸ to access the latest version.

As mentioned above, EPUB Accessibility is largely based – as far as content requirements for digital publications are concerned – on WCAG, so in several cases there are direct links to WCAG requirements.

Mapping section III General accessibility requirements related to all services covered by this Directive in accordance with Article 2(2)

EAA Requirements	EPUB Accessibility
(a) ensuring the accessibility of the products used in the provision of the service, in accordance with Section I of this Annex and, where applicable, Section II thereof;	
(b) providing information about the functioning of the service, and where products are used in the provision of the service, its link to these products as well as information about their accessibility characteristics and interoperability with assistive devices and facilities:	This requirement is satisfied by EPUB Accessibility, section Discoverability .

⁵ <https://www.w3.org/WAI/standards-guidelines/wcag/>

⁶ <https://www.w3.org/TR/epub-a11y-11/>

⁷ <https://www.w3.org/TR/epub-a11y-epub-aa-mapping/>

⁸ <https://www.w3.org/TR/epub-a11y-epub-aa-mapping/>

(i) making the information available via more than one sensory channel;	Out of scope: requirement for Reading Systems and Distributors.
(ii) presenting the information in an understandable way;	Out of scope: requirement for Reading Systems and Distributors.
(iii) presenting the information to users in ways they can perceive;	Out of scope: requirement for Reading Systems and Distributors.
(iv) allowing alternative renditions of the content and its interoperability with a variety of assistive technologies, in such a way that it is perceivable, understandable, operable and robust;	This requirement is satisfied by WCAG 2 .
(v) presenting in fonts of adequate size and suitable shape, taking into account foreseeable conditions of use and using sufficient contrast, as well as adjustable spacing between letters, lines and paragraphs;	This requirement is satisfied by WCAG requirement 1.4.4 Resize text (level AA) and by WCAG requirement Contrast 1.4.3 1.4.3 Contrast (Minimum) (level AA).
(vi) supplementing any non-textual content with an alternative presentation of that content; and	This requirement is satisfied by WCAG requirement 1.1.1 Non-text Content (level A).
(vii) providing electronic information needed in the provision of the service in a consistent and adequate way by making it perceivable, operable, understandable and robust;	Out of scope: requirement for Reading Systems and Distributors.
(c) making websites, including the related online applications, and mobile device-based services, including mobile applications, accessible in a consistent and adequate way by making them perceivable, operable, understandable and robust;	Out of scope: requirement for Reading Systems and Distributors.
(d) where available, support services (help desks, call centres, technical support, relay services and training services) providing information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication.	Out of scope: requirement for Reading Systems and Distributors.

Mapping section IV Additional accessibility requirements related to specific services (f)

EAA Requirements	EPUB Accessibility
(i) ensuring that, when an e-book contains audio in addition to text, it then provides synchronised text and audio;	The audio synched to text feature is called Media Overlay in the EPUB world and it provides an effective synchronization between text and audio.
(ii) ensuring that e-book digital files do not prevent assistive technology from operating properly;	The EPUB Accessibility document uses the definition of assistive technology as defined in WCAG2 . This requirement is satisfied by: <ul style="list-style-type: none"> • WCAG conformance requirement Only Accessibility-Supported Ways of Using Technologies; • WCAG conformance requirement Non-Interference; • WCAG principle 4 Robust (level A); • WCAG Guideline 2.1 Keyboard Accessible (level A).

(iii) ensuring access to the content, the navigation of the file content and layout including dynamic layout, the provision of the structure, flexibility and choice in the presentation of the content;	This requirement is satisfied by: <ul style="list-style-type: none"> • EPUB specifications section TOC nav; • EPUB Accessibility Page Navigation requirement; • WCAG Principle 1.3 Adaptable (level A).
(iv) allowing alternative renditions of the content and its interoperability with a variety of assistive technologies, in such a way that it is perceivable, understandable, operable and robust;	This requirement is satisfied by WCAG 2 .
(v) making them discoverable by providing information through metadata about their accessibility features;	This requirement is satisfied by EPUB Accessibility, section Discoverability .
(vi) ensuring that digital rights management measures do not block accessibility features.	This requirement is satisfied by EPUB Accessibility, section Distribution (non normative).

EPUB3 Accessibility specification process

Compliance to Article 15.3

3. The Commission may adopt implementing acts establishing technical specifications that meet the accessibility requirements of this Directive where the following conditions have been fulfilled:

(a) no reference to harmonized standards is published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012; and

For the EPUB 3 standard and its accessibility, no harmonized standard has been published yet in the Official Journal of the European Union.

(b) either:

(i) the Commission has requested one or more European standardization organisations to draft a harmonised standard and there are undue delays in the standardisation procedure, or the request has not been accepted by any European standardisation organisations; or

(ii) the Commission can demonstrate that a technical specification respects the requirements laid down in Annex II of Regulation (EU) No 1025/2012, except for the requirement that the technical specifications should have been developed by a non-for-profit making organisation.

The Commission should not request to draft a harmonised standard because the existing EPUB 3 format and EPUB 3 accessibility specifications are technical specifications respecting the requirements laid down in Annex II of Regulation (EU) No 1025/2012.

Compliance with ICT TECHNICAL SPECIFICATIONS regulation (Annex II of 1025)

EPUB 3 format and EPUB 3 accessibility specifications are fulfilling the “**REQUIREMENTS FOR THE IDENTIFICATION OF ICT TECHNICAL SPECIFICATIONS**” as expressed in Annex II of Regulation (EU) No 1025/2012.

1. The technical specifications have market acceptance and their implementations do not hamper interoperability with the implementations of existing European or international standards. Market acceptance can be demonstrated by operational examples of compliant implementations from different vendors.

EPUB 3 specifications were published in 2011 and have been implemented worldwide since. Several hundred thousand EPUB 3 files are distributed on the market to be read by numerous reading systems. All e-books vendors on the market are now aggregating and distributing EPUB 3 files. Among them the international ones such as Apple, Google, Kobo, Ingram, Amazon, and in Europe Vivlio, Eden, Numilog in France, Edigita, Bookrepublic and Streetlib in Italy, Librandia in Spain.

As previously highlighted, Amazon has recently announced to the publishing industry that, as of 28 June 2021, it will no longer ingest from publishers their own e-books files format (MOBI, PRC, AZK), and recommends providing the EPUB format instead.

EPUB 3 Accessibility specification published in 2017 is a set of encoding techniques for EPUB, based on WCAG for content and specific rules for the EPUB structure.

An open source EPUB 3 reading engine called Radium has been developed by EDRLab (Paris). All reading solutions using Radium SDK engine to open EPUB 3 files are enabling assistive technologies for print disabled readers to benefit from a fully accessible reading experience.

The desktop software Thorium is one these Radium SDK implementations and it is available for free. Thorium has received a true support from George Kerscher, Chief Innovations Officer, DAISY Consortium⁹.

2. The technical specifications are coherent as they do not conflict with European standards, that is to say they cover domains where the adoption of new European standards is not foreseen within a reasonable period, where existing standards have not gained market uptake or where these standards have become obsolete, and where the transposition of the technical specifications into European standardisation deliverables is not foreseen within a reasonable period.

No European harmonised standard has been published for the EPUB 3 format nor for EPUB 3 accessibility.

3. The technical specifications were developed by a non-for-profit making organisation which is a professional society, industry or trade association or any other membership organisation that within its area of expertise develops ICT technical specifications and which is not a European standardisation organisation, national or international standardisation body, through processes which fulfil the following criteria:

(a) openness:

⁹ <https://accessinghigherground.org/introducing-thorium-a-new-free-desktop-epub-reader-for-windows-and-mac/>

the technical specifications were developed on the basis of open decision-making accessible to all interested parties in the market or markets affected by those technical specifications;

(b) consensus:

the decision-making process was collaborative and consensus based and did not favour any particular stakeholder. Consensus means a general agreement, characterised by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments. Consensus does not imply unanimity;

(c) transparency:

(i) all information concerning technical discussions and decision making was archived and identified;

(ii) information on new standardisation activities was publicly and widely announced through suitable and accessible means;

(iii) participation of all relevant categories of interested parties was sought with a view to achieving balance;

(iv) consideration and response were given to comments by interested parties.

IDPF and W3C process

EPUB 3 specification and EPUB 3 Accessibility specification have been developed by the non-for-profit organisation, the International Digital Publishing Forum (IDPF). EPUB 3 and its accessibility specification is now maintained in the EPUB3 Working Group in W3C¹⁰. W3C signed the Open Standards Principles¹¹.

4. The technical specifications meet the following requirements:

(a) maintenance: ongoing support and maintenance of published specifications are guaranteed over a long period;

EPUB 3 specification and EPUB 3 Accessibility specification are maintained by the W3C.

(b) availability, specifications are publicly available for implementation and use on reasonable terms (including for a reasonable fee or free of charge);

EPUB 3 specification and EPUB 3 Accessibility specification are published by the W3C free of charge.

(c) intellectual property rights essential to the implementation of specifications are licensed to applicants on a (fair) reasonable and non-discriminatory basis ((F)RAND),

¹⁰ <https://www.w3.org/publishing/groups/epub-wg/>

¹¹ <https://www.w3.org/Consortium/mission#openstand>

which includes, at the discretion of the intellectual property right-holder, licensing essential intellectual property without compensation;

W3C process includes clearance of intellectual property rights.

(d) relevance:

(i) the specifications are effective and relevant;

(ii) specifications need to respond to market needs and regulatory requirements;

EPUB 3 specification and EPUB 3 Accessibility specification have been designed with the contribution from organisations representing visually impaired people, particularly the DAISY Consortium. These specifications are relevant to their needs.

(e) neutrality and stability.

(i) specifications whenever possible are performance oriented rather than based on design or descriptive characteristics;

(ii) specifications do not distort the market or limit the possibilities for implementers to develop competition and innovation based upon them;

(iii) specifications are based on advanced scientific and technological developments;

EPUB 3 specification and EPUB 3 Accessibility specification are based on Web technologies and include reference to the latest Web content recommendation (HTML, CSS, schema.org, ...).

Competing reading solutions and platforms using these specifications have been deployed on the e-book market.

As an industry wide standard, EPUB 3 has allowed publishers to develop a worldwide market for digital distribution of their books.

(f) quality:

(i) the quality and level of detail are sufficient to permit the development of a variety of competing implementations of interoperable products and services;

(ii) standardised interfaces are not hidden or controlled by anyone other than the organisations that adopted the technical specifications.

Many software development companies have implemented reading solutions for EPUB 3 files since 2011 and made their applications accessible since the publication of EPUB 3 Accessibility in 2017.

ONIX: how it covers EAA requirements in Annex 1, section 3 and section 4 (f)(v)

As previously stated, the ONIX for Books metadata standard has a specific code list to describe accessibility features of digital publications: codelist 196¹².

¹² <https://ns.editeur.org/onix/en/196/>

The ONIX standard is unrelated to any particular format (e.g., EPUB or PDF) and can therefore be used to describe the accessibility characteristics of any digital publication, regardless of its electronic format.

This standard used by the commercial publishing supply chain makes it possible to meet the two requirements of the EAA to properly inform the end user of accessibility features, specifically:

- Section III, (b): providing information about the functioning of the service, and where products are used in the provision of the service, its link to these products as well as information about their accessibility characteristics and interoperability with assistive devices and facilities;
- Section IV, (f) E-books, (v): making them discoverable by providing information through metadata about their accessibility features;

ONIX specification process

Compliance with Article 15.3

3. The Commission may adopt implementing acts establishing technical specifications that meet the accessibility requirements of this Directive where the following conditions have been fulfilled:

(a) no reference to harmonised standards is published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012; and

For ONIX for Books, no harmonised standard has been published yet in the Official Journal of the European Union.

(b) either:

(i) the Commission has requested one or more European standardisation organisations to draft a harmonised standard and there are undue delays in the standardisation procedure or the request has not been accepted by any European standardisation organisations; or

(ii) the Commission can demonstrate that a technical specification respects the requirements laid down in Annex II of Regulation (EU) No 1025/2012, except for the requirement that the technical specifications should have been developed by a non-for-profit making organisation.

The Commission does not need to request to draft harmonised standards in this field because the existing ONIX for Books specification are technical specifications respecting the requirements laid down in Annex II of Regulation (EU) No 1025/2012.

Compliance with ICT TECHNICAL SPECIFICATIONS regulation (Annex II of 1025)

ONIX for Books specification is fulfilling the “**REQUIREMENTS FOR THE IDENTIFICATION OF ICT TECHNICAL SPECIFICATIONS**” as expressed in Annex II of Regulation (EU) No 1025/2012.

1. The technical specifications have market acceptance and their implementations do not hamper interoperability with the implementations of existing European or international standards. Market acceptance can be demonstrated by operational examples of compliant implementations from different vendors.

Current version of ONIX for Books (version 3) was published by EDItEUR (editeur.org) in 2010 and has been implemented worldwide since for books and e-books distribution.

2. The technical specifications are coherent as they do not conflict with European standards, that is to say they cover domains where the adoption of new European standards is not foreseen within a reasonable period, where existing standards have not gained market uptake or where these standards have become obsolete, and where the transposition of the technical specifications into European standardisation deliverables is not foreseen within a reasonable period.

No European harmonised standard has been published for ONIX for Books (version 3).

3. The technical specifications were developed by a non-for-profit making organisation which is a professional society, industry or trade association or any other membership organisation that within its area of expertise develops ICT technical specifications and which is not a European standardisation organisation, national or international standardisation body, through processes which fulfil the following criteria:

(a) openness:

the technical specifications were developed on the basis of open decision-making accessible to all interested parties in the market or markets affected by those technical specifications;

(b) consensus:

the decision-making process was collaborative and consensus based and did not favour any particular stakeholder. Consensus means a general agreement, characterised by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments. Consensus does not imply unanimity;

(c) transparency:

(i) all information concerning technical discussions and decision making was archived and identified;

(ii) information on new standardisation activities was publicly and widely announced through suitable and accessible means;

(iii) participation of all relevant categories of interested parties was sought with a view to achieving balance;

(iv) consideration and response were given to comments by interested parties.

ONIX for Books specification have been developed by the not-for-profit organisation: EDItEUR, the international group coordinating development of the standards infrastructure for electronic commerce in the book, e-book and serials sectors.

4. The technical specifications meet the following requirements:

(a) maintenance: ongoing support and maintenance of published specifications are guaranteed over a long period;

ONIX for Books specification is maintained by EDItEUR.

(b) availability, specifications are publicly available for implementation and use on reasonable terms (including for a reasonable fee or free of charge);

ONIX for Books specification is published by the EDItEUR free of charge.

(c) intellectual property rights essential to the implementation of specifications are licensed to applicants on a (fair) reasonable and non-discriminatory basis ((F)RAND), which includes, at the discretion of the intellectual property right-holder, licensing essential intellectual property without compensation;

EDItEUR process includes clearance of intellectual property rights.

(d) relevance:

(i) the specifications are effective and relevant;

(ii) specifications need to respond to market needs and regulatory requirements;

ONIX for Books specification has been designed by contribution from all stakeholder of the book supply chain around the world. This specification is relevant to their needs.

(e) neutrality and stability.

(i) specifications whenever possible are performance oriented rather than based on design or descriptive characteristics;

(ii) specifications do not distort the market or limit the possibilities for implementers to develop competition and innovation based upon them;

(iii) specifications are based on advanced scientific and technological developments;

ONIX for Books specification has been built from business needs in countries that are members of EDItEUR.

Competing reading solutions and platforms using these specifications have been deployed on the book and e-book supply chain.

(f) quality:

(i) the quality and level of detail are sufficient to permit the development of a variety of competing implementations of interoperable products and services;

(ii) standardised interfaces are not hidden or controlled by anyone other than the organisations that adopted the technical specifications.

Annex I

Article 15 from EEA

CHAPTER VI

Harmonised standards and technical specifications of products and services

Article 15

Presumption of conformity

1. Products and services which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the accessibility requirements of this Directive in so far as those standards or parts thereof cover those requirements.

2. The Commission shall, in accordance with Article 10 of Regulation (EU) No 1025/2012, request one or more European standardisation organisations to draft harmonised standards for the product accessibility requirements set out in Annex I. The Commission shall submit the first such draft request to the relevant committee by 28 June 2021.

3. The Commission may adopt implementing acts establishing technical specifications that meet the accessibility requirements of this Directive where the following conditions have been fulfilled:

(a) no reference to harmonised standards is published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012; and

(b) either:

(i) the Commission has requested one or more European standardisation organisations to draft a harmonised standard and there are undue delays in the standardisation procedure, or the request has not been accepted by any European standardisation organisations; or

(ii) the Commission can demonstrate that a technical specification respects the requirements laid down in Annex II of Regulation (EU) No 1025/2012, except for the requirement that the technical specifications should have been developed by a non-for-profit making organisation.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

4. Products and services which are in conformity with the technical specifications or parts thereof shall be presumed to be in conformity with the accessibility requirements of this Directive in so far as those technical specifications or parts thereof cover those requirements.

Annex II

Requirements for the identification of ICT technical specifications

1. The technical specifications have market acceptance and their implementations do not hamper interoperability with the implementations of existing European or international standards. Market acceptance can be demonstrated by operational examples of compliant implementations from different vendors.

2. The technical specifications are coherent as they do not conflict with European standards, that is to say they cover domains where the adoption of new European standards is not foreseen within a reasonable period, where existing standards have not gained market uptake or where these standards have become obsolete, and where the transposition of the technical specifications into European standardisation deliverables is not foreseen within a reasonable period.

3. The technical specifications were developed by a non-for-profit making organisation which is a professional society, industry or trade association or any other membership organisation that within its area of expertise develops ICT technical specifications and which is not a European standardisation organisation, national or international standardisation body, through processes which fulfil the following criteria:

(a) openness:

the technical specifications were developed on the basis of open decision-making accessible to all interested parties in the market or markets affected by those technical specifications;

(b) consensus:

the decision-making process was collaborative and consensus based and did not favour any particular stakeholder. Consensus means a general agreement, characterised by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments. Consensus does not imply unanimity;

(c) transparency:

(i) all information concerning technical discussions and decision making was archived and identified;

(ii) information on new standardisation activities was publicly and widely announced through suitable and accessible means;

(iii) participation of all relevant categories of interested parties was sought with a view to achieving balance;

(iv) consideration and response were given to comments by interested parties.

4. The technical specifications meet the following requirements:

(a) maintenance: ongoing support and maintenance of published specifications are guaranteed over a long period;

(b) availability, specifications are publicly available for implementation and use on reasonable terms (including for a reasonable fee or free of charge);

(c) intellectual property rights essential to the implementation of specifications are licensed to applicants on a (fair) reasonable and non-discriminatory basis ((F)RAND), which includes, at the discretion of the intellectual property right-holder, licensing essential intellectual property without compensation;

(d) relevance:

(i) the specifications are effective and relevant;

(ii) specifications need to respond to market needs and regulatory requirements;

(e) neutrality and stability.

(i) specifications whenever possible are performance oriented rather than based on design or descriptive characteristics;

(ii) specifications do not distort the market or limit the possibilities for implementers to develop competition and innovation based upon them;

(iii) specifications are based on advanced scientific and technological developments;

(f) quality:

(i) the quality and level of detail are sufficient to permit the development of a variety of competing implementations of interoperable products and services;

(ii) standardised interfaces are not hidden or controlled by anyone other than the organisations that adopted the technical specifications.