

Overview of regulations and policies to promote accessibility

Presentation by Deirdre Kevin, Commsol

WGIII: Update on accessibility of audiovisual media services

50th EPRA Meeting October 23-25 2019,

Athens

Presentation outline

Best practice in the regulation and policies for promoting accessibility of audiovisual media services and looks at the following:

- ❖ **Obligations** to ensure the availability of accessible audiovisual media content
- ❖ **Approaches** to regulation and the treatment of **different services** (TV and on-demand)
- ❖ What **NRAS** are doing
- ❖ **Consultation** and collaboration
- ❖ Monitoring, **reporting**, research
- ❖ Issues of cost and **financial** incentives
- ❖ Conclusions

Fig 1 Accessibility : rights and obligations to provide accessible audiovisual media content

UN Convention on the Rights of People with Disabilities (CRPD 2006)

EUROPEAN UNION

Equality and non-discrimination (Art 5)

Charter of Fundamental Rights of the EU

Accessibility (Art 9): access on equal basis to the physical environment Including information and communications, information and communications technologies and systems

Article 21: Non-discrimination

Freedom of expression and opinion, and access to information (Art 21): Encouraging mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities

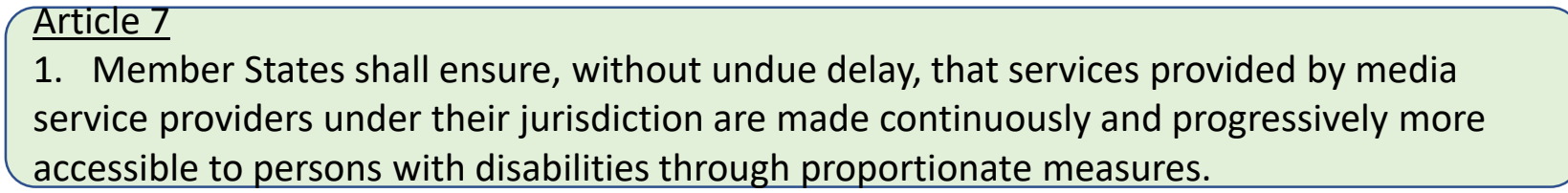
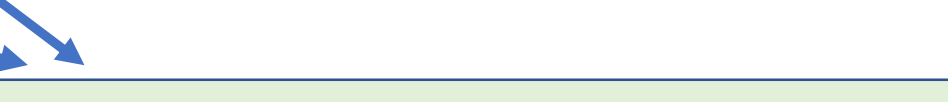
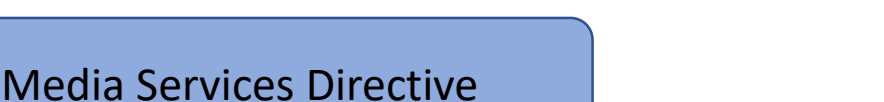
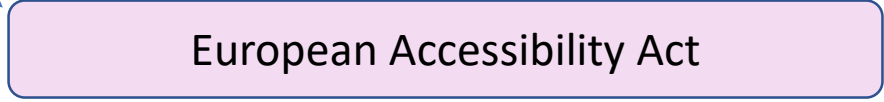
Article 26: Integration of persons with disabilities
The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.

Participation in cultural life, recreation, leisure and sport (Art 30): ensure that persons with disabilities shall enjoy access to cultural materials in accessible formats and enjoy access to television programmes, films... in accessible formats

European Accessibility Act

Audiovisual Media Services Directive

Article 7
1. Member States shall ensure, without undue delay, that services provided by media service providers under their jurisdiction are made continuously and progressively more accessible to persons with disabilities through proportionate measures.



Article 7 AVMS

1. Member States shall **ensure, without undue delay**, that services provided by media service providers under their jurisdiction are made **continuously and progressively more accessible** to persons with disabilities through proportionate measures.
2. Member States shall ensure that **media service providers report on a regular basis to the national regulatory authorities** or bodies on the implementation of the measures referred to in paragraph 1. By 19 December 2022 and every three years thereafter, Member States shall report to the Commission on the implementation of paragraph 1.
3. Member States shall encourage media service providers to **develop accessibility action plans in respect of continuously and progressively making** their services more accessible to persons with disabilities. Any such action plan shall be communicated to national regulatory authorities or bodies.
4. Each Member State shall designate a single, easily accessible, including by persons with disabilities, and **publicly available online point of contact for providing information** and receiving complaints regarding any accessibility issues referred to in this Article.
5. Member States shall **ensure that emergency information, including public communications** and announcements in natural disaster situations, which is made available to the public through audiovisual media services, is provided in a manner which **is accessible** to persons with disabilities.’;

Fig 2 Progressive quota systems, fixed requirements and general obligations

*Article 7 (1). Member States shall **ensure, without undue delay**, that services provided by media service providers under their jurisdiction are made **continuously and progressively more accessible** to persons with disabilities through proportionate measures.*

Rules outline **progressive quotas/targets** that need to be met by media service providers

Ireland
Belgium (CSA)
Netherlands
Poland
United Kingdom

Fixed requirements in terms of % of programming or hours of programming – rules updated periodically

France
Greece
Sweden
Switzerland
Spain - Catalunya
Portugal

General obligation: media service providers should make accessible services available – no specific % or hours

Denmark
Germany
Estonia
Lithuania
North Macedonia
Slovenia
Romania *

**In Romania, there a requirement regarding 30 mins of news with signing per day*

Fig 3 Obligations on Different broadcasters

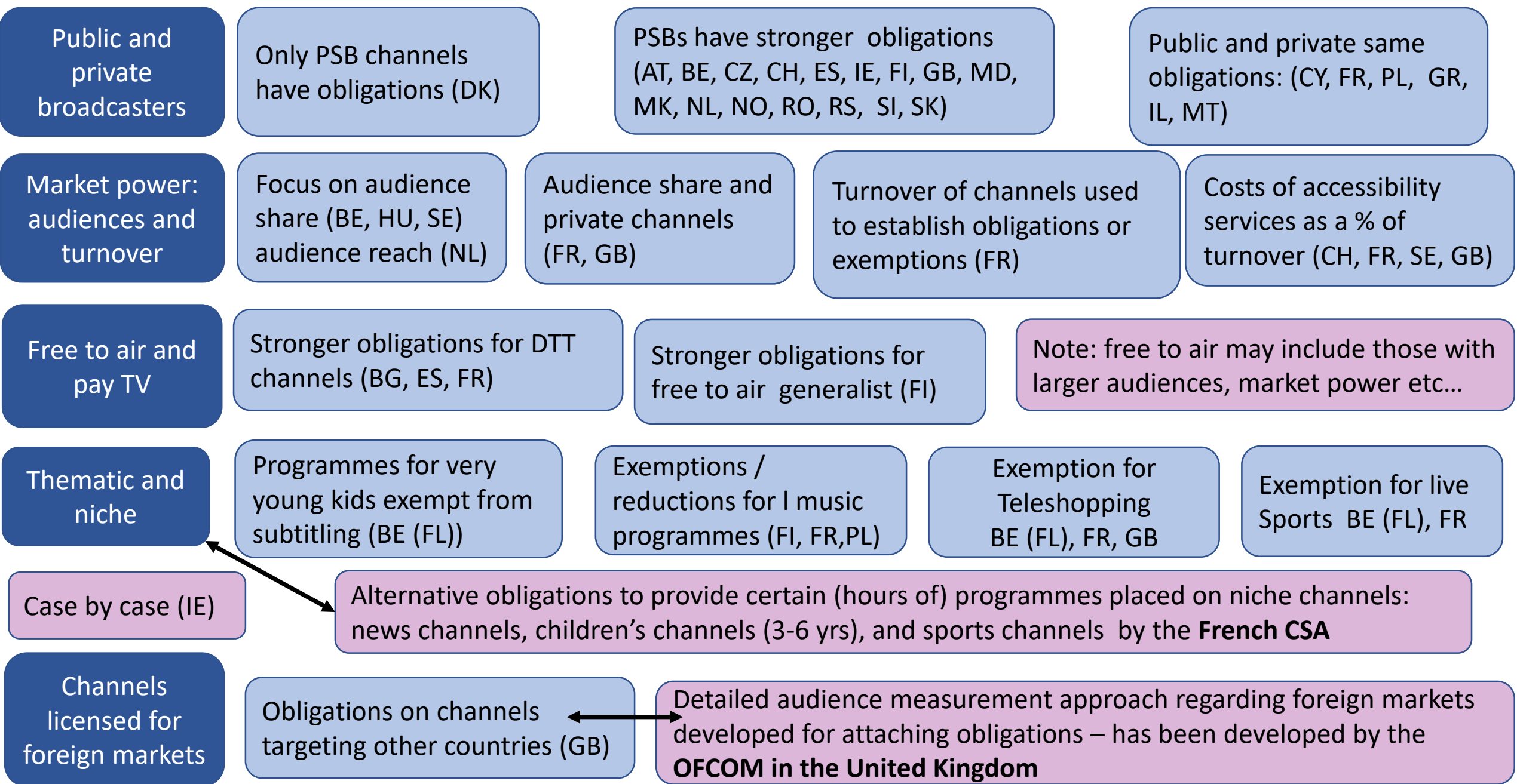
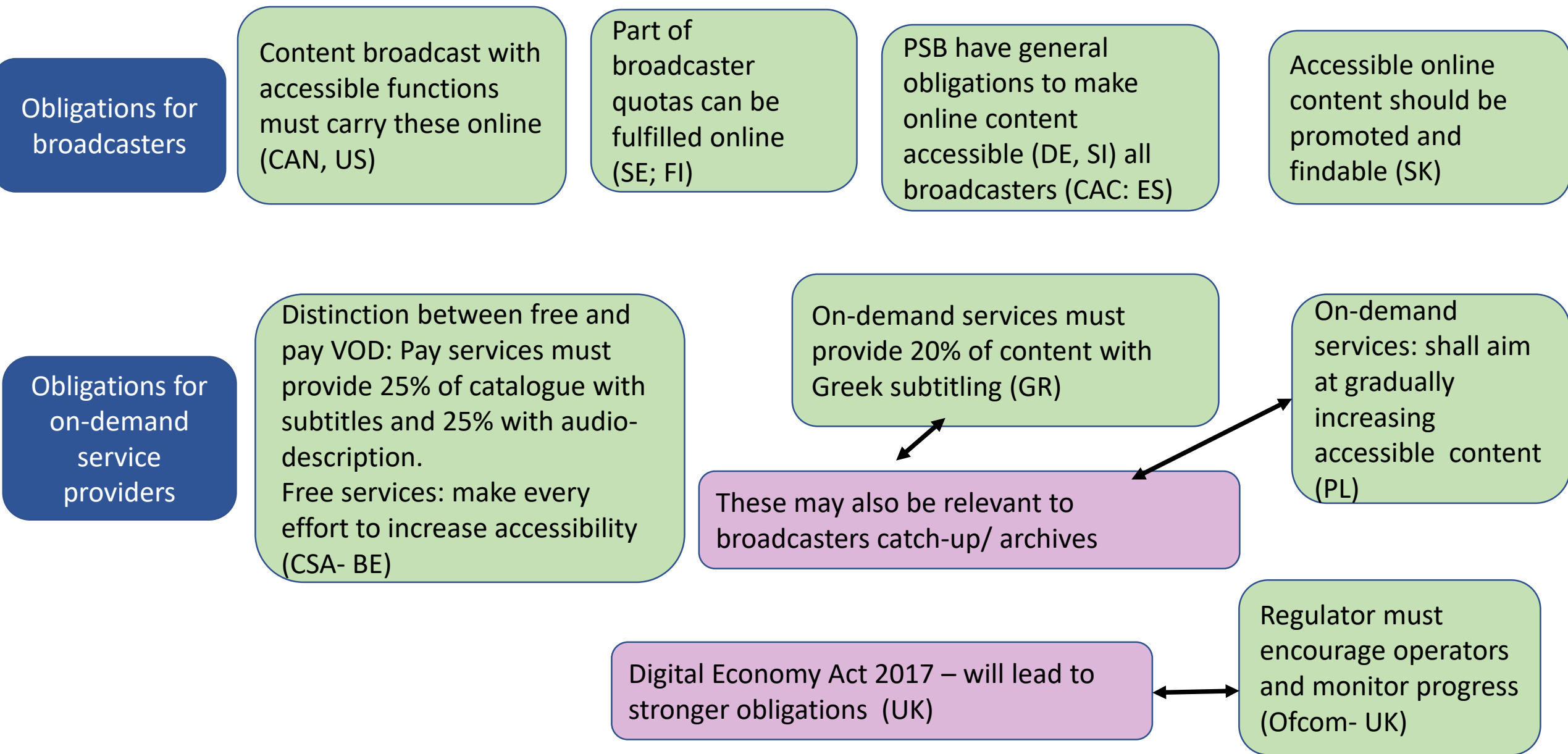


Fig 4 Obligations in the on-demand world – an emerging area of regulation



Role of the regulator

1. Facilitating consultation with all stakeholders
2. Establishing progressive achievement via quotas or other targets
3. Receiving reports, and/or carrying out monitoring
4. Assessing implementation
5. Monitoring quality
6. Sanctions or fines
7. Facilitating collaboration in industry

Fig 5 Monitoring progress, reports and research

Article 7 (2). Member States shall ensure that media service providers report on a regular basis to the national regulatory authorities or bodies on the implementation of the measures referred to in paragraph 1.

Reporting
required to
NRA from
media service
providers

Belgium (CSA)
Czech Republic
Estonia*
Finland
France
Greece (from 2020)
Ireland
Netherlands
Sweden
Switzerland
Poland
United Kingdom

Regular NRA
reports
surveys and
research

Belgium (CSA)
CAC- ES
France
Germany
Ireland (from 2019)
Portugal

Ad hoc
surveys
and
research

North Macedonia

Monitoring
of progress

Bulgaria
CAC-ES
Germany
Hungary
Ireland
Portugal
United
Kingdom

No monitoring,
research, or
reporting

Denmark*
Lithuania
Romania
Slovenia

**In Denmark, the public broadcaster reports annually to the Ministry on broadcasting activities, which may include accessibility issues*

**In Estonia the media service providers report to the Consumer Protection Agency*

Fig 6 Contact points, feedback, consultation

Article 7 (4). 4. Each Member State shall designate a single, easily accessible, including by persons with disabilities, and publicly available online point of contact for providing information and receiving complaints regarding any accessibility issues referred to in this Article.

Contact points
Operators must appoint contact points

Broadcasters required to meet regularly with representative groups of people with disabilities

NRAs hold regular meetings with all stakeholders: industry and user groups

Belgium (CSA)
Ireland
United Kingdom

Ireland
United Kingdom

Discuss needs and content preferences

Contact points
NRA established email contact point

Switzerland

Negotiate obligations

Belgium (CSA)
CAC-ES
Germany
Greece
France
Ireland
North Macedonia
Portugal
Sweden
United Kingdom

raise awareness

Consult on changes to rules

promote direct dialogue

Costs, exemptions, incentives

❖ Making audiovisual content available involves significant costs: to make content accessible - to make live content accessible – to ensure delivery of content over a range of platforms

- Market power taken into account
- Audience shares
- Turnover
- Exemptions, case-by-case examinations
- Progressive approach over time
- Maximising the availability of accessible content
- Collaboration in developing technological solutions – Martin

Fig 7 maximizing the availability of accessible content: funding of content production

Making accessibility a consideration early in the creative process—not only in post-production— will help create a cultural shift that will result in accessibility becoming just another consideration in the regular course of doing business (CRTC Canada)

Production funds
REQUIRE that
accessibility features are
in finished product

German Federal
Film Funds

BAI Irish Sound
and Vision

The selection of projects
to be funded rewards
the planned inclusion of
accessibility features

Croatian Fund for Promotion
of Pluralism and Diversity of
Electronic Media

Several production funds of
the French CNC

Slovenian Ministry of culture
funds

Funds are made
available to add
accessibility features to
content or create
specific programmes

Slovenian Ministry of Culture
specific funds

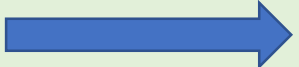
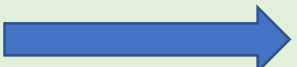
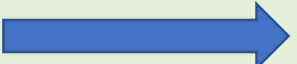
Several production funds of
the French CNC

Fernsehfonds Austria
(Television funds)

The costs of accessibility
features are included in
the costs that the funds
will reimburse

Austrian Film Institute
Vienna Film funds

Conclusions – and moving toward the future

- AVMS Directive  increased obligations
- In a broader context of stronger protection of rights for people with disabilities
- In many countries, a progressive approach has long been established – in some cases have already resulted in high levels of accessible content
- Distinctions are made between types of services, and/or types of content – often this is a question of cost and burden
- NRAs are playing important roles: developing quotas, assessing reports and implementation
- Major CHALLENGES of costs to increase accessible services AND costs to ensure delivery on various platforms  range of exemptions and incentives
- OPPORTUNITIES : what can technological innovations do to increase accessibility and reduce costs?  Address in the next presentation !