**Accessibility standards for audio-visual media**

Indicators on political participation

of persons with disabilities

2014

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**Are there legal accessibility standards for public and private audiovisual media?**

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| **EUMS** | **Source and supporting information** |
| AT | 5 (2) of the Act on the Austrian broadcasting company ORF (*ORF-Gesetz)*[[1]](#footnote-1) states that “information broadcasts should get organised (if technically possible and economically acceptable) in a way that makes it easier for deaf persons to understand them. Furthermore the proportion of broadcasts which are accessible for blind and deaf persons must increase continuously compared to the status of 31 December 2009[…]”. The law furthermore obliges the public broadcaster ORF to create a yearly action plan on the continuing extension of the accessibility to the television broadcasts as well as to web services. In general the ORF must have the goal to subtitle all its television broadcasts. Via desk research no such action plans or deadlines for implementation of subtitles could be found. The Austrian Deaf Association (*Österreichischer Gehörlosenbund)* criticised the provision as being far too vague when the act was still in the drafting period.[[2]](#footnote-2)The action plan (*Etappenplan*) is presented to the members of the ORF foundation council (ORF Stiftungsrat) as well as to the public annually. It gives a review on facts and figures concerning access services provided by ORF both for deaf and hard of hearing as well as blind and visually impaired people. In addition ORF annually has to provide detailed information about accessibility to all four programmes and the video-on-demand-service to the Federal Chancellor and the regulatory agency[[3]](#footnote-3). The Annual Report of the ORF[[4]](#footnote-4) gives further details on the current status. The National Action Plan on Disability 2012–2020 foresees in measure 102 a step-by-step increase of accessible programs on the ORF and other audio-visual media services till 2020. Measure 103 foresees that the ORF.at website is being made accessible in the course of its gradual technical modernisation, and corresponds to the internationally recognised standards for the creation of accessible web contents (WCAG 2.0).[[5]](#footnote-5)§30 (3) of the Act on Audio-visual Media (*Audiovisuelle Mediendienste-Gesetz)*[[6]](#footnote-6) stipulates that all media services should become accessible for persons with disabilities step by step. There is no deadline envisaged by the Act. |
| BE | In the Flemish Community, the principle of non-discrimination in commercial communication and public service announcements was introduced in the Decree on the radio and on television. In addition, the decree includes the obligation to make a significant proportion of programmes accessible to people with visual or hearing disabilities and 100% of the news programmes must be subtitled, for public broadcaster of the Flemish Community as well as private broadcasters (Decree of 13 July 2012 amending various provisions of the Decree of 27 March 2009 on the radio and television).[[7]](#footnote-7) The requirement has applied since 2012. The legislation does not define what a significant proportion means. In practice, many of the programmes are subtitled in Flanders due to language.Similar legislation has not been found for the French Community. However, a management contract that includes provisions against discrimination [[8]](#footnote-8) was signed by the French Community public Radio and Television, which also provides accessible programmes for persons with disabilities (e.g. subtitles and sign language interpretation of all the news programmes and some other programmes).[[9]](#footnote-9)The German-speaking Community has no legislation on the accessibility requirements for information and communication provided by the media. |
| BG | In compliance with Art. 49 of the Electronic Communications Act, the Communications Regulation Commission adopted Rules of procedure for providing access to electronic communications services through networks for terrestrial digital broadcasting and providing electronic communications services for people with hearing and visual impairments through these networks (Promulgated, SG 96/07.11.2008).From 2009 to present, the Council for Electronic Media provided obligations in the licenses for the delivery of audio-visual media services through networks for terrestrial digital broadcasting for the supplier “to ensure access to the program for persons with hearing and visual impairments including specialized subtitle language signs, audio description and audio subtitles.”Bulgarian National Television provides sign language interpretation for the disputes broadcasted according to the requirements of the Electoral Code. |
| CY | -Article 8 of Persons with Disabilities Law of 2000 sets out obligations in the field of telecommunication and information. Specifically, article 8 (3) provides that: “*TV channels should make the necessary arrangements so that, for specific hours, the news bulletin is comprehensible by the deaf*”.[[10]](#footnote-10)-The Cyprus Broadcasting Corporation Law and Radio and Television Laws of 1998 to 2011 (L.7 (I) / 1998) includes applicable provisions for all audiovisual media services and encourages the media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability (Article 30B(1)). Moreover, Article 30B (2) specifies that “*Each television service is obliged to broadcast between 18:00h and 22:00h special news bulletin addressed to deaf persons, with duration at least five minutes. The broadcasting of the above mentioned special news bulletin should take at least half the space of the TV screen*”. There are no other specifications in relation to the steps to be taken or the methods to used.Article 30B(3) mentions that the audiovisual media services, following consultations with the Authority, should submit an one-year timeline which indicates specific ways to achieve gradual increase of the percentage of their shows – at least up to 5% more than the news bulletins – which will be accessible to persons with visual or hearing disability.[[11]](#footnote-11)  |
| CZ | Czech Television (public provider) has a legal obligation to show at least 70% of all its broadcast with subtitles and at least 2% with interpretation to sign language.[[12]](#footnote-12) No such provision exists for other public or private media providers. |
| DE | -According to Section 3 (2) of the State Broadcasting Treaty (*Rundfunkstaatsvertrag*, RStV)[[13]](#footnote-13) all private and public broadcasting services are supposed to increase their offer of accessible programs (there is no definition of accessibility nor any timeline envisaged) and broadcastings within their frame of technical and financial possibilities. -Additionally, there is a minutes statement to the latest 15th amendment of the State Broadcasting Treaty making it clear that the legislative bodies (the Länder) expect the public broadcasters to intensify their dialogue with the disabled people’s associations, strengthen the accessibility of their programs and report on this subject frequently. Likewise, the private broadcasters are also expected to expand their program’s accessibility.- Pursuant to a recent amendment to the Film Funding Law (*Filmförderungsgesetz*, FFG)[[14]](#footnote-14), the production of an accessible version of every film is now part of the eligibility criteria for public funding. The sponsored films include documentaries. |
| DK | There is no general law making it mandatory for public and private providers of media to ensure that they are accessible. However, the Danish Broadcasting Corporation (DBC) is heavily subsidised by public funding and the Ministry of Culture has a legally binding contract with the DBC regulating the public service activities carried out by them.[[15]](#footnote-15)The contract with the Danish Broadcasting Corporation contains the following accessibility requirements:*Subtitles (Chapter 6):*Within the contract period The DBC is obligated to provide subtitles to 65% of all first time broadcastings on television.The DBC is committed to provide subtitles to news twice every evening on weekdays and once every evening on weekends. During the elections, all programs presenting parties, their leaders and election nights have to be fully subtitled. Furthermore the DBC shall aim at providing subtitles to all transmissions concerning events considered to be of great importance or which have great general interest. The contract recognizes that certain economic and technical constraints exist. During 2013 the DBC had to ensure that all programs with subtitles were also offered with subtitles when ordered on demand from their homepage (www.dr.dk). *Sign language interpretation (Chapter 6):*The DBC is obligated to provide sign language at least for two of their ordinary news programs on DR1 and/or DR2 within the time frame 17.00-19.30. Between 19.30-21.00, the DBC is obligated to rebroadcast the signed news programs and to strive to rebroadcast signed documentaries and entertainment. Mid 2014 the DBC has to evaluate the experiment and discuss the results with the Danish Consumer Council.[[16]](#footnote-16) The evaluation has to lead to a decision on whether daily broadcasting of signed documentaries and entertainment programs between 19.30-21.00 has to be a permanent part of the broadcasting scheme. The sign language interpretation will be broadcasted on “den 4. kanal” (The 4th Channel), also operated by the DBC, in the DTT net, which are available for this purpose from 17.00-21.00. *Audio Interpretation (Chapter 6):*The DBC is obligated to provide audio interpretations of new productions of Danish Drama and furthermore of a selection of their own documentaries concerning societal issues. Audio interpretation is a soundtrack in addition to the normal soundtrack. It gives people who are visually impaired or blind information about what happens in the programme, such as facial expressions or other relevant information only given visually in the original programme. For the second Danish public service channel, TV2/Denmark, mainly similar regulations exists:[http://kum.dk/Documents/Kulturpolitik/medier/TV2/2013/Tilladelse%20TV2%20til%20at%20ud%c3%b8ve%20ps%20virksomhed%202013.pdf](http://kum.dk/Documents/Kulturpolitik/medier/TV2/2013/Tilladelse%20TV2%20til%20at%20ud%C3%B8ve%20ps%20virksomhed%202013.pdf%20) |
| EE | There is no duty under law for the providers of media (excluding the internet) to ensure that information is subject to accessibility requirements. European Union's programmes (directives) recommend more accessibility to the information, but without clear requirements about the amount, deadlines etc.[[17]](#footnote-17) Paragraph 23 of the Media Services' Act[[18]](#footnote-18) **states that media providers are making their information accessible to the people with visual and auditory disabilities by using subtitles etc., but Estonian Public Broadcasting has taken it as recommendation, not as a requirement.[[19]](#footnote-19)** |
| EL | The Law 2328/1995on the legal status of private television and local radios, regulation of issues pertaining to the radio and television market and other provisions[[20]](#footnote-20) regulates issues related to the information and communication transmitted by mass media. The same law applies to public television. According to article 3 par. 20 of Law 2328/1995 television stations transmitting at national or district level must obligatorily transmit on a daily basis between 16.00 - 22.00 pm at least one news bulletin in Greek sign language with concurrent subtitles for deaf people, with a minimum duration of 7 minutes. Further, television stations are obliged to include in their program, at least once every fortnight, an informative, entertainment or educational program of at least 30 minutes in sign language and subtitles. These minimum obligations do not hinder television stations to undertake further initiatives for deaf people. The Law 2644/1998 on the legal status of subscriber broadcasting services[[21]](#footnote-21) also stipulates in art. 10 regarding Principles and Rules governing Program Content (Αρχές και κανόνες περιεχομένου του προγράμματος) that the provisions of Art. 3, par. 1 to 12, 14, 17 and 22 of Law 2328/1995 shall apply to the content of subscriber broadcasting services. These provisions concern the respect of the personality, privacy and participation of the individual in economic, social and political activity, the terms and conditions whereon radio and television advertisements and other messages of similar nature may be broadcasted, the protection of children, the guarantee of political diversity and access by political parties to radio and television broadcasts, and protection of consumers’ interests and the interests of citizens in general.Article 2 par.5 of the recent Law 4173/2013 on the newly re-established public television broadcaster (NERIT)[[22]](#footnote-22) states that radio and television programmes addressing all categories of the population, should take into account the needs of vulnerable social groups and that their content and distribution must allow accessibility for people with disabilities. No detailed provisions exist. Article 8 par. 1-4 of the Presidential Decree 109/2010 on the harmonization with Directive 2010/13/EU[[23]](#footnote-23) states that all (public and private) providers of audio-visual media are obliged to make their services gradually accessible to people with hearing disabilities. The law does not establish a specific deadline for ensuring the accessibility of the services. A recommendation issued by the Greek National Council for Radio and Television (No 2/5.2.2013) indicates all television stations to comply with these obligations and make their services accessible to people with hearing disabilities. The NCRT is the regulatory agency competent for the enforcement of radio and television regulations. |
| ES | Act 7/2010 on general rules regarding audiovisual communication which targets public and private providers and recasts earlier legislation, establishes in its article 6 regardomg the right to transparent audiovisual communication:“1. Everyone has the right to know the identity of the providers of audiovisual communication services, as well as the companies that constitute their group and their shareholders.To this end, the service provider is considered to be identified when it has a website offering the following details: the name of the service provider; its registered office; e-mail and other means of direct and easy communication; the competent regulatory or supervisory body.2. Everyone is entitled to be informed about television programming with due notice, i.e. not less than 3 days in advance. In the case of television programming, the schedule shall be made public through an electronic TV guide, the free basic content of which should be made available by an online information service in an accessible and downloadable format with a publicly known structure, which is to be published on a website the availability of which is the responsibility of the audiovisual communication service provider. The schedule may only be altered due to events which are beyond the control of the audiovisual service provider or events of overriding (live) media importance. The online information service shall include mechanisms to inform about last minute changes in the broadcasting schedule.3. The information referred to in this section which is included in websites, electronic programming guides or other media of the audiovisual communication service provider, and which serves to guarantee the right to transparency established in this section, must be accessible to persons with disabilities.4. The public authorities and audiovisual service providers shall contribute to the media literacy of citizens.5. Everyone is entitled to commercial communication being clearly distinguished from other media content, in the terms established by current legislation.6. Websites, electronic programming schedules and other channels or means of communication used by service providers, which serve to guarantee the right to transparency established in this section, must be accessible to persons with disabilities.”Article 8 of the Act 7/2010 on the rights of people with disabilities states:“1. People with visual or hearing impairments have the right to universal accessibility of audiovisual communication, in accordance with the technological possibilities.2. People with hearing impairment are entitled to public broadcasting on a state or regional level being subtitled for 75% of programming, as well as to at least two hours a week of sign language interpretation.3. People with visual impairment are entitled to public broadcasting on a state or regional level offering at least two hours a week of programming with audio description.4. The public authorities and service providers shall promote the full enjoyment of audiovisual communication by persons with disabilities and the use of good practices to avoid any kind of discrimination of, or negative effects for these persons.In order to guarantee the quality of the service provided and the satisfaction of the audience, audiovisual service providers, when applying accessibility measures, should at all times take into account the prevailing technical standards regarding subtitling, sign language broadcasting and audio description. All audiovisual service providers, except RTVE Broadcasting Corporation, may use advertising to finance accessibility measures.5. When broadcasting, audiovisual service providers shall seek to offer a correct, normal, respectful and inclusive image of persons with disabilities as an enriching expression of human diversity, while trying to avoid stereotypical or biased perceptions or perceptions based on possible social prejudice. At the same time, they will ensure that their appearance in programmes is proportional to their weight and participation in society as a whole.”The concept “universal access” covers both public and private providers, “in accordance with the technological possibilities”. For the concept “service providers” in the text, since there is no specification of whether these are public or private, it should be understood that it refers to both public and private providers.Following the fifth transitional provision of Act 7/2010 regarding support services for persons with disabilities: “1. The accessibility services for persons with disability to be offered as part of television programming as established under Article 8 should at least have reached the following percentages and values by December 31st of each year:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | 2010 | 2011 | 2012 | 2013 |
| Subtitling | 25% | 45% | 65% | 75% |
| Hours of sign language | 0,5 | 1 | 1,5 | 2 |
| Hours of audio description | 0,5 | 1 | 1,5 | 2 |

2. The accessibility services for persons with disability to be offered as part of public programming should at least have reached the following percentages and values by December 31st of each year:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | 2010 | 2011 | 2012 | 2013 |
| Subtitling | 25% | 50% | 70% | 90% |
| Hours of sign language | 1 | 3 | 7 | 10 |
| Hours of audio description | 1 | 3 | 7 | 10 |

3. The government is authorized to extend through regulation the terms referred to in the previous paragraph in accordance to the evolution of the audiovisual market, the implementation process of digital technology and the development of the available technical means at each point in time.4. Until the definitive termination of broadcasting with analogue technology, the obligation of offering sign language interpretation and audio description shall not be applicable to analogue broadcasting.5. New broadcasting channels must comply with the hours and percentages established under Article 8 within 4 years, extrapolating the scale provided in paragraph 1”.Act 10/2005 on urgent measures to stimulate Digital Terrestrial Television, to liberalize cable television and promote pluralism[[24]](#footnote-24) States in its second additional provision on the guarantee of accessibility of digital terrestrial television for persons with disability:“Pursuant to the provisions of Act 51/2003, of 2 December, on equal opportunities, non-discrimination and universal accessibility for persons with disabilities, and to its rules of implementation, the competent administrations shall adopt, after having consulted the representatives of the sectors and persons concerned, the necessary measures to guarantee from the start accessibility of persons with disability to the services of digital terrestrial television. To this purpose, the adopted measures will respect the principles of universal accessibility and design for all persons concerned”. |
| FI | The Act on Television and Radio Operations (*Laki televisio- ja radiotoiminnasta/Lag om televisions- och radioverksamhet*) (744/1998)[[25]](#footnote-25) and the Government Decree on Audio and Subtitle Services in Television Programming (*Valtioneuvoston asetus televisio-ohjelmiin liitettävästä ääni- ja tekstityspalvelusta/ Statsrådets förordning om införande av ljud- och textningstjänst i televisionsprogram*) (292/2011)[[26]](#footnote-26) regulate audio and subtitle services in radio and television broadcasting.Specifically, the amendment 19a (27.8.2010/733) of the Act on Television and Radio Operations regulates how subtitles and audio track must be provided when broadcasting in Finnish and Swedish, and an audio description when programming in other languages is subtitled. These services must be provided in both public service and private broadcasting, when the programming serves the public interest. The target percentage of subtitled or audio described programming between the years 2011–2016 is 10-50 % in private broadcasting and 50-100 % in public broadcasting. |
| FR | According to the Law No. 86-1067 on the freedom of communication[[27]](#footnote-27), the granting of licenses for private companies to transmit TV broadcasts is subordinated to the conclusion of an agreement between the authority which regulates the audiovisual sector, the Audiovisual Council (*Conseil supérieur de l’audiovisuel*, CSA) and the company applying for the authorization (art. 28). The law on disability added one point to be included into the agreement: “substantial proportions” of TV programs should be accessible to deaf and hearing impaired people; for channels with an annual average rating of over 2.5 % of the total television audience, it is an obligation to provide such accessibility for all TV programs, except for advertisement, within five years after 2005 (art. 28, 5 bis). The article foresees the possibility of derogations for programs with “specific characteristics”. Concerning blind and partially-sighted people, one requirement has been inserted into the law of 1986, by the law on disability, which states that the agreement must foresee the “proportions of TV program” accessible to them (art. 28, 5 ter).For public channels, the law on disability integrated some changes into the law about communication. Article 53 of this law provides since 2005 the obligation for public channels to ensure access for deaf and hearing impaired people to all TV programs except for advertisement (there is also the possibility of derogations for programs with “specific characteristics”). In addition, objectives agreements between the CSA and the public channels must state commitments from the channels to give blind and partially-sighted people access to TV programs (without any further details about the proportion).For television and radio broadcasts, there is also a recommendation of the 4th ofJanuary 2011 dealing with electoral issues from the CSA[[28]](#footnote-28) which is addressed to television channels. It recalls the terms of the law and specifies that 'channels with an annual average rating of over 2.5 % of the total television audience are responsible for providing access for deaf and hard-of-hearing persons, with subtitles or sign language, to all TV programmes devoted to elections'. Other channels are required 'to promote access, with subtitles or sign language, for deaf and hard-of-hearing persons, to main TV programmes devoted to current electoral events when the audience is high, and to strive to ensure in particular accessibility to the broadcasting of electoral debates on screen'.  |
| HR | Article 14 of the Electronic Media Act[[29]](#footnote-29) provides that the Council for Electronic Media (*Vijeće za elektroničke medije*) acting as a statutory body, will encourage providers of audio-visual media services to gradually make their services accessible for persons with hearing and visual impairments.In its article 2 (1), the Act defines electronic media as: audio-visual programs, radio programs and electronic publications. Electronic publications are defined as edited content published daily or periodically on the internet by providers of electronic publications with information and educational purposes.Furthermore, article 6(2) of the Act on Croatian Radio-television (*Zakon o Hrvatskoj radioteleviziji*)[[30]](#footnote-30), states that Croatian Radio-Television is required “to gradually make accessible their audio-visual media services for persons with hearing and visual impairments.”Art. 9(1) specifies that the public service of Croatian Radio-television includes the obligation of the institution to produce programs fulfilling the democratic, social and cultural needs of the Croatian society, guaranteeing pluralism, including cultural and linguistic diversity. In that context, Art. 9(2) specifically lists the obligation to adapt, produce, co-produce and publish/broadcast programs for persons with disabilities and children with disabilities and encourage the translation to the Croatian Sign Language. The Act does not specify other types of adaptions that are required.Article 46 of the contract between Croatian radio-television and the Government of the Republic of Croatia for the period from the 1st of January 2013 to the 31st of December 2017 (*Ugovor između Hrvatske radiotelevizije i Vlade Republike Hrvatske za razdoblje od 1. siječnja 2013. do 31. prosinca 2017.*)[[31]](#footnote-31), specifies that Croatian radio shall produce and broadcast on national channels at least 20 special programs for persons and children with disabilities per year, and at least 100 such programs on regional channels. Croatian television shall produce a weekly program for persons with disabilities, and cover issues relevant to disabled war veterans in its programs for war veterans.The same article specifies that Croatian Television shall adapt some news, religious issues and other programs to deaf persons through translation into the Croatian Sign Language or sthrough subtitles, with an obligation to increase the proportion of such programs wherever possible within its production process. |
| HU | The Media Act,[[32]](#footnote-32) which was adopted in 2010 and entered into force after the last municipal and European Parliamentary elections, and which applies to media services and press products provided and published by media content providers settled in Hungary, sets out under article 39 that media content providers for audio-visual media services shall make efforts to gradually make their programmes accessible to people with impaired hearing.Public and – in respect of their media services with the highest annual average audience share – private “linear media” service providers[[33]](#footnote-33) (this stands for the traditional radio and TV channels) with significant market power are obliged to ensure that all announcements of public interest, political advertisements, news programmes (including traffic news, sports news and weather forecasts) and political programmes, as well as programmes about people with disabilities or equal opportunities, are accessible through Hungarian subtitles – for example through teletext – or through sign language.[[34]](#footnote-34)Furthermore, the providers above are obliged to ensure that cinematographic works, games and programmes serving public service objectives, provided between 06.00 and 24.00, are also accessible through Hungarian subtitles or sign language (for at least six hours on each calendar day in 2012; for at least eight hours on each calendar day in 2013; for at least ten hours on each calendar day in 2014; and throughout the whole airtime from 2015 on). On the basis of Resolution 1601/2011. (XI. 9.) of the Media Council (*Médiatanács*), the National Media and Infocommunications Authority (*Nemzeti Média- és Hírközlési Hatóság*) regularly supervises the fulfilment of the above obligations by the six largest television broadcasts, with the help of a web-based program and seven deaf or hearing impaired staff members.[[35]](#footnote-35)In its recent report[[36]](#footnote-36) the National Media and Infocommunications Authority stated that the media service providers’ practice as far as accessibility is concerned had improved; the ratio of programmes with subtitles had increased; however, the quality of the subtitles had not always been satisfactory. The media service providers were also criticised because the correction of failures indicated in the earlier reports was too slow. Neither the specialized report nor the annual reports of the National Media and Infocommunications Authority for 2012, 2011 and 2010 refer to or contain any information on related complaints.As to other types of disabilities, no further accessibility requirement is provided for with respect to the media services. Finally, there are no explicit regulations in place concerning the obligation of subtitling in minority (“nationality”) languages. Article 99 (1) of the Media Act only prescribes that all nationalities recognised by Hungary are entitled to support and sustain their culture and mother tongue, and to be regularly informed in their mother tongue by way of separate programmes aired through public media service. |
| IE | Under section 38 of the Broadcasting Act 2009[[37]](#footnote-37), the Broadcasting Authority of Ireland must produce an annual report, which is to include a specific report on progress made towards increasing accessibility of broadcasting services to people with disabilities, and in particular, on progress made to achieve the targets set out in any broadcasting rules.Section 43 of the Broadcasting Act 2009[[38]](#footnote-38) requires the Broadcasting Authority of Ireland to prepare rules for broadcasters in respect of access to broadcasting services by persons with hearing or sight impairments. The BAI Access Rules 2012[[39]](#footnote-39) are prepared under section 43; they determine the levels of subtitling, sign language and audio description that broadcasters in Ireland will be required to provide in accordance with their statutory obligations.The Broadcasting Authority of Ireland has established a broadcasting funding scheme (Sound & Vision II) under section 154 of the Broadcasting Act 2009.[[40]](#footnote-40) In order to facilitate the understanding and enjoyment of television programmes by people who are deaf or with hearing difficulties, all funded programmes must make provisions for subtitling. Funding is available to applicants who wish to provide open sign language and open audio description as an additional access service for funded television programmes.[[41]](#footnote-41)Furthermore, under the Referendum Acts 1992 to 2001[[42]](#footnote-42) a Referendum Commission is obliged:(*a*) to prepare one or more statements containing a general explanation of the subject matter of the proposal and of the text thereof in the relevant Bill and any other information relating to those matters that the Commission considers appropriate;(*b*) to publish and distribute those statements in such manner and by such means including the use of television, radio and other electronic media as the Commission considers most likely to bring them to the attention of the electorate and to ensure as far as practicable that the means employed enable those with a sight or hearing disability to read or hear the statements concerned |
| IT | There is no duty under law that ensures the accessibility of information provided by private and public media providers (TV, radio, newspapers), except for the accessibility of public information website (see the above mentioned *Stanca* Law). The law states that accessibility criteria of public broadcasts are indicated in the Rai Service Agreement between Rai (public broadcasting) and the Ministry of Communication, to be renewed every three years[[43]](#footnote-43). In the 2010-2012 agreement (art. 13), Rai is committed to provide subtitles for at least the main edition of news and another news edition every day for the three Rai channels, to translate at least one edition of news for each channel in LIS (Italian Sign Language); to subtitle at least one sport news and a news edition in the 24hours information channel Rainews24; to translate in LIS one edition of the regional news. More generally, Rai is committed to subtitle 70% of 6.00-24.00 television broadcast[[44]](#footnote-44). |
| LT | There is no duty under law for public and private providers of media to ensure that their information and communications are subject to accessibility requirements. The Law on advertisement (*Reklamos įstatymas*)[[45]](#footnote-45), the law on public information (*Visuomenės informavimo įstatymas*)[[46]](#footnote-46), as well as the law on national radio and television (*Lietuvos nacionalinio radio ir televizijos įstatymas*)[[47]](#footnote-47) only lay down that content, form and language of the broadcast/publication should be of good quality; they should feature various views and guarantee human rights. Lithuanian Journalists and Publishers Ethics Code (*Lietuvos žurnalistų ir leidėjų etikos kodeksas*)[[48]](#footnote-48) require provision of comprehensive, accurate and correct information and various opinions, as well as to take into account rights of children, vulnerable people in order not to victimise them. But there is no requirement for the provision of accessible information for persons with disabilities. According to NGOs the lack of accessible information during election campaigns limits opportunities for persons with intellectual and physical disabilities to take part in the elections.[[49]](#footnote-49) |
| LU | Regarding the accessibility of media, there is no provision in the Act on accessibility of 2001 (including the grand-ducal decree of 2008), nor in the Electoral act of 2011. |
| LV | The Law "On the Press and Other Mass Media" does not envisage accessibility requirements for the information and communications of the media.[[50]](#footnote-50) Article 24 paragraph 5 of the Electronic Mass Media Law envisages that the electronic mass media shall develop a publicly available code of conduct where they indicate the measures which facilitate the availability of services for persons with impaired vision or hearing.[[51]](#footnote-51) According to the Article 71 of the Law, one of the tasks of the public service remit is to envisage access to certain broadcasts for people with impaired vision and hearing. The Law does not specify the accessibility requirements, timeframe or deadlines. |
| MT | The Broadcasting Act, Chapter 350 of the Laws of Malta, provides in Article 16J(3) that media service providers shall be encouraged that their services are gradually made accessible to people with a visual or hearing disability.[[52]](#footnote-52) There is no timeframe envisaged for this process. The Act makes no reference to any measures that could be undertaken to make services more accessible. |
| NL | The existing duties for media providers to ensure the accessibility of information pertain to public and private television providers, and are specifically related to the provision of subtitles. Article 15 of the Media Decision (*mediabesluit*) stipulates that public television stations have a duty to provide subtitles to 95% of their programmes, excluding advertisements.Article 17 of the Media Decision stipulates that private television stations, based in the Netherlands, have to provide subtitles to 50% of their programmes, excluding advertisements.[[53]](#footnote-53) |
| PL | In accordance with Article 18a of the Act on radio and television[[54]](#footnote-54), all kinds of media providers – television and radio – (both public and private) are obliged to ensure accessibility for people with disabilities. The term ‘accessibility’ denotes, in this context, audio description, subtitles and translation into sign language. The same Article states that at least 10% of the whole broadcasting time should be adapted to the needs of persons with disabilities; however in accordance with the Article 18a point 2, the National Council of Radio and Television can issue a regulation which would change that limit by, for example, lowering it. |
| PT | Law 27/2007 of 30 July, amended and republished by Law 8/2011 of 11 April, *Lei da Televisão e dos Serviços Audiovisuais a Pedido* (Law on Television and Audio Visual Services on Request), transposing the Directive 2007/65/CE) article 34 (3), Obligations of operators, applicable to all operators, establishes that the  “*Regulatory Authority for the Media (Entidade reguladora para a Comunicação Social, ERC) defines, having heard the National Institute for Rehabilitation (Instituto Nacional para a Reabilitação, INR)[[55]](#footnote-55) and the other persons with disability representing bodies, the television operators and the operators of audio visual services on request, on the basis of a* ***multi annual plan foreseeing its gradual compliance****, (…), the set of obligations regarding the accessibility of the television services and audio visual services namely, and given the nature of the service, the use of subtitles, sign language interpretation, audio description or other adequate techniques, as well as regarding the availability of easily understandable menu navigation.” [[56]](#footnote-56)* No further information on the nature of those obligations was identified. |
| RO | Not at present and from 2015 only for persons with a hearing disability. According to the Romanian Audio-visual Law[[57]](#footnote-57), the National Council of the Audio-Visual (*Consiliul Naţional al Audiovizualului, CNA*) has the obligation to encourage the providers of audio-visual services in view of ensuring conditions so that the services provided become accessible to persons with visual or hearing impairments. The Romanian audio-visual code[[58]](#footnote-58), adopted by the CNA and binding on media providers, mentions in its preamble the following: “having in view the need to provide audio-visual media accessible for the persons with a disability and the elderly, through sign language, subtitles, audio-description and other technical means offered by digital technology”. Under Article 79, it provides: “Providers of audio-visual media services will ensure, gradually, by 1 January 2015, the accessibility to the main information programme of persons with hearing impairments.”In reply to a request for public information, the CNA stated that the subtitling service is not yet able to facilitate the access of persons with hearing impairments.[[59]](#footnote-59) |
| SE | Chapter 5 Section 12 of the Radio and Television Act (*Radio och TV-lagen*)[[60]](#footnote-60) implements Article 7 of the EU directive on coordination of audio-visual services among the member states.[[61]](#footnote-61) It stated that a media service provider of TV broadcasts, on demand TV or Teletext other than through cable shall devise the service in such a way that it becomes accessible for persons with functional impairments, by texting, interpreting, audio description or other similar techniques. Since 1 January 2013 the requirement extends to television broadcasting and searchable Teletext broadcast on cable but does not include video on demand provided through cable.[[62]](#footnote-62) Foreign broadcasting companies are not subject to Swedish regulations.The extent to which the programme must be made accessible is determined by the Government concerning broadcasters financed by radio and TV fees according to the Act on Financing of Radio and Television for Public Service (1989:41) such as Sveriges Television AB (SVT) and the Swedish Educational Broadcasting Company (UR). In all other cases the Broadcasting Authority decides, for example in the case of TV4 AB[[63]](#footnote-63). The providers’ financial condition and the technical development of accessibility services should be considered in the decision.[[64]](#footnote-64) Broadcasting companies that broadcast via terrestrial networks and satellite have a general obligation to promote accessibility. More extensive obligations apply to those programme services on the terrestrial network and via satellite that reach an audience of one per cent or more. Each year, the broadcasting companies must submit reports to the Broadcasting Authority specifying how they have promoted the accessibility of their channels. The broadcasting companies should outline the measures they have taken to promote accessibility of their programming services.The Broadcasting Authority (Myndigheten för Radio och TV) in June 2011 imposed specific obligations on TV4 AB to adapt some of the company's program services broadcast in terrestrial and via satellite to people with disabilities. According to the decision, which applies to broadcasting in Swedish, the proportion of subtitled and sign language interpreting programs should increase annually and reach 90 percent of the broadcasting time in June 2016. The proportion of audio description and spoken text should gradually increase to 3 percent of the broadcasting time during the same period.The ceiling for accessibility measures is reached when the cost of the obligation exceeds 1 percent of the company's net sales for the current program service.[[65]](#footnote-65)The proposed Government Bill Education and Accessibility - Public Service Broadcasting 2014–2019[[66]](#footnote-66) contains conditions and guidelines for Sveriges Radio AB (SR), Sveriges Television AB (SVT) and Sveriges Utbildningsradio AB (UR) for the period 2014–2019. Requirements are tightened and embodied in the form of quotas constituted as follows:- The number of subtitled programmes in Swedish is to increase during the period compared with today. If a system of automated speech recognition can be introduced during the period, all programmes in Swedish should be subtitled.- The proportion of programmes with sign language interpretation and audio description is to increase during the licence period.- The spoken text service should be offered in all programmes that are not live broadcasts.According to chapter 4, Section 9, point 5, of the Radio and Television Act (*Radio och TV-lagen*)[[67]](#footnote-67) a license to broadcast television or searchable TeleText may be combined with conditions concerning an obligation to broadcast programs that are especially adapted for persons with disabilities. According to Chapter 11 Section 3, point 4, of the Radio and Television Act (*Radio och TV-lagen*)[[68]](#footnote-68), a licence to broadcast radio programmes other than community radio and commercial radio may be combined with conditions to devise the broadcasts in such a way that they are accessible for persons with disability. The conditions that may be issued pursuant to these provisions are limited to the obligation to provide specifically adapted programs, such as programs in sign language or news program that are adapted for people with cognitive disabilities.Chapter 13 of the Radio and Television Act (*Radio och TV-lagen*)[[69]](#footnote-69) provides the conditions for a licence to broadcast commercial radio. Section 27, point 2, states that a licence to broadcast digital commercial radio may be made subject to conditions that impose an obligation to devise broadcasts in such a way so that these are accessible to persons with functional impairments. According to Chapter 17 Section 11, point 4, if a natural or legal person fails to comply with the obligation to devise television broadcasts, on‐demand TV or Teletext in an accessible manner for persons with disability according to Chapter 5 section 12, and decisions issued based on that provision, it may be subject to a conditional fine. Decisions by the Broadcasting Authority according to Chapter 5 section 12 regarding accessibility for persons with disability may be appealed to a public administrative court according to Chapter 20 Section 3. |
| SI | Generally, the laws do not oblige the media to provide information in formats accessible to persons with disabilities, but only encourages them to do so. Some more duties, however, are imposed on the national public broadcaster. For example, Article 4 of the Media Act (*Zakon o medijih*, ZMed) stipulates that the state specially supports creation and dissemination of programming intended for the blind (i.e. persons with visual impairments) and the deaf who cannot speak (*literally, “gluhoslepe”, deaf-mute*) in adjusted techniques, and supports development of technical infrastructure.[[70]](#footnote-70) Similarly, according to Article 11 of the Audiovisual media services Act (*Zakon o avdiovizualnih medijskih storitvah*, ZAvMS), the state, in accordance with the law governing media, encourages providers to gradually ensure access to their services for persons with visual and hearing impairment.[[71]](#footnote-71) In accordance with Article 4 of the Radio and television of Slovenia Act (*Zakon o Radioteleviziji Slovenija*, ZRTVS-1), a piece of legislation regulating operations of the national public broadcaster, the public broadcaster, on its channels, provides programming intended for the blind and persons with visual impairments and for deaf and persons with hearing impairments using techniques adapted for such persons, and pays special attention to persons with disabilities and to content associated with them.Article 24 of the act in question further stipulates that the Programme Board shall appoint a Programme Committee for the issue of programme content for persons with disabilities. The Programme Committee, composed of nine persons whose disability has been determined by the competent authority in an enforceable decision and who were nominated by associations of persons with disabilities, shall observe: the draft proposal and implementation of the programme plan in parts related to programme content intended for persons with disabilities; comments and proposals by viewers and listeners regarding the programme content intended for persons with disabilities; fulfilment of the broadcasting of programme content aimed at persons with visual and hearing impairment in adjusted techniques. It may also submit initiatives and proposals to bodies of the public broadcasters and the latter are obliged to deal with them and indicate their position in that respect.[[72]](#footnote-72) |
| SK | In the SR there are no legal regulations governing accessibility requirements relating specifically to political participation.Law No. 308/2000 on Broadcasting and Retransmission that amended Law No. 195/2000 on Telecommunications (*Zákon č. 308/2000 o vysielaní a retransmisii a o zmene zákona č.* *195/2000* *o telekomunikáciách*):Pursuant to **Article 18** **Specific Obligations of Public Service Broadcaster *(3)*** *A public service broadcaster shall have the duty to ensure multimodal access to its television programme service, such that in every television programme service that it broadcasts digitally, are at least:* ***a)*** *50% of all programmes broadcast accompanied by hidden or exposed subtitles that correspond to the plot of broadcast programmes;* ***b)*** *3% of all broadcast programmes accompanied by translation into sign language or broadcast in deaf sign language;* ***c)*** *20% of all broadcast programmes accompanied by a voice commentary for the blind.* Pursuant to **Article 18a** **Specific Obligations of Licensed Broadcasters**,*a licensed broadcaster shall have the duty to ensure multimodal access to its programme service such that in every television programme service that it broadcasts digitally, are at least :* ***a)*** *10% of all broadcast programmes accompanied by hidden or displayedsubtitles that correspond to the plot of broadcast programmes or by translation into the deaf sign language or broadcast in deaf sign language;* ***b)*** *3% of all broadcast programme accompanied by a voice commentary for the blind.*Pursuant to **Article 18b** **Specific Obligations of Broadcasters and Providers of an On-demand Audiovisual Media Service to Mark Programmes with Multimodal Access *(1)****, broadcasters and providers of an on-demand audiovisual media service shall clearly mark all programmes that are accompanied by hidden or displayed subtitles that correspond to the plot of broadcast programmes, are accompanied voice commentary for the blind or are translated into the sign language and shall notify to the Council for Broadcasting and Retransmission the way of marking of programmes.[[73]](#footnote-73)*Pursuant to Article 5 (1h) of Law No. 532/2010 on Slovak Radio and Television (*Zákon č. 532/2010 o**Rozhlase a televízii Slovenska*), one of the main activities of Slovak Radio and Television is to take into consideration the needs of the hearing impaired and other social minorities in broadcasting.[[74]](#footnote-74)Law No. 220/2007 on Digital Broadcasting of Programme Services and on Provision of Other Content Services via Digital Transmission *(Zákon č. 220/2007 o digitálnom vysielaní programových služieb a poskytovaní iných obsahových služieb prostredníctvom digitálneho prenosu*) regulates multimodal access through the following provisions: Pursuant to **Article 4 Content Service and Responsibility for Content *(7)****, multimodal access to program services is an auxiliary content service that is broadcast parallel to the applicable television program service providing access for deaf or blind to broadcast programmes or other components of a programme service paricularly through displayed or hidden subtitles, translation into deaf sign language and voice commentary for the blind;* pursuant to **Article 7 Electronic Public Administration Services Provided via Terrestrial Multiplex *(3)****, a public administration organ that provides electronic public administration service via terrestrial multiplex shall also provide multimodal access to electronic public administration service provided in this manner*.[[75]](#footnote-75) |
| UK | Yes for public media providers, no for private media providers.Under the Equality Act 2010 (EA), only the British Broadcasting Corporation (BBC) and Channel 4 are defined as public authorities[[76]](#footnote-76) and subject to the PSED under section 149 EA 2010. In line with their PSED the BBC published *Telling our Story: 2011 Equality Information Repor*t,[[77]](#footnote-77) Within this report the BBC outlines the measures taken to ensure that their broadcast services are accessible to persons with disabilities.[[78]](#footnote-78) The report also refers to the accessibility guidelines that are adhered to by the web content developers and content writers. These guidelines comply with the Ofcom accessibility guidance. [[79]](#footnote-79) Channel Four have also published a report: “Channel 4: Equality Objectives” which outlines their equality policy in line with their PSED.[[80]](#footnote-80) An accessibility statement was made in the Channel Four Annual Report 2012 which outlined their policy to ensure that their website meets recognised international standards for accessibility and to ensure it is accessible to all. There are a number of other statements made by Channel Four which outlines their commitment to provide accessible broadcast services, including a commitment to 100% subtitling on their main broadcast channels[[81]](#footnote-81). Channel Four provides audio description and signing for a number of their broadcasts every week. On the Channel Four website, a list of audio described and signed programmes is given for each week. The page also indicates their commitment to provide audio described programming[[82]](#footnote-82).Under s 3(4) (i) of the Communications Act 2003 (CA)[[83]](#footnote-83), Ofcom must have regard, in performing their duties to “*the needs of persons with disabilities…”* In addition under Sections 303 to 305 CA, Ofcom is required to draw up a code giving guidance as to the extent to which television services should promote the understanding and enjoyment by persons who are deaf or hard of hearing, as well as those who are blind or partially sighted, or who have a dual sensory impairment (deafblind). This code is also required to be revised and updated from time to time. Paragraph four of the Ofcom code of guidance states that the code applies to licensed public service channels, digital television programme services, television licensable content services (TLCS), and restricted television services, as well any digital television programme services (DPS) provided by the Welsh Authority (including S4C Digital). The BBC Agreement also requires the BBC to observe the code in respect of its public television services subject to any exclusions agreed between Ofcom and the BBC having regard to the considerations set out in section 303(8). The code is not to apply to electronic programme guides provided under a TLCS or DPS licence, or to services comprising advertising (teleshopping), which is excluded from the definition of programme for the purpose of section 303.[[84]](#footnote-84) The code is not explicitly clear whether paragraph 4 covers private media providers, however, the aforementioned paragraph applies to all digital service providers and thus would cover all private media providers with a broadcasting license. The latest Code on Television Access Services was published by Ofcom in December 2012.[[85]](#footnote-85) The Code sets out the requirements for television access services under the CA, the Broadcasting Act 1996, or the Broadcasting Act 1990. Ofcom also produces guidance on practices to be followed which is appended to the Code (Annexes 3 & 4). |

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Privatfernsehgesetz geändert werden), available at: www.oeglb.at/netbuilder/docs/stellungnahme\_oeglb\_regierungsvorlage\_orf-g.pdf [↑](#footnote-ref-2)
3. Information provided upon request by ORF, 13 January 2014. [↑](#footnote-ref-3)
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9. Belgium, See the links to information concerning television programmes, with sign language interpretation, on the website of the French-speaking Belgian Federation of the Deaf (*Fédération Francophone des Sourds de Belgique*), available at: <http://www.ffsb.be/?q=node/98>. [↑](#footnote-ref-9)
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23. Presidential Decree 109/2010 on the harmonization with Directive 2010/13/EU *(Εναρμόνιση της ελληνικής ραδιοτηλεοπτικής νομοθεσίας στις διατάξεις της Οδηγίας 2010/13/ΕΕ (ΕΕ L 95 της 15.4.2010) του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου, με την οποία κωδικοποιήθηκαν οι διατάξεις της Οδηγίας 89/552/ΕΟΚ (ΕΕ L 298 της 17.10.1989) του Συμβουλίου, όπως ίσχυε μετά την τελευταία τροποποίησή της από την Οδηγία 2007/65/ΕΚ (ΕΕ L 332 της 18.12.2007) του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου για το συντονισμό ορισμένων νομοθετικών, κανονιστικών και διοικητικών διατάξεων των κρατών μελών σχετικά με την παροχή υπηρεσιών οπτικοακουστικών μέσων),* OG B’ 190/5.11.2010, accessible at: <http://www.esr.gr/arxeion-xml/uploads/PD.109-2010.pdf>*,* art. 8 par. 1-4. [↑](#footnote-ref-23)
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33. This refers to “media services provided by a media service provider that allow for the simultaneous watching or listening to programmes on the basis of a programme schedule” as stated in Act CIV of 2010 on the freedom of the press and the fundamental rules on media content (*a sajtószabadságról és a médiatartalmak alapvető szabályairól szóló 2010. évi CIV. törvény*), Article 1 (5) available in Hungarian at: <http://njt.hu/cgi_bin/njt_doc.cgi?docid=132460.245134>. [↑](#footnote-ref-33)
34. Following the National Media and Infocommunications Authority (*Nemzeti Média és Hírközlési Hatóság*) the notion “linear media service providers with significant market power” practically covers national television channels. [↑](#footnote-ref-34)
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