



Working Group 3
> Round Table on Access to Audiovisual Media Services
for persons with disabilities

Comparative background document
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Introduction

“The right of persons with a disability and of the elderly to participate and be integrated in the social and cultural life of the Union is inextricably linked to the provision of accessible audiovisual media services”.

This excerpt from Recital 46 of the Audiovisual Media Service Directive, which was adopted on December 2007, marks the (relatively recent) awakening of the European Union to the issue of accessible media services for persons with disabilities. On January 2011, the EU formally ratified the United Nation's (UN) Convention on the Rights of People with Disabilities which includes the right to “*enjoy access to television programmes in accessible format*”².

The issue of media and accessibility has been twice on the agenda of an EPRA meeting, in Istanbul in October 2004 and in Tallinn in May 2009.

In Istanbul, a working group on issues of access to media services for people with disabilities reported on the best practices in Ireland and the UK and the respective roles played by the (then) Broadcasting Commission of Ireland and Ofcom in the process. At that point, the objective was to sensitise broadcasting regulators to this particular issue of concern and field of activity which was still new for many.

The second time in Tallinn, the working group adopted a more ambitious approach. Based on a questionnaire, which was circulated to the members of the EPRA network, the group produced a first mapping of accessibility policies towards television services and of the role played by broadcasting regulators policies in EPRA member states³. By that time, accessibility provisions had been imbedded in the Audiovisual Media Services (AVMS) Directive and most countries had transposed, or were about to transpose them into their legal provisions.

The discussions during the group focused on accessibility policies towards media services, cost structures and digital switchover as an opportunity and as a threat⁴.

¹ **Disclaimer:** This document has been produced by EPRA, an informal network of 53 regulatory authorities in the field of broadcasting. It is a background information document aimed to facilitate and stimulate debate at EPRA meetings. It is not a fully comprehensive overview of the issues, nor does it purport to represent the views or the official position of EPRA or of any member within the EPRA network.

² <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf> Article 30 (b)

³ Comparative background document EPRA/2009/04 by the EPRA Secretariat, prepared for the Working group on Access by the Disabled to Audiovisual Media Services, Tallinn, May 2009, available at: <http://www.epra.org/attachments/1256>

⁴ Summary by content producer Bernard Dubuisson, CSA (BE) of the discussion during the Working Group on Access by the Disabled to Audiovisual Media Services, Tallinn, May 2009, available at: <http://www.epra.org/attachments/tallinn-wg2-access-disability-summary>

Meanwhile, four years after that date, the issue of accessible audiovisual media services is still high on the European agenda. In May 2012, the first Report from the Commission on the application of the AVMS Directive reported - albeit rather superficially - on the transposition of Art. 7⁵. On 24 April 2013, the Green Paper "*Preparing for a Fully Converged Audiovisual World: Growth, Creation and Values*"⁶ opened the consultation on the additional standardisation efforts which would be needed to improve accessibility and on the incentives to encourage investment in innovative services for people with disabilities.

It is thus particularly timely to re-examine the issue of accessible audiovisual media services from the particular point of view of broadcasting regulatory authorities to report on changes and to measure any progress accomplished since the last EPRA mapping exercise.

The present paper is based on the responses to a questionnaire prepared by the EPRA Secretariat and compiles answers from 31 regulatory authorities⁷: the *Communications Regulatory Agency* (BA), the *Flemish Regulator for the Media* (BE), the *Conseil supérieur de l'audiovisuel of the French speaking Community of Belgium* (BE), the *Council for Electronic Media* (BG), the *Federal Office for Communication* (CH), the *Cyprus Radio - Television Authority* (CY), the *Council for Radio and TV Broadcasting* (CZ), the *Director's Conference of the Länder Media Authorities* (DE), the *Audiovisual Council of Catalonia* (ES), the *Audiovisual Council of Andalusia* (ES), the *Finnish Communications Regulatory Authority - FICORA* (FI), the *Conseil supérieur de l'audiovisuel* (FR), *Ofcom* (GB), the *National Council for Radio and Television* (GR), the *Agency for Electronic Media* (HR), the *Broadcasting Commission of Ireland* (IE), the *Second Authority for Radio and Television* (IL), the *Conseil national des programmes* (LU), the *Radio and Television Commission of Lithuania* (LT), the *Council for Coordination on the Audiovisual of Moldova* (MD), the *Broadcasting Council of the Republic of Macedonia* (MK), the *Broadcasting Authority* (MT), the *Commissariaat voor de Media* (NL), the *Norwegian Media Authority* (NO), the *National Broadcasting Council* (PL), the *Regulatory Authority for the Media* (PT), the *National Audiovisual Council* (RO), the *Republic Broadcasting Agency* (RS), the *Swedish Broadcasting Authority* (SE), the *Council for Broadcasting and Retransmission* (SK) and the *Supreme Council for Television and Radio* (TR).

This comparative paper provides an overview on the general legal framework and broadcasters' obligations with regard to subtitling, signing and audio description for linear and on-demand audiovisual media services, on measures concerning the accessibility of end-user TV equipment, on the role played by broadcasting regulators in accessibility policies, and on funding issues. Though not quite identical, the structure of the questionnaire closely follows the one used in 2009 in order to identify any recent developments.

⁵ First Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the application of Directive 2010/13/EU "Audiovisual Media Service Directive" Audiovisual Media Services and Connected Devices: Past and Future Perspectives (SWD(2012) 125 final), COM(2012) 203 final: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0203:FIN:EN:PDF>

⁶ Green Paper: Preparing for a Fully Converged Audiovisual World: Growth, Creation and Values, Brussels, 24.4.2013, COM(2013) 231 final: https://ec.europa.eu/digital-agenda/sites/digital-agenda/files/convergence_green_paper_en_0.pdf

⁷ Individual answers are available here (EPRA members' only): <http://www.epra.org/surveys/krakow-wg3-questionnaire-access-for-persons-with-disabilities-to-audiovisual-media-services/results.pdf>

I. SETTING THE RULES OF THE GAME: LEGAL AND REGULATORY FRAMEWORK

The 30 regulatory authorities who answered the questionnaire unanimously report on the existence of provisions dealing with the access of persons with disabilities to audiovisual media services within their legal framework. In 2009, according to the EPRA survey, only 23 out of 29 respondents reported having such provisions in their legal framework. Legal provisions were absent in the Former Yugoslav Republic of Macedonia, Poland, Hungary, Luxembourg and the Spanish autonomic region of Navarra.

The recognition of the need for accessible television services by the respective national legal frameworks has made considerable progress since 2009. The regulatory authorities from Poland, the Former Yugoslavia Republic of Macedonia and Luxembourg report that new legal provisions have been introduced. In many countries, existing provisions were extended to commercial broadcasters or reinforced.

The introduction of a provision encouraging “*media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability*” in the Audiovisual Media Service Directive greatly contributed to this progress in terms of recognition at the national level - even though several precursor countries, such as UK or Denmark, already had comprehensive systems in place prior to the Directive and did not take any additional measures to transpose the AVMSD.

Most respondents reported policies that were set through the traditional toolbox of regulatory measures: mainly **law** (28 answers) and **public service contracts** (quoted 12 times). In contrast, **Broadcasting or Access codes** are only quoted 4 times, **licensing agreements** only three times.

Most countries combine several legal instruments. As an example, in **Sweden**, the legislation does not specify exactly what measures should be taken. The detailed provisions are instead to be found in PSB-contracts and decisions of the Swedish Broadcasting Authority (for commercial and satellite broadcasters).

In the **UK** and **Ireland**, based on provisions of the broadcasting and disability legislation, the regulatory authorities have developed specific access codes. The Broadcasting Authority of Ireland has published the Access Rules⁸, as detailed in the 2009 Broadcasting Act, which specify the amount of subtitling, audio description and Irish Sign Language that must be carried by broadcasters licensed within the Republic of Ireland. In the UK, Ofcom has developed the Code on Television Access Services⁹ resulting from the Communications Act 2003.

Recent changes to the legal and regulatory framework were reported in EU countries, such as Belgium, Finland, Poland, Sweden, Spain, Slovakia and the UK, but also in Stabilisation and Association countries and EEA countries, such as Bosnia and Herzegovina and Norway¹⁰.

⁸ BAI Access Rules 2012: http://www.bai.ie/wordpress/wp-content/uploads/201205_BAI-Access-Rules2012.pdf

⁹ Ofcom’s Code on Television Access Services, which came into effect from 1 January 2013: <http://stakeholders.ofcom.org.uk/binaries/broadcast/other-codes/tv-access-services-2013.pdf>

¹⁰ For more detailed legal references, see the individual responses to the questionnaire as well as the list of legislation for accessible DTV available at: http://hub.eaccessplus.eu/wiki/Legislation_for_accessible_DTV

In **Bosnia and Herzegovina**, in addition to the Law on the Public Broadcasting System which specifies that "*the public broadcasting services shall be obliged to make news, culture, education and entertainment programme available to hearing-impaired persons and other persons with special needs*", the recently implemented Rule on Provision of Audiovisual Media Services now prescribes that both linear and non-linear AMVS providers "*shall endeavour to make their services accessible to people with a visual or hearing disability.*"

In **Norway**, following the recent implementation of the AVMS Directive in Norwegian Law, the Broadcasting Act has been amended with a new provision that requires all nation-wide television channels with a market share of more than 5 percent to provide subtitling to all pre-produced programmes between 18:00 and 23:00 and live programmes - if technically possible. In the same provision, it is suggested that the NRK (PSB) shall provide subtitling for all pre-produced programmes, and live programmes between 18:00 and 23:00 - if technically possible.

In **Belgium** (Flemish speaking Community), a recent law of 13 July 2012 regulates accessibility requirements for private television services. The Government of Flanders will impose a time frame and quota for subtitling, audio description, sign language and audio subtitling. In addition, the management agreement between the Government and the public broadcasting company determines that 95% of the programmes have to be subtitled by teletext. Within this category by the end of 2014 100% of all news and information programmes will have to be subtitled. Further provisions in the management agreement are dealing with audio description, sign language and spoken subtitles.

In 2011, the CSA of the **French speaking Community of Belgium** adopted two documents to facilitate the access of TV programmes to persons with a visual or oral impairment: a recommendation which sums up various proposals for the audiovisual sector and public administration as well as a binding regulation listing the targets that broadcasters and distributors should achieve¹¹.

In **Spain**, the General Law on Audiovisual Communication of 31 May 2010 establishes minimum levels of availability of accessible multimedia in Digital Television.

In **the UK**, on 1 October 2012, Ofcom published a statement on new requirements for TV channels licensed by Ofcom and made available in other EU Member States (the so-called "non-domestic channels") to provide access services such as subtitling, signing and audio description¹². The final list of channels that meet the requisite audience share thresholds and affordability tests was published on 18 December 2012¹³. The channels are required to provide access services from 1 January 2014.

Since the EPRA questionnaire, Ofcom has announced proposals for consultation to improve the quality of live subtitling by asking relevant channels to report on the speed and accuracy of subtitling and the length of delays between speech and subtitling. The consultation is set to close on the 26 July 2013¹⁴.

¹¹ <http://csa.be/breves/569>

¹² See [Ofcom Statement: Access services on non-domestic channels](#)

¹³ <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/Non-dom-channels-2014.pdf>

¹⁴ "The quality of live subtitling - Improving the viewer experience": Ofcom's consultation http://www.epra.org/news_items/accessibility-ofcom-s-proposals-to-improve-the-quality-of-subtitling

In Poland, the provisions of Article 18a 1 of the Broadcasting Act, which requires broadcasters to provide at least 10% of the quarterly transmission time of the programme service, with the exception of advertising and teleshopping, for programmes accessible to visually and hearing impaired persons, entered into force in July 2011 (with a transitional target of 5 % for the period until 1 January 2012).

In Sweden, the SBA decided in 2011 to impose certain accessibility requirements on the channels broadcast on the DTT network or via satellite.

In Finland, the Act on Television and Radio Operations was amended on 1 July 2011 to include spoken subtitles and subtitling services in some Finnish and Swedish-language TV programmes.

Law	BA, BE(CSA + VRM), BG, CH, CY, CZ, DE, ES, FI, FR, GB, GR, HR, IE, IL, LT, MK, MT, PL,PT, NL, RO, RS, SE, SK, TR	27
PSB contract / remit	BA, BE (CSA+ VRM), ES, FR, GB, HR, IE, NO, PT, RO, SE	12
Broadcasting/Access Code	IE, GB, MD	3
Licensing agreements	BG, FR, GB,SE	4
Other	BA, BE, CH, FI, RS, PT	6

Table 1: Legal Basis of accessibility provisions

II. FOCUS ON THE SCOPE OF LINEAR TV BROADCASTERS' OBLIGATIONS

Even though the legal recognition of accessibility issues has clearly improved, the scope and implementation in practice of the provisions by Member States vary considerably.

At the EU level, the Commission's Report on the implementation of the AVMSD of May 2012 reported that *"The implementation of these rules, however, reflects the diversity of market conditions. While some Member States have very detailed statutory or self-regulatory rules, others have only very general provisions or limit the accessibility obligation to the services of public service broadcasters"¹⁵*.

Indeed, many countries appear to have introduced fairly general provisions which do not correlate with some concrete obligations in terms of a required level of subtitling, sign language or audio description for the media service operators, either because they are not binding or would need to be implemented in a more concrete manner. This appears to be the case in **Bulgaria, Bosnia and Herzegovina, Croatia, Luxembourg, Lithuania, and Turkey**.

In **Portugal**, whereas Law n. º 27/2007 of July 30 states that the Regulatory Authority for the Media sets the obligations with regard to the use of subtitling, sign language interpretation and audio description or other appropriate technique on the basis of a multi-annual plan which provides for gradual compliance, the obligations in this plan are currently suspended due to litigation. In the meantime, a Protocol, which stipulates minimum values, and was signed in August 2003 between the main broadcasters, RTP, SIC TVI, and approved by Portuguese government, applies.

¹⁵ Ibid. See also the list of transposition measures published by the Contact Committee http://ec.europa.eu/avpolicy/docs/reg/tvwf/contact_comm/35_table_2.pdf

Ten countries report obligations with regard to the level of subtitling, the level of sign language interpretation and the level of audio description: **Belgium** (Both French and Flemish-speaking Communities), **the Czech Republic, Ireland, Israel, Poland, Serbia, Slovakia, Spain, Sweden and Switzerland**.

France reports obligations concerning the level of subtitling and the level of audio description, **Finland** reports obligations concerning the level of subtitling and the level of spoken subtitles, **Moldova** introduced obligations with regard to subtitling and sign language interpretation.

with regard to the level of subtitling/captioning	GR, BE (VRM+CSA), CZ, CH, ES, IE, FI, FR, IL, SE, SK, FI, PL, MD, NL, RS, SK	18
with regard to the level of sign language interpretation	MK, BE (VRM+CSA), CZ, CH, ES, IE, IL, MD, SE, SK, PL, CY, RO, RS, SK	16
with regard to the level of audio description	BE(VRM+CSA), IE, CH, CZ, ES, FR, IL, SE, SK, FI, PL, RS, SK	14

Table 2: Are TV broadcasters under your jurisdiction subject to specific legal obligations?

2.1. Targets

Progressive targets seem the most effective way to implement obligations in practice: setting higher targets over time, starting from low requirements towards very high ones. Progressive targets often take the form of pluriannual plans. As a rule, they do not specify the type of programmes.

Gradual obligations are in the spirit of Art. 7 AVMS which requires access for hearing and visually impaired people “to improve over time”. Such targets are reported in Belgium, Finland, France, the UK, Ireland, in the Netherlands, Spain and Sweden.

As an example, **in the Netherlands**, further to the Dutch Media Act and Media Decree, since 1 December 2006 public service media and private broadcasters are obliged to subtitle a minimum percentage of the programmes originally broadcast in Dutch language. For each following year the percentage is set higher. The obligations regarding subtitling apply to national public service broadcasters and national private broadcasters with a reach of at least 75% of the population. The target for national PSBs started from 80% as the minimum amount of subtitled programmes to gradually reach 95% in 2011. The subtitling targets for national private broadcasters are considerably less ambitious, from 15% in 2008 to gradually reach 50% in 2011.

In Ireland, the latest Access Rules, which specify the targets for subtitling, audio description and Irish Sign Language from 2012 to 2016, were designed following a consultation process with industry and user groups which highlighted that although the quantity of subtitles was an issue, the main issue was the **quality and reliability of subtitles**. The targets are specified in ranges, e.g. 58-62% for RTÉ2 in 2013, to encourage broadcasters to improve the quality and reliability of subtitles.

In Spain, the **Catalan Audiovisual Council (CAC)** has recently passed a Rule on accessibility to audiovisual contents¹⁶ which specifies subtitling targets of 90%, and 10 hours per week of audio

¹⁶ https://www.cac.cat/pfw_files/cma/normativa_sa/Instruccio_accessibilitat_ESP.pdf (In Spanish)

description for the Catalan PSB. Private Catalan broadcasters will be subject to a 75% target in terms of subtitling, two hours per week of audio description and two hours a week of Catalan Sign Interpreting (especially in prime time). The rule also establishes the typology of programmes that must be accessible.

Targets can be set in number of hours of programmes per year (Belgium – French speaking Community), in percentages of the programmes (Poland, Slovakia, Czech Republic), or also in terms of type of programmes, such as news or current affairs (Greece, Cyprus, Flemish speaking Community of Belgium - for commercial broadcasters, Finland), political broadcasts (Malta, Serbia, France) or children’s programmes (Finland, Ireland - for PSB)¹⁷.

In **Cyprus**, TV broadcasters are required to broadcast special news bulletins for people with hearing impairment during the period 18:00-22:00. In addition, all TV organizations are required to gradually increase by at least 5% programmes (excluding news) accessible to people with visual or hearing impairment.

In **Serbia**, further to interaction with representative associations, the RBA Council issued a General Binding instruction during the election campaign 2012, according to which all national terrestrial TV broadcasters including commercial national broadcasters - which are not subject to accessibility obligations - were requested to make pre-election programmes accessible to people with visual or hearing disabilities and stipulated some basic mandatory obligations. In **France**, the CSA recently requested broadcasters to make the annual campaign on the protection of minors and official electoral campaigns (presidential and legislative) accessible to hearing and visually impaired persons.

As a rule, all accessibility solutions are not evenly spread or considered. Subtitling is by far the most common accessibility solution, while audio description and sign language translation remain more marginal, partly due to their intrusive aspect for the general public. As an example in **Ireland**, RTÉ1 has a target of 80-85% in terms of subtitling in 2013, but only 1,25% in terms of audio description and Irish Sign Language Targets (and this includes the cumulative programming of RTÉ1 and RTÉ2). In **the UK**, BBC channels (excluding BBC Parliament) has adopted a voluntary target of 100% subtitling of their programme content, audio description of 10% of their programme content (except in the case of BBC News), and signing of 5% of their content. The corresponding targets for ITV1 (including both the regional and national licensees) and Channel 4 are 90%, 5% and 10%, and for Five and S4C1 80%, 5% and 10%.

2.2. Additional requirements for broadcasters

In addition to complying with access targets in terms of programmes, broadcasters are often required to promote access services by indicating through the use of a symbol or standard acronyms those programmes for which access provision is available (Belgium, French-speaking Community, Ireland, Slovakia, UK).

Ofcom also requires television service providers *“to promote awareness of the availability of their television access services to potential users of the services by making available accurate*

¹⁷ Note that in Finland, subtitling targets are in percentages of Finnish and Swedish language programmes. There are no subtitling obligations for musical works, sports and children programmes. The requirements concerning spoken subtitles also extend to other programmes than Finnish and Swedish speaking programmes.

and timely information to electronic programme guide (EPG) operators listing their services, and by providing similar information on their website”.

In **Slovakia**, broadcasters have the duty to identify access services during programmes, in trailers, EPGs and in the schedule of programmes that it provides for publication in the periodical press and other mass media.

In the **French-speaking Community of Belgium**, service providers are required to subtitle and, where possible, to translate into sign language general interest messages in case of urgency, safety or public health.

Service providers and distributors of services must appoint an internal contact person in charge of accessibility issues to play the role of an interface between service providers, representative bodies for people with sensory impairment and other stakeholders.

2.3. Sharing the responsibility between public service and commercial broadcasters

Further to the outcome of the EPRA survey, accessibility provisions as a rule apply to both public and commercial TV broadcasters. Since the last reporting in 2009, access requirements have been extended to commercial broadcasters in several countries (Belgium, Norway, Bosnia and Herzegovina).

In four countries (Greece, the Former Yugoslav Republic of Macedonia, Romania and Serbia), however, the legal provisions on accessibility exclusively apply to public service broadcasters.

Nevertheless, legal provisions on accessibility are generally more stringent for public service broadcasters. As an example, in **Ireland**, sign language and audio description targets only apply to the public service broadcasters (RTE1 and RTE2), they do not apply to the one national commercial broadcaster (TV3) in Ireland. The level of subtitles required for RTE1 and RTE2 are greater than those for TV3 and the Irish channel, TG4.

In **France**, audio description requirements for 2013 are the same for public and private broadcasters whose audience share is over 2.5%. Subtitling requirements for public and private broadcasters whose audience share is over 2.5% were already at the same level.

Provisions are more stringent towards public service broadcasters	BE (VRM+CSA), CZ, CH, ES, IE, FI, GB, MD, NL, NO, RO, RS, SK	14
No difference between PSB and commercial broadcasters	CY, FR, PL, MK, GR, IL, MT	7

Table 3: Are the provisions more stringent towards public service broadcasters?

2.4. Voluntary policies

Nine countries report voluntary policies on the part of broadcasters concerning subtitling/signing/audio description (Lithuania, Bosnia and Herzegovina, Germany, Cyprus, France, Malta, Turkey and the UK).

This includes countries where there are no binding requirements so far, as in Lithuania, Bosnia and Herzegovina, Turkey and Germany. In **Germany**, public as well as private broadcasters have

a voluntary policy. There is however a huge difference in terms of outcome, as one third of PSB programmes is subtitled. In **Turkey**, TRT, the public broadcaster, is presently broadcasting news bulletins for hearing disabled in its “TRT Haber” channel.

Several broadcasters, from countries where binding rules apply, conduct voluntary policies, as in France and the UK.

In **France**, as there is no legal obligation on sign language interpretation, both public and commercial broadcasters have committed to a voluntary policy. Some news, sport and children programmes are available in sign language interpretation.

In the **UK**, the final Television Access Services report for 2012 notes that: “a number of broadcasters have voluntarily committed to deliver 20% audio description on all or most of their channels. This includes ITV1 (in England & Wales), Channel 4, and Sky (with the exception of its sports channels) and the BBC who have committed to increase its audio description targets in 2% annual increments from 2011 onwards¹⁸”. Further Channel 4 has committed to subtitle 100% of its programming¹⁹.

In **Finland**, the Finnish PSB YLE reported that it has started audio description in some programmes. There is a daily (weekdays) news programme in Finnish sign language. Some sport programmes and broadcasts from Finnish Parliament have sign language interpretation.

2.5. Future developments of the legal and regulatory framework

Germany and Cyprus reported that they envisage introducing accessibility obligations in the future without providing any further details.

In **Luxembourg**, it is expected that further to the reform of the media law and the announced creation of the Independent Audiovisual Authority of Luxembourg (l’Autorité luxembourgeoise indépendante de l’audiovisuel, ALIA), the new authority will look into ways to encourage media service providers to make their programmes gradually accessible.

In **Switzerland**, one of the major proposals of the upcoming revision of the Swiss Federal Act on Radio and Television is the introduction of subtitling obligations applicable to the daily new programmes of local television broadcasters with a public service mandate. The costs generated by this new requirement will be covered by federal radio and television reception fees, which are paid by every Swiss household in possession of a radio and/or television.

The Strategy for the Development of the Broadcasting Activity, which is currently drafted by the **Broadcasting Council of the Republic of Macedonia**, intends to widen the obligation of PSB to include different types of broadcasts, such as children programmes.

¹⁸ <http://stakeholders.ofcom.org.uk/market-data-research/market-data/tv-sector-data/tv-access-services-reports/2012-report#1>

¹⁹ <http://www.channel4.com/4viewers/faq/name/channel-4s-100-commitment-to-subtitling/id/400289154>

III. DEMANDING ACCESSIBILITY FOR ON-DEMAND AUDIOVISUAL MEDIA SERVICES?

In the majority of countries covered in the EPRA survey, there are no accessibility obligations imposed on on-demand services. As an example, in **Ireland** and **France**, there are no legal obligations imposed on on-demand services, even though the respective regulators encourage broadcasters to include access services on their on-demand offering, if it was available on a linear basis.

In **Finland**, whereas no obligations are imposed on on-demand services providers, linear broadcasters may fulfil one third of the gradually increasing quotas by including audio-subtitling or subtitling in their on-demand services.

In the **Slovak Republic**, whereas providers of on-demand audiovisual media services are not obliged to broadcast programmes accessible for persons with disability, they are required to identify all programmes that are accompanied by subtitles, audio description and sign language. They also have the duty to identify such programmes in their catalogue.

There are however a few noteworthy exceptions.

In **Bosnia and Herzegovina**, the Rule on Provision of Audiovisual Media Services prescribes that both linear and non-linear AMVS providers "*shall endeavour to make their services accessible to people with a visual or hearing disability.*"

The VRM of the **Flemish Community of Belgium** reports that the regulation concerning accessibility is identical for linear and on-demand services.

In **Greece**, according to Article 8 par. 4 of the Presidential Decree 109/2010, audiovisual service providers of non linear services should transmit at least 20% of the content with Greek subtitles. Should they include news programmes in their catalogue, they have to transmit a daily news bulletin with a duration of at least 2 minutes in sign language with Greek subtitles.

In the Czech Republic, further to § 6 (4) of the Broadcasting Act, "*An on-demand audiovisual media service provider shall, where appropriate, provide a programme with open or closed captioning or with interpreting into Czech sign language for persons with hearing impairments, and with a sound track for persons with visual impairments, if available, or shall otherwise ensure that certain programmes provided via an on-demand audiovisual media service are accessible to persons with hearing impairments and persons with visual impairments.*"

In the UK, the Authority for Television On Demand (ATVOD), the independent co-regulator for the editorial content of video on demand services is required to encourage service providers to ensure that their services are progressively made more accessible to people with disabilities affecting their sight or hearing or both. ATVOD published an Access Services Plan²⁰ for encouraging the provision of access services along with Best Practice Guidelines²¹ for access services on video on demand services.

²⁰ http://www.atvod.co.uk/uploads/files/Access_Services_Plan_Edition_1.2_120912.pdf

²¹ http://www.atvod.co.uk/uploads/files/Access_Services_best_practice_guidelines_FINAL_120912.pdf

On 28 November 2012, ATVOD published its report on the accessibility of VOD services for people with disabilities of sight or hearing²². The report is based on the ATVOD's annual survey of regulated services providers on the level of provision of access services. All providers of VOD services were invited to indicate the scale of provision of each type of access service (subtitles, signing and audio description), together with any future plans for access service provision. ATVOD received responses from seventeen providers in relation to thirty-six services.

The report shows that the most significant progress in access services provision has been made by public service broadcasters. Subtitling is the most widely provided access service (available in 12 services). Sign language and audio description were available in two services; several other providers have plans to offer these services in future. Main practical barriers to accessibility are inability of some platforms to support access services and operational complexity, which make the transfer of existing access services from broadcast to VOD difficult.

IV. TECHNOLOGY MATTERS: MEASURES ON ACCESSIBILITY OF END-USER TV EQUIPMENT

The recently published Green Paper summarises the issues at stake very clearly:

“Technology offers more possibilities to assist visually, hearing and cognitively impaired persons than ever before. However, these opportunities may be lost if accessible content, i.e. subtitles, sign language or audio-description, is not produced or not made available to end users”.

The discussions during the EPRA working group in Tallinn revealed that digitalisation was regarded as a good opportunity to make way for more accessible programmes, e.g. through dedicated digital channels for sign language, or through broadband access or IPTV and on demand accessible services. In **Ireland**, until recently analogue television audio description could only be delivered late at night as there was only one audio channel. Further to the analogue switch off on 24 October 2012, audio description can be carried on a second audio channel which should allow for a much greater amount of audio described programmes.

Yet, digitalization can also bring along challenges. In order to deliver benefits for people with disabilities, accessibility policies should not only be a matter of concern for content providers but also for players of the whole delivery and value chain. In the amendments of the Directive 2002/21/EC on a common regulatory framework for electronic communications, it is stated that providers of digital TV services and equipment are to cooperate in the provision of interoperable TV services for disabled end-users.

As an example, a forum gathering DIGITALEUROPE members²³ (a European industry body for manufacturers of consumer equipment), user groups and the EU Commission worked on making Digital TV accessible and produced Achievement Reports in 2010 and 2012. The DigitalEurope work stream led to the International Electrotechnical Commission setting up a project group to create an International Standard for text-to-speech in digital television²⁴.

²² http://www.atvod.co.uk/uploads/files/Provision_of_Access_Services_2012_Report_FINAL.pdf

²³ <http://www.digitaleurope.org/>

²⁴ The first edition of the standard, IEC 62731:2013, which provides a functional description on how a text-to-speech enabled television product should behave and what should be spoken when, was published officially as an International Standard in January 2013: http://webstore.iec.ch/webstore/webstore.nsf/Artnum_PK/47506

An international focus group called FG AVA²⁵ was also created in 2011 within ITU looking at standardisation issues when it comes to accessible media. The initiative came from stakeholders of the European project DTV4ALL²⁶.

In addition, at the EU level, the Green Paper of April 2013²⁷ opened a consultation on the additional standardisation efforts which would be needed to improve accessibility and on the incentives to encourage investment in innovative services for people with disabilities. The paper also mentions that *“The adoption of a European Standard covering also audiovisual issues related to accessibility is expected by the end of 2013”*.

European Commission (EC) [Mandate M 376](#)²⁸ requires the three European standards organisations [CEN](#), [CENELEC](#) and [ETSI](#) to harmonise and facilitate the public procurement of accessible information and communication technologies products and services within Europe. There is an ongoing public consultation within national standardisation organisations in Europe.

Policy measures to encourage accessibility of end-user TV Equipment are, as a rule, considered outside the scope of broadcasting regulators and a prerogative of governments in the framework of e-accessibility policies.

In the UK, the government has taken measures to encourage manufacturers to voluntarily provide interoperable TV services for disabled end users, through the launch of an e-accessibility action plan in 2010. As part of this plan, an eAccessibility Forum brings Government together with industry and the voluntary sector to explore issues of e-accessibility, and to develop and share best practice across all sectors. The eAccessibility forum is led by the UK department for Business, Innovation and Skills (BIS). There are currently no statutory requirements for manufacturers to provide equipment that is able to receive interoperable TV services for disabled end users.

A good example of voluntary co-operation in the field of accessibility services for disabled end users is the ‘Smart Talk’²⁹ set top box which is a result of a collaboration between the electronics company Goodmans and the Royal National Institute of Blind People (RNIB). The ‘Smart Talk’ box is available for the Freeview platform and the technology enables screen information, such as programme information from the EPG, to be spoken aloud.

In Ireland, television sets and set top boxes which are sold with Saorview approval (and hence guaranteed to work with the Irish DTT system) must be able to receive, decode and display the various access services.

In Portugal, PT Comunicações (Portugal Telecom) is required to ensure that services for people with disabilities are received by end-users. PTC should also ensure additional capacity for features that provide access for people with visual and hearing impairments to television

²⁵ <http://www.itu.int/en/ITU-T/focusgroups/ava/Pages/default.aspx>

²⁶ <http://www.psp-dtv4all.org/>

²⁷ Green Paper: Preparing for a Fully Converged Audiovisual World: Growth, Creation and Values, https://ec.europa.eu/digital-agenda/sites/digital-agenda/files/convergence_green_paper_en_0.pdf

²⁸ <http://www.mandate376.eu/#RelatedSites>

²⁹ These boxes are offered on the market for £99. They are now offered as part of the Digital Switchover Help Scheme, run by the BBC, which helps people who are disabled, 75 or over, registered blind or partially sighted and/or has lived in a care home for 6 months or more with the switchover to digital TV. As part of this scheme, the box can be purchased for £40. See also <http://www.helpscheme.co.uk/en/home> and <http://smart-talk.com/>

broadcasts. PTC is also required to subsidize the purchase of DTT reception equipment for seriously disabled persons.

Yet, a few regulatory authorities play an active role.

In **Turkey**, the RTÜK published specifications of the set-top-boxes. Special audio streaming for the visually disabled, and subtitle choices for the audio disabled have been included to the set-top-boxes.

In **Portugal**, the ERC has established criteria for electronic programmes guides (EPGs) which specify that they have to be accessible to persons with disabilities, through the use of appropriate functionalities.

In **France**, the CSA has commissioned a study³⁰ on TV devices with voice features (financial and technical aspects), which was published in June 2012. The document sets up all the technical aspects required for a device to meet most of the end-users needs. The main objective is to encourage the development and commercialization of a DTT device with accessibility features in French language.

In the **French-speaking Community of Belgium**, the CSA has issued a binding regulation in 2011 on the basis of the governmental Decree on audiovisual services of 2009, according to which television service providers are expected to use best endeavours to ensure that television access services can be accessed by the greatest number of viewers, to allow viewers to benefit from existing devices for the accessibility of programmes which are broadcast by foreign French-speaking audiovisual media services available in their offer and to provide viewers with multilingual versions offering an audio track for audio description. The regulation will be assessed by the CSA in 2014.

At the EU level, the Green Paper of April 2013³¹ opened the consultation on the additional standardisation efforts which would be needed to improve accessibility and on the incentives to encourage investment in innovative services for people with disabilities. The paper also mentions that “The adoption of a European Standard covering also audiovisual issues related to accessibility is expected by the end of 2013”.

V. ACCESSIBILITY POLICIES: WHAT ROLE FOR THE REGULATORS?

setting/contributing to a policy framework	BA, SE, CH, CY, BE (CSA), GB, IL, FR, HR, IE, MD, MT, PL, PT, TR	15
conducting public consultation/public debates	BG, SE, IE, BE (CSA), GB, IL, FR, PL, PT, TR	10
setting rules/recommendations/codes	BA, BG, CH, IE, ES (CAA, CAC), FR, GB, SE, DE, BE (CSA), MD, PL, PT, RS	15
setting presentational/technical requirements or standards	IE, FR, GB, IL, MD, TR, PT	7
monitoring broadcasters' obligations in this field	IE, CH, CZ, ES (CAA, CAC), FR, GB, GR, MK, SE, BE (VRM), CY, BE (CSA), FI, IL, PL, PT, MD, MT, NL, NO, RS	22

³⁰ <http://www.csa.fr/Etudes-et-publications/Les-etudes/Les-autres-etudes/Etude-CSA-Mediatvcom-Recepteur-TNT-vocalisant>

³¹ [Green Paper: Preparing for a Fully Converged Audiovisual World: Growth, Creation and Values](#)

enforcing compliance with broadcasters' obligations in this field	BG, CH, CZ, ES (CAA, CAC), GB, GR, IE, FR, SE, BE(VRM), IL, SK,CY, BE (CSA), FI, MD, MT, NL, PL, RS	21
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Table 4: Does your RA play a role in the field of access for persons with disabilities?

5.1. A plurality of missions for NRAs

With the only exception of the Lithuanian Commission for Radio and Television, all regulatory authorities who returned the questionnaire declared that they play a role in the field of access for people with disabilities. In **Lithuania**, access issues are within the remit of the Ministry of Culture.

Since 2009, the CRA from **Bosnia and Herzegovina**, the National Broadcasting Council of **Poland** and the VRM of the Flemish-speaking Community of **Belgium** have now been entrusted with duties in this field.

Perhaps not surprisingly, the most widespread role played by regulators (quoted 22 times) is the monitoring of broadcasters' obligations, closely followed by its corollary, namely enforcing compliance with broadcasters' obligations in this field.

15 authorities report that they have the power to set rules, recommendations or codes dealing with the issue of access. 15 regulators mention that they play a role by setting or contributing to a policy framework. A much less common task is the setting of presentational/technical requirements or standards with only six authorities claiming to be competent (out of 30 consulted): the Portuguese ERC, the Irish BAI, the British Ofcom, the French CSA, the SATR from Israel, the Supreme Council from Turkey and the Coordinating Council of Audiovisual in Moldova (CCA).

Most regulatory authorities cumulate several roles. In the **UK**, Ofcom is required to draw up a code giving guidance as to the extent to which television services should provide access services. Ofcom is also required to set ten year targets for subtitling, signing and audio description, as well as five year targets for subtitling. Ofcom is also empowered to set other interim targets, and also to exclude certain types of programme or service from the requirement to provide television access services, or apply different targets to excluded programmes. Ofcom imposes these targets on broadcasters through a licence condition and periodically conducts monitoring in order to ensure compliance. Broadcasters are required to submit returns on their levels of provision of access services and these are then compiled into the bi-annual reports on access services provision.

The extent of the role played by regulators varies greatly according to the countries covered. Some regulatory authorities are still playing a rather modest role so far. In **Germany**, the Conference of Decision-Taking Councils (Gesamtkonferenz der Medienanstalten - GK), a body of the German media authorities, took up the topic "barrier-free access to broadcasting content" in 2011. Until now, regional media authorities only encouraged private broadcasters to increase their programming for visually and aurally impaired persons. On 21 November 2012, the GK decided that the two biggest commercial TV groups Sat.1/Pro7 und RTL should broadcast at least one programme per evening with subtitles³².

³² <http://www.die-medienanstalten.de/presse/pressemitteilungen/die-medienanstalten/detailansicht/article/die-medienanstalten-pm-082012-medienanstalten-fordern-von-grossen-senderfamilien-eine-barrierefrei.html>

5.2. Awareness campaigns and consultations

Policy measures with regard to accessibility include awareness campaigns in favour of accessibility³³ as well as organised consultation between service providers and representatives of disabled end-users.

In **Ireland**, a User Consultative Panel is being set up which will allow users of access services to meet with the BAI on a regular basis to discuss the quality, reliability and quantity of access services. This information will assist the BAI in scheduling its monitoring programme of television services. Access service users meet annually with the broadcasters to discuss the access services provided by the broadcaster and what areas they would like to see prioritised in the coming year.

In **Belgium** (French-speaking Community) the regulation adopted by the CSA was the outcome of a working group composed of service and platform providers, representatives of aurally and visually impaired persons, a representative of the agency for the integration of handicapped persons and a subtitling teacher. Once a year, the CSA gathers the contact persons for accessibility issues within each service provider and representative associations to assess the accessibility system. The first meeting took place at the end of 2012.

In **Poland**, a working group with representative organisations of persons with disabilities has recently been set up by the National Broadcasting Council. Conferences and seminars are also being organized.

In **Israel**, the Second Authority for Television and Radio (SATR) keeps contacts with representative organisations of persons with disabilities in order to review the situation on an annual basis.

In the **UK**, Ofcom was aware though research conducted in 2006 that usage of audio description was low; 22% of visually impaired respondents who have heard of audio description say they use it on at least 'some programmes' when it is available³⁴. This corresponded with a low level of awareness but also a discernible interest in the services. Therefore, in 2008 and 2012, at Ofcom behest, some of the major UK broadcasters ran an on-air promotional campaign aimed at increasing awareness of audio description.

In **France**, the CSA is required to draft a report³⁵ to the National Council of disabled persons on a yearly basis and informs the Parliament on access issues. The CSA is also active with regard to the quality of subtitling: a charter on the quality of subtitling between the CSA, representatives

³³ For a concrete example, see the presentation of the Irish access rules on YouTube: <http://www.youtube.com/watch?v=PvvJuFMvJLU&feature=youtu.be> and the Access Rules in Irish sign language: http://www.youtube.com/watch?v=JgsDtXstX28&list=PL38CB3ACFD7AF1A3A&index=1&feature=plpp_video

³⁴ <http://stakeholders.ofcom.org.uk/binaries/consultations/accessservs/annexes/provision.pdf>

³⁵ The last report was submitted in May 2012: <http://www.csa.fr/Etudes-et-publications/Les-autres-rapports/Rapport-au-Conseil-national-consultatif-des-personnes-handicapees-Annee-2011>
See also the latest report to the Parliament (December 2011): <http://www.csa.fr/Etudes-et-publications/Les-autres-rapports/Rapport-au-Parlement-relatif-a-l-audiodescription-et-au-sous-titrage-des-programmesdecembre-2011>

of disabled end users and of the main broadcasters on the quality of subtitling was signed in December 2011³⁶. A charter on the quality of audio-description is also due to be signed in 2013.

5.3. All that glitters is not gold: Focus on Compliance

In order to monitor the compliance with legal provisions on access, most regulatory authorities (as in **Slovakia, Finland, UK** or the **Netherlands**) rely on regular reports from audiovisual media service providers. As a rule, regulators are entitled to impose sanctions, such as warnings or fines in case of a violation.

Several regulators report overall positive trends in the compliance with access obligation as in the **UK** and the **Netherlands**. In its latest access report for 2012 published in March 2013, Ofcom welcomes the fact that *“the vast majority of channels continue to meet or exceed their television access service targets, many by significant margins. Many channels are now subtitling more than 70% of their content. Two channels that missed their subtitling targets in 2011 (Livingit and Challenge) and one channel that missed both its subtitling and audio description targets (Nickelodeon) had the shortfalls added to their targets for 2012 and have managed to exceed them”*. Yet, the report also mentions the case of ESPN who failed to comply with its target of audio description in 2011 and 2012 and under-delivered against its subtitling target.

In many countries, however, the level of compliance is not always that satisfactory.

In **Finland**, in 2011 the minimum values were not quite achieved by YLE (PSB) audio description and MTV3's (commercial channel) subtitling services. SuomiTV did not implement its targets for audio subtitling or subtitling. FICORA compelled SuomiTV to take immediate measures to implement these services and urged YLE and MTV3 to ensure that the requirements of the Government Decree are met in the future³⁷. In 2012, FOX (former SuomiTV) and MTV3 fulfilled the minimum values in their subtitling services. YLE still violated its obligation concerning spoken subtitles. FICORA compelled YLE to improve its services in order to fulfill the obligation by the end of 2013.

In **Sweden**, further to the extension of access requirements to Swedish commercial broadcasters in the digital terrestrial network or via satellite in 2011, a review on the first year of demands for accessibility was made public in February 2013³⁸. Only 2 out of 14 media service providers that fall under the general provisions fulfilled their obligations to support the accessibility of television broadcasting in Swedish via texting, sign language interpretation, audio description, spoken text or similar techniques. Commercial broadcaster TV4 fulfilled its subtitling targets for non-live material, but did not comply with its targets in terms of texting of live TV programmes, sign language interpretation, audio description and spoken text.

In the **Czech Republic**, commercial broadcasters failed to meet the legal obligations which came into force on 1 January 2011. The Czech regulator RRTV initiated a meeting during which it was decided that broadcasters would have additional six months to adjust to the new obligation.

³⁶ <http://www.csa.fr/Television/Le-suivi-des-programmes/L-accessibilite-des-programmes/Charte-relative-a-la-qualite-du-sous-titrage-a-destination-des-personnes-sourdes-ou-malentendantes-Decembre-2011>

³⁷ Source: Finnish Country report of October 2012, submitted by FICORA for the Jerusalem meeting: <http://www.epra.org/attachments/jerusalem-country-report-fi>

³⁸ <http://www.radioochtv.se/Documents/Tillg%C3%A4nglighet/Redovisning-tillganglighet-period1.pdf?epslanguage=sv>

Several warnings were issued by RRTV after six months. Generally, the willingness to meet the obligations was very low.

In **Slovakia**, disputes with broadcasters are reported as to whether accessibility quotas must be reached within a month or a year. The council decided that the month should be the relevant time unit with the reasoning that within a year it is easier to evade these obligations by broadcasting most of the mandatory programmes during "slow" months (e.g. summer holidays). A draft amendment to put the explicit obligation to reach quotas within a month period into the law is currently in the legislative process.

VI. SHOW ME THE MONEY - THE COSTS OF ACCESSIBILITY

In the responses to the questionnaire in 2009, the vast majority of the respondents had considered the issue of costs as the major hurdle for the development of accessibility measures. One particular problem is that costs are the same for broadcasters serving large and small countries, thus implying that the cost per user in small countries is much higher.

Whereas the issues of costs is considered crucial, only very few schemes for the funding of accessibility measures have been reported by the consulted regulatory authorities.

In **Ireland**, *The Sound & Vision scheme* of the Broadcasting Authority of Ireland (funded by 7% of the television license fee) grants money for the production of radio and television programmes. All television programmes which are funded through Sound & Vision must include subtitles. On a similar vein, in **Croatia**, the programmes of local, regional and non-profit broadcasters selected by the Fund for promotion of pluralism and diversity of the Council for Electronic Media are entitled to additional funding (up to 30%) if they are adapted for people with disabilities.

In the **Flemish-speaking Community of Belgium**, a general provision in the recent law of 13 July 2012 stipulates that the Government of Flanders grants funding for every technique that helps make television services accessible. As the law which made this possible is very recent, there is no further information available to date.

In the **French-speaking Community of Belgium**, the CSA made various concrete proposals in its 2011 Recommendation addressed to competent authorities. One of them consists in encouraging support for accessibility at the production stage so that the duties and the related costs are not exclusively borne by service providers. Another suggestion is to raise the awareness of producers that costs incurred in subtitling are eligible under the *tax shelter scheme* and the co-financing schemes *Wallimage* and *Bruxellimage*³⁹.

In the same vein, in **France**, the financial contribution of broadcasters to the production of European and French-speaking cinematographic and audiovisual works may include the expenses they have made in the field of audio description.

As a rule though, broadcasters are expected to bear all the required costs. This can be particularly problematic in a context of the economic crisis.

³⁹ Avis n°1/2011 - Recommandation relative à l'accessibilité des programmes aux personnes à déficience sensorielle http://csa.be/system/documents_files/1533/original/CAV_20110506_recommandation_accessibilite.pdf?1305100146

However, accessibility obligations are usually modulated according to the audience share and revenues of broadcasters, thus taking into account their financial situation.

In **Finland**, the costs incurred by the implementation of the spoken subtitle and subtitling service per one hour of programmes are laid down by means of a Government decree for two calendar years at a time. The costs incurred by the implementation of the access service for commercial broadcasters may not exceed one per cent of the broadcaster's turnover achieved in the previous financial year. A reduced quota for hours of programmes will be applied if costs exceed the threshold.

In the UK, Ofcom may exclude programmes and services from Access service requirements having regard to the cost of providing services. Ofcom has determined average costs per hour of providing programming with signing and audio description which have been used to calculate the costs of three levels of provision:

1. Equates to the full current annual targets for subtitling, signing and audio description, as well as any alternative requirements;
2. Equates to 66% of the current annual target for subtitling, as well as 100% of the targets for signing and audio description, and any alternative requirements; and
3. Equates to 33% of the current annual target for subtitling, as well as 100% of the targets for signing and audio description and any alternative requirements.

Broadcasters are required to achieve the highest level of provision that they can afford within a budget equating to 1% of their UK-derived 'relevant turnover'. Only broadcasters unable to afford level 3 costs are exempt from provision altogether on grounds of cost.

Ofcom plans to collect data in early 2014 on actual costs incurred by broadcasters, to be used in determining which channels that meet the relevant audience share threshold are deemed able to afford to provide access services from 2015.

In **Ireland**, the BAI has also examined the likely financial impact of any requirement to comply with targets and timeframes set for the provision of access services. The Access Rules, which were first published in 2005, were reviewed in 2008/2009 and took into account the concerns of broadcasters and users. The economic circumstances of broadcasters had slowed progress on the delivery of access targets. This occurred at a time when incremental increases were expected from broadcasters and has resulted in the level of compliance being reduced by certain broadcasters. Given their level of access service provision, and the economic climate, it was considered best to use the existing level of access service provision as the starting point for the revised Rules launched in 2012.

In France, the CSA takes into account the audience share, the nature, the broadcasting network, and the turnover of channels whose audience share is less than 2.5%, to set up progressive obligations in terms of subtitling.

In **Sweden**, the Swedish Broadcasting Authority (SBA) decided in 2011 that certain requirements were to be imposed on the Swedish commercial broadcasters in the digital terrestrial network or via satellite. The decision contains general provisions for all minor operators with a viewing share under 1% within Swedish jurisdiction. For larger actors more detailed provisions apply following a five year plan of increasing accessibility.

In the **French-speaking Community of Belgium**, the access targets of the service providers are set on the basis of their turnover⁴⁰.

In **Poland**, the national Broadcasting Council is currently working on a regulation concerning a lower share of accessibility targets for small-size broadcasters (mainly cable operators).

CONCLUSION: WRAPPING UP AHEAD OF THE DEBATE

- One of the conclusions of the last EPRA stocktaking exercise in 2009 remains valid: Whereas the issue of social inclusion is consistent across all countries, there is a great variety of policies, traditions, and situations regarding accessibility of audiovisual services across Europe.
- Nevertheless, after four years, it is very satisfactory to see that the recognition of the need for accessible television services by national legal frameworks has made considerable progress. Recent changes to the legal and regulatory framework were reported in Belgium, Finland, Poland, Sweden, Spain, Slovakia and the UK, Bosnia and Herzegovina and Norway. Further developments are currently under way.
- *But mind the gap between rhetoric and reality:* even though the legal recognition of accessibility issues has clearly improved, the scope and implementation in practice of the provisions by Member States vary considerably. Many countries have introduced fairly general provisions which do not (yet) correlate with some concrete obligations in terms of a required level of subtitling, sign language or audio description for the media service operators. Progressive targets seem to be the most effective way to implement obligations in practice.
- Accessibility provisions, as a rule, apply to both public and commercial TV broadcasters. There is a clear trend towards the extension of access service obligations to commercial broadcasters. Nevertheless, legal provisions on accessibility are generally more stringent for public service broadcasters.
- In the vast majority of countries covered, there are no accessibility obligations imposed on on-demand audiovisual media services. Accessibility provisions also rarely apply to local broadcasters. The accessibility of live events remains a challenge in many jurisdictions.
- Policy measures to encourage accessibility of end-user TV Equipment are, as a rule, considered outside the scope of broadcasting regulators, even if there are a few exceptions.
- NRAS play an increasing role in the field of accessibility. The most widespread roles played by regulators are monitoring and enforcing compliance with broadcasters'

⁴⁰ Avis n°02/2011: Règlement relatif à l'accessibilité des programmes aux personnes à déficience sensorielle
http://www.csa.be/system/documents_files/1534/original/CAV_20110506_reglement_accessibilite.pdf?1305100227

obligations. Many NRAs are involved in awareness campaigns and have implemented systems of periodic consultation between service providers and representatives of disabled end-users.

- Several regulators report overall positive trends in the compliance with access obligation as in the UK and the Netherlands. In many countries, however, recent levels of compliance are not always that satisfactory. Targets had to be reduced in Ireland.
- Broadcasters are as a rule expected to bear all the required costs, which can be particularly problematic in a context of economic crisis. However, accessibility obligations are usually modulated according to the audience share and revenues of broadcasters, thus taking into account their financial situation.

Annex 1:**Reference Documents on Accessibility**European Disability Forum Publications

EDF's Report on the State of Accessibility of Television for Persons with Disabilities, November 2012

http://cms.horus.be/files/99909/MediaArchive/library/EdfTvRemainingAccGaps_FINAL.doc

EDF Position on Indicators to Check and Assess Accessibility of Television for Persons with Disabilities, February 2012

http://cms.horus.be/files/99909/MediaArchive/Edf_AccTvIndicators_Finalrev.doc

EDF Answer to the European Commission Consultation on the Green Paper on the Online Distribution of Audiovisual Works in the European Union: Opportunities and Challenges towards a Digital Single Market, November 2011

http://cms.horus.be/files/99909/MediaArchive/Members_Room/ICT/EdfAnswer_GreenPaperAudiovisualWork_FINAL.doc

EDF Toolkit for the Transposition of the Audiovisual Media Services Directive, September 2008

[http://cms.horus.be/files/99909/MediaArchive/library/EDF Toolkit for the Transposition of AVMS Directive.pdf](http://cms.horus.be/files/99909/MediaArchive/library/EDF_Toolkit_for_the_Transposition_of_AVMS_Directive.pdf)

EDF toolkit on telecom package (covers interoperability, must carry and cooperation for TV access services).

http://ec.europa.eu/information_society/newsroom/cf/itemdetail.cfm?item_id=7396&utm_campaign=isp&utm_medium=rss&utm_source=newsroom&utm_content=tpa-112

ITU Publications

Making Television Accessible Report DIGITAL INCLUSION - prepared by the ITU-T Working Group on Accessible AV Media

http://www.itu.int/ITU-D/sis/PwDs/Documents/ITU-G3ict%20Making_TV_Accessible_Report_November_2011.pdf

EBU publications

EBU Technical Review "The case for DTV Access services" prepared by Peter Olaf LOOMS

http://tech.ebu.ch/docs/techreview/trev_2010-Q2_Access-Services1.pdf

eAccess+ Project

<http://www.eaccessplus.eu/node/48>

http://hub.eaccessplus.eu/wiki/Legislation_for_accessible_DTV (Legislation for accessible DTV)

MeAC - Measuring Progress of eAccessibility in Europe eAccessibility status follow-up 2008

http://ec.europa.eu/information_society/activities/einclusion/docs/subgroupmtg_jan10/meac_study/meac_follow-up_2008.pdf