Key elements of European regulations and policies

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Accessibility of audiovisual media services Workshop

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Presentation outline

The purpose of this session is to look at the overall trends in Europe regarding approaches to and best practice in the policies for promoting accessibility of audiovisual media services.

It will include the following:

- Key definitions and tools
- **Approaches** to regulation
- Treatment of different types of TV channels
- ❖What is happening in the on-demand world
- Delivery and distribution of content

Key definitions of tools for accessibility for people with hearing disabilities

- Access services: term used to refer to accessibility services
- **Sign language interpretation** is the use of a sign language to convey the information contained in the programme audio (speech and other important sounds) to viewers who are deaf, or for whom sign language is their first language
- Subtitles (also called captions) provide a textual representation of dialogue within the same language or translated into another language.
- Subtitles for the Deaf and Hard of Hearing (SDH) differ from regular subtitles in so far that they provide important non-speech information as well as speaker identification, which may be useful when the viewer cannot otherwise see who is saying what.
- Closed captions or closed SDH are not visible until activated by the viewer, usually via the remote control or menu option.
- Open captions or open SDH, on the other hand, are 'burned-into' or 'hard-coded' onto the video and are visible to all users. They cannot be personalised.

Examples

- Sign language interpretation
- https://www.rtvslo.si/dostopno/znakovni-jezik#174667524
- Subtitling and sign language: what are they?
- https://www.swisstxt.ch/en/cases/access-services/?autoplay=1

Key definitions of tools for accessibility for people with seeing disabilities

- Access services: term used to refer to accessibility services
- Audio description: communicates important visual content with spoken information inserted as a narrative between the dialogue and other programme sounds.
- **Spoken subtitles** are the reading aloud of interlingual subtitles in a spoken voice. These are accessibility measures especially useful for persons with visual or reading impairments and for blind/deaf blind persons, particularly in countries which do not dub programmes into the national language. Spoken subtitles are also known as audio subtitles.

Examples



• https://abilitynet.org.uk/news-blogs/what-next-audio-description-tv-and-advertising-techshare-pro-2018

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.

Fig 1 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
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

Example of gradual targets, from Ofcom UK in 2015

Targets applicable to non-public service channels

Anniversary of relevant date	Subtitling	Audio Description	Signing
First	10%	2%	1%
Second	10%	4%	1%
Third	35%	6%	2%
Fourth	60%	8%	2%
Fifth	60%	10%	3%
Sixth	70%	10%	3%
Seventh	70%	10%	4%
Eighth	70%	10%	4%
Ninth	70%	10%	4%
Tenth	80%	10%	5%

Fig 2 Obligations on different types of broadcasters

Public and private broadcasters

Only PSB channels have specific obligations (DK)

PSBs have stronger obligations (AT, BE, CZ, CH, ES, IE, FI, GB, MD, MK, NL, NO, PT, PL, RO, RS, SI, SK)

Public and private same obligations: (CY, FR, PL, GR, IL, MT)

Market power: audiences and turnover

Focus on audience share (BE, HU, PL, SE) or reach (NL) Audience share and private channels (FR, GB)

Turnover of channels used to establish obligations or exemptions (FR) Costs of accessibility services as a % of turnover (CH, FR, SE, GB)

Free to air and pay TV

Stronger obligations for DTT channels (BG, ES, FR)

Stronger obligations for free to air generalist (FI)

Note: free to air may include those with larger audiences, market power etc...

Thematic and niche

Programmes for very young kids exempt from subtitling (BE (FL))

Exemptions / reductions for music programmes (FI, FR,PL)

Exemption for Teleshopping BE (FL), FR, GB, PL

Exemption for live Sports BE (FL), FR

Case by case (IE)

Alternative obligations to provide certain (hours of) programmes placed on niche channels: news channels, children's channels (3-6 yrs), and sports channels by the **French CSA**

Channels licensed for foreign markets

Obligations on channels targeting other countries (GB)

Detailed audience measurement approach regarding foreign markets developed for attaching obligations – has been developed by the **OFCOM in the United Kingdom**

Example: subtitle quotas for different channels: BAI

		2019	2020	2021	2022	2023	
	RTÉ 1	87% (95% Peak Time)	88% (95% Peak Time)	90% (96% Peak Time)	91% (96% Peak Time)	92% (96% Peak Time)	
PUBLIC	RTÉ 2	73% (85% Peak Time)	74% (86% Peak Time)	76% (87% Peak Time)	77% (87% Peak Time)	78% (88% Peak Time)	
	RTÉjr	48%	49%	51%	52%	53%	
L	RTÉ News Now	24%	25%	27%	29%	30%	
PRIVATE	Virgin Media 1	51% (51% Peak Time)	53% (52% Peak Time)	54% (54% Peak Time)	55% (55% Peak Time)	56% (57% Peak Time)	
	Other Virgin Media Services	50% of combined output	52% of combined output	53% of combined output	54% of combined output	55% of combined output	
PUBLIC -	TG4	57% (60% Peak Time)	57% (60% Peak Time)	58% (60% Peak Time)	58% (60% Peak Time)	59% (60% Peak Time)	
PRIVATE -	Eir Sport 1	12%	12%	13%	13%	14%	
	+ 1 & HD Channels	Any subtitling carried on the main television service shall be made available through +1 and HD Channels					
PARLIAMENT	Oireachtas TV	16%	16%	17%	17%	18%	
CONTINUENT	сстv	11%	11%	11%	12%	13%	
COMMUNITY	DCTV	11%	11%	11%	12%	13%	

Fig 3 Obligations in the on-demand world – an emerging area of regulation

Obligations for broadcasters

Content broadcast with accessible functions must carry these online (CAN, US)

Part of broadcaster quotas can be fulfilled online (SE, FI) PSB have general obligations to make online content accessible (DE, SI) all broadcasters (CAC: ES)

Accessible online content should be promoted and findable (SK)

Obligations for on-demand service providers

Distinction between free and pay VOD: Pay services must provide 25% of catalogue with subtitles and 25% with audiodescription.

Free services: make every effort to increase accessibility (CSA- BE)

On-demand services must provide 20% of content with Greek subtitling (GR)

These may also be relevant to broadcasters catch-up/ archives

On-demand services: shall aim at gradually increasing accessible content (PL)

Digital Economy Act 2017 – will lead to stronger obligations (UK)

Regulator must encourage operators and monitor progress (Ofcom- UK)

Fig 4 Delivery and distribution of content, and quality

Technical access to audiovisual media services

European Accessibility Act

access services
of audiovisual
media services
are fully
transmitted with
adequate quality
for accurate
display, and
synchronised
with sound and
video

Must-carry rules

distribution companies must deliver accessibility services: Belgium (CSA), Denmark, Malta, France, Greece, Portugal, Switzerland and the UK. Quality of accessibility tools

Agreements and charters on quality of accessibility tools (CSA – BE, IE, FR GB) Research in this area (PT). "findability" requirement to inform viewers of accessibility functions.
(Belgian Frenchspeaking Community, Ireland, Slovakia, Portugal, the UK)

Findability

in practice the broadcasters are adding this information to programme descriptions and TV programme guides

Agreements and initiatives

Project to develop a DTT receiver with vocalised (text to speech) in the French language. (France)

DTT set-top boxes must be able to receive, decode and display the various access services (Ireland)

Conclusions

- >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 this has 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
- ➤ Obligations are being introduced for on-demand services
- There are also obligations for distribution companies to carry through these services