



## **Subgroup 1**

**Consistent implementation and enforcement of the new Audiovisual  
Media Services framework**

## **Workstream 2**

**Technical expertise: Interpreting and providing guidance on the most  
complex new provisions**

**Report: New rules on accessibility (Article 7.1) -**

**A common understanding of ‘proportionate measures’**

**2021**



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## 1. Introduction

In 2018, ERGA Subgroup 3 produced an [Analysis and Discussion Paper](#), which addressed certain potential implementation issues in connection to the revised Audiovisual Media Service Directive (AVMSD) and opened up lines of discussions about how these issues could be addressed in the future.

In 2019, Taskforce 1 within Subgroup 3 was designed to continue the work of the above-mentioned Subgroup 3 (2018) and elaborate on the revised material rules regarding, inter alia, accessibility (Article 7 of the revised AVMSD). The objective of the Taskforce was to give an overview of the changes to the material rules for audiovisual media services and possible approaches to emerging difficulties. As output, the Taskforce produced an overview document containing a few pages for each of the topics addressed. This overview document was then included in the 2019 report [Implementation of the revised AVMS Directive](#).

Building upon the work conducted by ERGA in the 2019 report, Workstream 2 within the 2021 Subgroup 1 has focused, inter alia, on the rules on accessibility in Article 7.1 of the revised AVMSD, examining in particular how to facilitate a common understanding of the interpretation of 'proportionate' measures and issuing some general guidance on the matter. As output the Taskforce has produced this document containing a mapping of 'proportionate' measures in the different national accessibility obligations, as well as some possible guidance on how 'proportionate' measures may be interpreted in the continued work with making services and programmes accessible to persons with disabilities. The document builds in particular on the answers provided by the NRAs to questions in a digital survey regarding 'proportionate' measures, feedback received from the Subgroup members and the outcomes of the meetings which took place at Subgroup and Workstream levels throughout the year.

## 2. Legal provisions in the revised AVMSD

**Article 7** of Directive 2010/13/EU obliged all Member States to encourage media service providers of both linear and non-linear audiovisual media services to ensure that their services were gradually made accessible to people with a visual or hearing disability. Following the revision by Directive (EU) 2018/1808, **Article 7.1** of the revised AVMSD is now going beyond the previous Article. Whereas



previously, Member States were only obliged to encourage media service providers to make their services accessible, all Member States shall now 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.

**Recital 22** of the revised AVMSD states the following: “Ensuring the accessibility of audiovisual content is an essential requirement in the context of the commitments taken under the United Nations Convention on the Rights of Persons with Disabilities. In the context of [the AVMSD], the term ‘persons with disabilities’ should be interpreted in light of the nature of the services covered by [the AVMSD], which are audiovisual media services. The right of persons with an impairment and of the elderly to participate and be integrated in the social and cultural life of the Union is linked to the provision of accessible audiovisual media services. Therefore, Member States should, without undue delay, ensure that media service providers under their jurisdiction actively seek to make content accessible to persons with disabilities, in particular with a visual or hearing impairment. Accessibility requirements should be met through a progressive and continuous process, while taking into account the practical and unavoidable constraints that could prevent full accessibility, such as programmes or events broadcast in real time. In order to measure the progress that media service providers have made in making their services progressively accessible to people with visual or hearing disabilities, Member States should require media service providers established on their territory to report to them on a regular basis.”.

**Recital 23** of the revised AVMSD states that the means to achieve the accessibility of audiovisual media services should include, but need not be limited to, sign language, subtitling for the deaf and hard of hearing, spoken subtitles, and audio description. However, [the AVMSD] does not cover features or services providing access to audiovisual media services, nor does it cover accessibility features of electronic programme guides (EPGs). Therefore, [the AVMSD] is without prejudice to Union law aiming to harmonise the accessibility of services providing access to audiovisual media services, such as websites, online applications and EPGs, or the provision of information on accessibility and in accessible formats.

### 3. Summary of the findings in the 2019 report regarding accessibility obligations

As mentioned above, an obligation to make audiovisual media services accessible to persons with disabilities was already included in Directive 2010/13/EU. Member States had therefore, at least in part regarding the revised Article 7.1, already transposed this obligation into their national legislation by 2019, whether it be through a regulatory, co-regulatory or self-regulatory system. It differed, however, between Member States when it came to whether the additional obligations in the revised Article 7 had already been introduced. While some Member States had “only” decided on a specific percentage of content which had to be made accessible to persons with disabilities, other Member States had already obliged their providers to make a certain percentage of content accessible to



persons with disabilities, to make their services continuously and progressively more accessible, to report their progress in making their services accessible to the NRAs and/or to develop action plans.

In the 2019 report, ERGA identified potential implementation challenges related to, inter alia, Article 7.1 of the revised AVMSD. The fact that the structure of the national systems may vary depending on whether Member States have introduced a regulatory, co-regulatory or self-regulatory system could, according to the findings in the report, present a challenge when it comes to a consistent implementation of the provisions. In addition to these structural differences, one of the main challenges regarding a consistent implementation identified in the report was the fact that Article 7 of the revised AVMSD does not state the percentage of content that should be made accessible to persons with disabilities. Thus, the quantitative obligations may vary from one Member State to another, depending on the national legislation regulating media services. Furthermore, the revised AVMSD does not include its own definition of ‘persons with disabilities’, which could result in different interpretations and definitions in different Member States. Member States may also have different rules regarding whether the same obligations should apply to all providers irrespective of their viewer time shares or costs, or if it should only apply to those providers or services that fulfil certain criteria. The obligations may also need to be different for different providers, as all types of techniques may not be available on all types of platforms and the providers of content may not always be able to decide how their content is made accessible. Member States may also need to consider different challenges met by their providers. Some NRAs and their providers may meet challenges of a more financial nature (e.g., lack of funds), while others may face issues of a more technical nature (e.g., audience share measurements).

In the report, ERGA also presented some proposals for an effective implementation of the new rules. By exchanging best practices through, inter alia, discussions and case studies, it was considered to be possible to have fairly uniform approaches in the Member States, despite there possibly being structural differences, as Member States could learn and draw inspiration from one another. In addition to the proposal regarding the exchange of best practices, it was also proposed in the 2019 report that the DET (a virtual repository for ERGA members) could be used as a platform for the exchange of best practices to allow for an easy way to collect and share information and to keep the information up to date.

#### 4. Mapping of ‘proportionate’ measures in the national accessibility obligations

The work of ERGA in 2021 is further extending the work of ERGA on Article 7.1. To get an overview of the already existing or planned national accessibility obligations, a digital survey was sent out to the NRAs of all ERGA members and observers, with questions regarding ‘proportionate’ measures in Article 7.1 of the revised AVMSD. 26 NRAs responded to the survey (AT, BE (French Community), BG, CZ, DE, EE, ES, FI, FR, GR, HR, IE, IT, LT, LU, LV, MK, MT, NL, NO, PL, PT, SE, SI, SK and TU). This section summarises the responses to the questions in the survey.



It is important to note that not all countries had transposed the revised AVMSD at the time of the survey. Some of the countries' responses, and the descriptions of the national accessibility obligations below, may therefore be based on the national obligations in place at the time of the survey, and does not take into account the new obligations in the revised AVMSD. In some countries, there will be further or more specific accessibility obligations in place once the revised AVMSD has been (fully) transposed into national law.

**Have the obligations described below already been implemented in national law?**

**21 NRAs** (AT, BE, BG, DE, EE, FI, FR, GR, IE, IT, LT, LU, LV, MT, NL, NO, PL, PT, SE, SK and TU) responded that the obligations described in the answers to the survey have already (at least partially) been implemented.

**5 NRAs** (CZ, ES, HR, MK and SI) responded that the obligations described below had not yet been implemented/were still draft proposals at the time of the survey.

In **North Macedonia**, while there are some stipulations regarding accessibility obligations in national law, Article 7 of the revised AVMSD has not yet been transposed. The media regulator took a proactive role at the beginning of 2020 and initiated talks with the TV stations and providers of on-demand services to adopt a self-regulatory document. However, the outbreak of the Covid-19 pandemic put the adoption of this document on hold. The media regulator still hopes to find a way to reach an adoption of the document to help a smooth transition for the providers once Article 7 of the revised AVMSD has been transposed into national law.

**Is there a regulatory, co-regulatory or self-regulatory system in place for monitoring the fulfilment of the obligations?**

**16 NRAs** responded that they either have or will have a regulatory system (BG, CZ, ES, FI, FR, GR, HR, IE, MT, NL, NO, PL, PT, SE, SK and TU) for monitoring the fulfilment of the obligations.

In **Finland**, some providers (especially the public service provider) are also engaged in discussions with associations representing the users with disabilities at their own initiative. In addition, there is a national recommendation on the quality of subtitling for the hearing-impaired, which has been prepared by the interest group representing the hearing-impaired, YLE (public service provider) and MTV3 (nationwide commercial channel) in cooperation.

In **Ireland**, the media regulator is required to develop rules to make television programme content accessible in the case of broadcasts. In the case of on-demand services, requirements are minimal and reflect the wording of the 2009 AVMSD. Unlike the linear requirements, the on-demand provisions are self-regulatory. Legislation transposing the revised AVMSD will end self-regulation of the on-demand sector and these services will come under statutory regulation with oversight by the media regulator.



In **Portugal**, a regulatory system is currently in place. However, in the multi-year plan that will come into force in 2022, Portugal is considering introducing co-regulation mechanisms and encouraging self-regulation, especially regarding on-demand services.

**6 NRAs** (AT, BE, EE, LU, LV and MK) responded that they either have or will have a co-regulatory system for monitoring the fulfilment of the obligations.

In **Latvia**, there is not a specific regulation model. While the media regulator fully regulates electronic mass media, the provisions in Article 7.1 can also be regulated more specifically internally by the electronic mass media. Therefore, a co-regulatory system is the more correct term.

**4 NRAs** (DE, IT, LT and SI) responded that there is no regulatory, co-regulatory or self-regulatory system regarding accessibility obligations.

In **Germany**, the broadcasters of national commercial television services report to the respective competent state media authority, while the state broadcasting corporations forming the ARD, the ZDF and Deutschlandradio report to their respective supervisory bodies. The reports are subsequently transmitted to the European Commission. The same obligation applies to so called television-like telemedia (i.e., on-demand services), and a similar obligation is foreseen to apply to so called telemedia services (e.g., websites with journalistic-editorial content).

In **Italy**, the Contract of Public Service for Public Service Broadcasters provides the measures/rules.

In **Lithuania**, there is a plan (included in the action plan for the improvement of access to information for persons with disabilities) for what can be considered a co-regulatory system.

In **Slovenia**, certain obligations have been imposed on RTV Slovenija (Slovenian public service provider) through the Radiotelevizija Slovenia Act, but it is left to the programming and editorial autonomy of RTV Slovenija. The Act also defines the Program Committee for the topic of program content for the disabled.

### **Which authorities and/or other bodies are involved in the monitoring of the fulfilment of the obligations?**

**19 NRAs** (AT, BE, CZ, EE, ES, FI, FR, GR, HR, IT, LU, LV, MT, NL, NO, PL, PT, SK and TU) responded that it is the national media regulator that is or will be involved in monitoring the fulfilment of the obligations. Many regulators cooperate with, inter alia, organisations representing the rights of persons with disabilities while fulfilling their monitoring tasks.

**5 NRAs** (BG, DE, IE, LT and SE) responded that both the media regulator and other bodies are or will be involved in the monitoring.

In **Bulgaria**, apart from the media regulator, the Commission for Protection against Discrimination also monitors the fulfilment of the obligations.



In **Germany**, the state media authorities are responsible for the national private television programmes. The state broadcasting corporations forming the ARD, the ZDF and Deutschlandradio have their own respective supervisory bodies.

In **Ireland**, the media regulator monitors the fulfilment of the obligations in the case of linear programming. A self-regulatory body is responsible for on-demand services but does not, to the best of the media regulator's knowledge, undertake monitoring of this issue.

In **Lithuania**, the media regulator will be monitoring the implementation of the abovementioned plan. This will be done in accordance with the procedure established in the plan and in agreement with an institution authorized by the Government (who has approved the plan).

In **Sweden**, the media regulator monitors the private/commercial broadcasters' fulfilment of the obligations, while an independent decision body within the media regulator monitors the public service providers' fulfilment.

**2 NRAs** (MK and SI) responded that there currently are no bodies involved in the monitoring of the fulfilment of the obligations.

In **Slovenia**, there are however assessments by various bodies and organizations that deal with the topic and statistics on adapted content, which is led by the public service provider for its own content.

### **Which types of services do the obligations apply to (linear and/or on-demand services)?**

**20 NRAs** (AT, BE, BG, CZ, DE, EE, FI, FR, GR, HR, LT, LV, MK, MT, NL, NO, PL, SE, SI and SK) responded that the obligations (in varying degree) apply to all nationally available types of broadcasts (terrestrial, satellite, cable and internet/Web/IP-TV) and on-demand services. In some countries, national legislation does not specify which types of broadcasts/linear services or on-demand services that the obligations apply to. The obligations can therefore in principle apply to all types of broadcasts/linear services and on-demand services.

**6 NRAs** (ES, IE, IT, LU, PT and TU) responded that the obligations (in varying degree) apply to certain types of services.

In **Ireland**, the obligations apply to on-demand services and all types of broadcasts other than carriage via the Internet and Web. The obligations are placed on individual broadcasters and, other than carriage via the Internet or Web, apply regardless of where the content is carried.

In **Italy**, the obligations apply to terrestrial broadcasts and broadcasts carried via the Internet/Web/IP-TV (the latter applies only to public service providers).

In **Luxembourg**, the obligations apply to on-demand services and all broadcasts except those carried via the Internet/Web/IP-TV.





In **Portugal**, the obligations apply to terrestrial and cable broadcasts.

In **Spain**, the obligations apply to linear free-to-air providers, mainly terrestrial broadcasts (DTT), but also to satellite and Internet (OTT) providers as long as the service is free-to-air.

In **Turkey**, the obligations apply to terrestrial broadcasts from private media service providers which hold national broadcasting licenses and the Turkish Radio-Television Corporation, which is the public service provider.

**Which services do the obligations apply to (services mainly targeting the own country and/or other countries)?**

**13 NRAs** (BE, BG, DE, ES, FI, IT, LT, LV, MK, NL, PT, SK and TU) responded that the obligations only apply to services mainly targeting their own country.

In **Spain**, national law only establishes obligations for national or regional free-to-air audiovisual service providers. Regional and local terrestrial broadcasters have to meet the obligations set at the regional level.

**13 NRAs** (AT, CZ, EE, FR, GR, HR, IE, LU, MT, NO, PL, SE and SI) responded that (at least some of) the obligations apply to both services mainly targeting their own country and services mainly targeting other countries. In some countries, national legislation does not specify which services the obligations apply to. The obligations can therefore in principle apply to both types of services.

In the **Czech Republic**, national legislation does not specify which services the obligations apply to. However, given the scope of application on TV broadcasters with nationwide coverage transmitted terrestrially, the obligation applies in practice to services targeting mainly the Czech Republic.

In **Estonia**, the only exception is made for providers whose services are exclusively intended for reception in third countries and are not directly or indirectly available to the general public by means of publicly accessible reception equipment in several Member States or States Party to the Convention.

In **Ireland**, the obligations apply in principle to both services targeting Ireland and services targeting other countries. In practice, services targeting other Member States have been exempted from obligations by virtue of the content provided.

In **Poland**, national legislation does not stipulate anything in this regard. Polish legislation applies to services registered in Poland.

In **Slovenia**, national legislation does not explicitly stipulate anything in this regard, but it is considered that the implementation of the obligations is intended primarily for the sensory impaired persons in Slovenia. Therefore, it would be more correct to state that the obligations only apply to services mainly targeting Slovenia.



**Which types of programmes do the obligations apply to (pre-recorded programmes and/or programmes broadcast in real time)?**

**25 NRAs** (AT, BE, BG, CZ, DE, EE, ES, FI, FR, GR, HR, IE, IT, LT, LU, LV, MK, MT, NL, NO, PL, PT, SE, SI and TU) responded that the obligations (in varying degree) apply to both pre-recorded programmes and programmes broadcast in real time. In some countries, the national legislation does not specify which types of programmes the obligations apply to. The obligations can therefore in principle apply to both types of programmes.

In **Ireland**, broadcasters have the discretion to decide the programming that includes accessibility. In practice, some pre-recorded programming and some live programming has accessible content but there is no obligation, for example, to provide accessible content in real time broadcasts.

In **Slovenia**, the legislation does not recognize such detailed rules, but the activities carried out mainly by the public service provider show that the accessibility of both live and pre-recorded programmes is carried out.

**1 NRA** (SK) responded that the obligations only apply to pre-recorded programmes.

**Do the obligations apply to programmes in the national language(s) and/or other language(s)?**

**19 NRAs** (AT, BE, CZ, DE, EE, FI, FR, GR, IE, IT, LU, LV, MK, MT, NO, PT, SE, SI and TU) responded that the obligations apply to programmes in both the national language(s) of their respective countries and other languages. In some countries the national legislation does not specify which programmes the obligations apply to. The obligations can therefore in principle apply to both types of programmes.

In **Finland**, the obligations regarding subtitling apply to programmes in other EU languages and programmes in third country languages if the programmes have subtitling in Finnish and/or Swedish.

In **Latvia**, private/commercial providers shall ensure that television broadcasts in foreign languages (excluding live broadcasts, news and language teaching broadcasts) have sub-titles in the Latvian language.

In **Italy**, In the autonomous province of Bolzano, the principal local news edition of the public service provider is subtitled in German.

In **Slovenia**, the legislation does not specify which languages the obligations apply to. Audiovisual content in the Slovene language is however primarily adapted, as it is considered to be more important for users to be well informed. To a large extent, these programmes are informative and educational, in which fragments of foreign languages can also appear, and are adapted in the same way as the entire program.



In **Sweden**, services with a viewer time share below one percent are covered by a general requirement to promote accessibility to linear television services and on-demand-services. If such services target other states within the EEA, the providers must promote accessibility in at least one of the official languages spoken in the countries to which the services are addressed.

**7 NRAs** (BG, ES, HR, LT, NL, PL and SK) responded that the obligations do not apply to programmes in other languages than the national language(s).

**Which types of providers do the obligations apply to (public service providers and/or private/commercial providers)?**

**24 NRAs** (AT, BE, BG, CZ, DE, EE, ES, FI, FR, GR, HR, IE, LT, LU, LV, MK, MT, NL, NO, PL, PT, SE, SK and TU) responded that (at least some of the/differing) obligations apply to both public service providers and private/commercial providers. The obligations may differ between public service providers and private/commercial provider as well as among the two types of providers.

**2 NRAs** (IT and SI) responded that the obligations only apply to public service providers.

In **Italy**, private/commercial providers are not obliged to provide specific accessibility measures. They are only invited to adopt measures to facilitate the reception of the services by people with sensory disabilities.

In **Slovenia**, the commercial TV-channels are currently not obliged to provide content in techniques suitable for the sensory impaired. This will however change with the implementation of the revised AVMSD.

**Are there providers and/or services that can be exempted from the obligations?**

**14 NRAs** (BE, BG, DE, ES, FI, GR, HR, IT, LT, LU, LV, MT, SI and TU) responded that there are no exemptions from the obligations in national legislation.

**12 NRAs** (AT, CZ, EE, FR, IE, MK, NL, NO, PL, PT, SE and SK) responded that providers and/or services can be exempted from the obligations depending, inter alia, on a provider's annual turnover or a service's viewer time share.

In **Austria**, providers may be exempted if their annual turnover was less than 500,000 EUR during the previous year or if they only broadcast local or regional programmes.

In the **Czech Republic**, there are no exemptions regarding broadcasters. In the national law, which applies to on-demand service providers, the scope of the obligation is defined as applicable only to services, where appropriate and in the cases, where subtitles, interpretation to a sign language or an



audio description are available. Certain on-demand service providers may therefore be exempted from the obligations.

In **Estonia**, providers whose services are exclusively intended for reception in third countries and are not directly or indirectly available to the general public by means of publicly accessible reception equipment in several Member States or States Party to the Convention may be exempted from the obligations.

In **France**, services may be exempted from (certain) obligations if they have a viewer time share below a certain percentage or if the provider has an annual turnover below a certain amount. In addition, continuous news channels, local services (for which the agreement may provide for a reduction in obligations) and advertising messages may be exempted from the obligations.

In **Ireland**, there are no listed exemptions. Decisions as to requirements are made with reference to the Access Principles and Influencing Factors. Regard may be had to the audience size, financial capacity, target audience, the type of service, technical capacity, experience of the provider and other relevant factors. Having regard to these principles and factors a service may have no obligations or may have different obligations to other services.

In the **Netherlands**, providers may be exempted if they only broadcast/provide programmes in other languages than Dutch. There are also exemptions for advertising and teleshopping messages, content distributed for Dutch speakers abroad and visual radio content.

In **North Macedonia**, it is agreed that the local TV-stations are exempted from the obligation. Since they are small, with small audiences and turnover, the obligation would be too big of a burden for them.

In **Norway**, there are no explicit exemptions. Regarding private/commercial providers, the obligations do however only apply to providers that have a viewer time share above 5 %.

In **Poland**, a draft amendment to the national legislation allows for the possibility of limiting obligations for the smallest entities providing on-demand services, or for specialized services.

In **Portugal**, the multi-year plan only provides for obligations applicable to the services of generalist programs and thematic information. The rest, due to the specificity of the themes, have not yet been included in the obligations. However, the progressive inclusion of the others is foreseen. In relation to on-demand audiovisual services, the proposal of the multi-year plan that will come into force in 2022, involves the exemption of services related to low turnover.

In **Slovakia**, local broadcasters and broadcasters that broadcast abroad can be exempted from the obligations.

In **Sweden**, some smaller, often local, providers are exempted from obligations as their services cannot be considered to have a mass media impact.



**Are the obligations the same for all providers and/or services that the obligations apply to?**

**19 NRAs** (AT, BE, BG, CZ, ES, FI, FR, GR, IE, LT, LV, MK, MT, NL, NO, PL, PT, SE and SK) have responded that different obligations apply to different providers and services depending, inter alia, on a provider's annual turnover or a service's viewer time share.

In **Austria**, providers may have different obligations depending on their annual turnover and if they only broadcast local or regional programmes.

In the **French Community of Belgium**, providers may have different quantitative obligations depending on whether they are a public service provider or a private/commercial provider. The quantitative obligations may also differ depending on the viewer time share. The qualitative obligations are the same for all providers.

In **Bulgaria**, providers may have different quantitative obligations depending on whether they are a public service provider or a private/commercial provider. The obligations may also differ depending on the viewer time share.

In the **Czech Republic, Latvia, North Macedonia, Norway** and **Spain**, public service providers have stricter quantitative obligations than private/commercial providers.

In **Greece**, the transposition does not differentiate among different types of services. However, national legislation sets different obligations based on the type of service (public or private, informative or non-informative, linear or on-demand). There are both quantitative and qualitative differences.

In **Ireland**, the application of the Access Principles and Influencing Factors on a case-by-case basis can mean different approaches taken to different services provided by a public service broadcaster, e.g., the approach taken to the main channel (targeting a wide audience) will be different to the approach taken to a news channel or a channel for children's programming. Having said that, public service channels have higher obligations by virtue of the type of service provided, their public funding and the capacity and experience whereas private/commercial services have lesser obligations and community broadcasters have less again. One channel may have obligations for subtitling, sign language and audio description while another channel may only have subtitling obligations and a third channel may have no obligations at all. The quantitative obligations can differ between the different providers and services. The qualitative obligations are the same for all services.

In **Lithuania** and **Slovakia**, providers may have different quantitative obligations depending on whether they are a public service provider or a private/commercial provider.



In **Malta**, the obligations are not specified in national legislation. In practice, services will have different obligations since the providers set their own targets. The obligations can be both quantitative and qualitative as long as they are progressive.

In the **Netherlands**, public service providers have stricter quantitative obligations than private/commercial providers. In addition, the obligations only apply to those commercial media service providers that have a reach of at least 75 % of all the households.

In **Poland**, providers have different obligations depending on the air time, as well as the nature and type of the programme service.

In **Portugal**, the public service broadcaster has stricter obligations than the private operators in regard to the various accessibility tools. The differences between the public service provider and the private/commercial providers may for example be lower volume of hours for each technique. Some program services only have obligations regarding one kind of tool. The news and current affairs channels only have obligations in the Portuguese sign language.

In **Sweden**, providers have different quantitative obligations depending on whether they are a public service provider or a private/commercial provider. The quantitative obligations among the private/commercial providers may also differ depending on the services' viewer time shares.

**7 NRAs** (DE, EE, HR, IT, LU, SI and TU) have responded that the obligations are the same for all providers and services that the obligations apply to.

In **Germany**, there are no differences between linear and non-linear services. Germany does however also have an obligation for certain types of telemedia (e.g., websites with journalistic-editorial content) to support unencumbered access to television services and television-like telemedia within the framework of their technical and financial means.

**Are the providers obliged to use certain techniques (sign language, subtitling, subtitling for the deaf and hard of hearing, spoken subtitles, audio description or other)?**

**17 NRAs** (BE, CZ, ES, FI, FR, GR, IE, IT, LT, LV, NL, NO, PL, PT, SE, SK and TU) responded that there are obligations for the providers to use (one or more of) the abovementioned techniques.

In the **French Community of Belgium**, the providers are obliged to use subtitling for the deaf and hard of hearing and audio description. Additionally, the public service provider has an obligation to use sign language and subtitling for certain programmes in accordance with a five-year management agreement between the provider and the Government.



In the **Czech Republic**, the providers are obliged to use subtitling and audio description. Public service providers are also obliged to use sign language.

In **Finland**, the providers are obliged to use subtitling for the deaf and hard of hearing and spoken subtitles.

In **France**, the providers are obliged to use subtitling for the deaf and hard of hearing and audio description.

In **Greece**, the providers are obliged to use sign language, subtitling, subtitling for the deaf and hard of hearing and audio description.

In **Ireland**, the providers are obliged to use subtitling (or captioning) and subtitling for the deaf and hard of hearing. Some providers, but not all, are also obliged to use sign language and audio description.

In **Italy**, the providers are obliged to use sign language, subtitling (the obligations only mention “subtitles” without specifying if it is subtitling, subtitling for the deaf and hard of hearing or spoken subtitles) and audio description.

In **Latvia**, the providers are obliged to use sign language and subtitling.

In **Lithuania**, the providers are obliged to use sign language, subtitling and subtitling for the deaf and hard of hearing.

In the **Netherlands**, the providers are obliged to use subtitling for the deaf and hard of hearing.

In **Norway**, the providers are obliged to use sign language, subtitling, subtitling for the deaf and hard of hearing and audio description. Public service providers are also obliged to use spoken subtitles.

In **Portugal**, the providers are obliged to use sign language, subtitling and audio description. The generalist channels on digital terrestrial television are also obliged to use subtitling for the deaf and hard of hearing.

In **Poland, Slovakia and Turkey**, the providers are obliged to use sign language, subtitling for the deaf and hard of hearing and audio description.

In **Spain**, the providers are obliged to use sign language, subtitling and audio description.

In **Sweden**, private/commercial providers with a viewer time share above 1 % as well as public service providers are obliged to use sign language, subtitling, spoken subtitles and audio description.



Private/commercial providers with a viewer time share below 1 % must use at least one of these four techniques.

**9 NRAs** (AT, BG, DE, EE, HR, LU, MK, MT and SI) responded that there are no obligations for the providers to use specific techniques. In most countries, national legislation does not specify that certain techniques must be used by the providers so any of the abovementioned techniques could be used.

In **Slovenia**, the public service provider – in addition to all of the above listed techniques except spoken subtitles – also provides color subtitling and easy reading and easy to understand language (i.e., preparation of adapted news for people with intellectual disabilities, people with poor concentration, the elderly, people with dyslexia, some deaf people and others with lower language competence or difficulty in understanding).

**Are there (gradually increasing) quantitative obligations regarding the different techniques for broadcasts?**

**17 NRAs** (AT, BE, CZ, ES, FI, FR, HR, IE, IT, MT, NL, NO, PL, PT, SE, SK and TU) responded that there are (gradually increasing) quantitative obligations regarding the different techniques for broadcasts.

In **Austria**, the regulatory obligation stipulates a constant growth of measures in all programmes by setting up an action plan for a continuous increase of programs with these measures after 31 December 2020.

In the **French Community of Belgium**, the providers have quantitative obligations when it comes to subtitling for the deaf and hard of hearing and audio description. The national regulation provides for a transitional period illustrating the progressive character of the enforcement of the rules as the obligations are gradually increasing (different thresholds must be met at different periods). The obligations are intended to apply fully at their maximum threshold by 2023.

In **Croatia**, the providers are obliged to constantly and gradually make their services more accessible by using proportionate measures.

In the **Czech Republic**, the providers have quantitative obligations when it comes to sign language (only public service providers), subtitling and audio description.

In **Finland**, the providers have quantitative obligations when it comes to subtitling for the deaf and hard of hearing and spoken subtitles, with stricter obligations for the public service provider than the commercial/private providers. The obligation regarding subtitling of programmes in Finnish and Swedish does not include real-time music and sports programmes. Real-time news broadcasts are also exempt until 31 December 2021 (after 2021 this exception only applies to regional news broadcasts) but they must be broadcast with subtitles within 24 hours of the original broadcast at a time appropriate for viewers and made available in the provider's on-demand service in due course. The





obligation regarding spoken subtitles of programmes with subtitling in Finnish and/or Swedish does not include real-time music and sports programmes.

In **France**, services with a viewer time share exceeding 2.5 % are obliged to make all their programmes accessible to the deaf and hard of hearing. For linear services with a viewer time share exceeding 2.5 %, an agreement between the media regulator and the broadcasting companies sets out a specific amount of programmes that must be made accessible to blind or partially blind people.

In **Ireland**, the providers have quantitative obligations (a percentage target of programming) when it comes to sign language, subtitling, subtitling for the deaf and hard of hearing and audio description. Subtitling and subtitling for the deaf and hard of hearing are counted together towards the percentage but over time, only subtitling for the deaf and hard of hearing will be counted in the case of content produced or commissioned by the broadcaster. Subtitling on acquired content will continue to be counted.

In **Italy**, the providers have quantitative obligations when it comes to sign language, subtitling and audio description. There is also a general obligation to extend progressively the accessibility of public service providers' local news editions, to ensure access to the multimedia offer and content of the site, the portal and the public service providers' apps, to activate tools for collecting reports on the functioning of the subtitling and audio description services and to develop systems aimed to facilitate access.

In **Malta**, national legislation already sets out a minimum standard for GIO services (i.e., 30 minutes content/week for people with hearing disabilities). Henceforth, GIO channels should exceed this already set minimum. Other channels have a greater degree of flexibility in setting their obligations both qualitatively and quantitatively.

In the **Netherlands**, the providers have quantitative obligations when it comes to subtitling for the deaf and hard of hearing.

In **Norway**, there are currently only quantitative obligations. However, the Ministry of Culture has indicated in a hearing that future regulation will contain increasing obligations as well. The quantitative obligations are expressed in terms of "daily", "weekly" or "monthly".

In **Poland**, the providers have gradually increasing quantitative obligations when it comes to sign language and subtitling for the deaf and hard of hearing.

In **Portugal** and **Turkey**, the providers have quantitative obligations when it comes to sign language, subtitling for the deaf and hard of hearing and audio description.

In **Slovakia**, the providers have quantitative obligations when it comes to sign language, subtitling for the deaf and hard of hearing and audio description. The obligations do not apply to music programmes and programmes in which music is a major component or ancillary broadcasting by which the broadcast of a programme is interrupted.

In **Slovenia**, the current legislation does not prescribe any detailed obligations in this regard, but a new draft proposal, which will transpose the revised AVMSD, stipulates that providers (including



broadcasters) must gradually and continuously improve access to their services for disabled persons. The draft proposal does not set any quantitative criteria.

In **Spain**, national legislation foresees a gradually increasing set of obligations for each provider from when it first starts to provide the service until its fourth year of service. At that time, the providers should reach the general obligation set for all providers.

In **Sweden**, private/commercial providers with a viewer time share above 1 % as well as public service providers have gradually increasing quantitative obligations when it comes to sign language, subtitling, spoken subtitles and audio description. The obligations do not apply to live sports programmes (games and competitions) under certain conditions. Private/commercial providers with a viewer time share below 1 % must gradually increase the number of programmes made accessible using at least one of these four techniques.

**9 NRAs** (BG, DE, EE, GR, LT, LU, LV, MK and SI) responded that there (currently) are no quantitative obligations regarding the different techniques for broadcasts.

In **Greece**, there are no detailed milestones set. The providers are invited to produce and communicate their plans for gradual expansion of accessibility services within their content.

**Are there (gradually increasing) quantitative obligations regarding the different techniques for on-demand services?**

**16 NRAs** (AT, BG, CZ, DE, EE, ES, GR, IT, LT, LU, LV, MK, PT, SI, SK and TU) responded that there (currently) are no quantitative obligations regarding the different techniques for on-demand services.

In **Greece**, there are no detailed milestones set. The providers are invited to produce and communicate their plans for gradual expansion of accessibility services within their content.

**10 NRAs** (BE, FI, FR, HR, IE, MT, NL, NO, PL and SE) responded that there are (gradually increasing) quantitative obligations regarding the different techniques for on-demand services.

In the **French Community of Belgium**, the providers have gradually increasing quantitative obligations when it comes to subtitling for the deaf and hard of hearing and audio description. The obligations are intended to apply fully at their maximum threshold by 2023.

In **Croatia**, the providers are obliged to constantly and gradually make their services more accessible by using proportionate measures.

In **Finland**, the providers have quantitative obligations when it comes to subtitling for the deaf and hard of hearing and spoken subtitles.



In **France**, the media regulator and the on-demand service providers decide the number of programmes that must be made accessible to the deaf and hard of hearing and to the blind and partially blind through an agreement.

In **Ireland**, the media regulator does not regulate on-demand services and have no data in this regard. It is however the regulator's understanding that no targets are in place, but some on-demand services carry through subtitling and other access provisions from broadcast to on-demand. Access provisions will fall under the media regulator's responsibility once legislation transposing the revised AVMSD has been passed.

In **Malta**, on-demand service providers have the same obligations as linear services (see above). The providers can also set their respective obligations without having obligations towards specific measures or proportions.

In the **Netherlands**, the providers have quantitative obligations when it comes to subtitling for the deaf and hard of hearing.

In **Norway**, the quantitative obligations apply to certain categories, e.g., all local programmes from the public service provider.

In **Poland**, national legislation only stipulates that entities providing these services strive to gradually ensure the availability of the provided programmes for people with disabilities due to impaired eyesight and people with hearing impairments, by introducing appropriate facilities for people with disabilities. A proposed draft amendment provides for the imposition of specific obligations for on-demand service providers.

In **Slovenia**, the current legislation does not prescribe any detailed obligations in this regard, but a new draft proposal, which will transpose the revised AVMSD, stipulates that providers (including on-demand service providers) must gradually and continuously improve access to their services for disabled persons. The draft proposal does not set any quantitative criteria.

In **Sweden**, private/commercial providers with a viewer time share above 1 % as well as public service providers have gradually increasing quantitative obligations when it comes to sign language, subtitling, spoken subtitles and audio description. The obligations do not apply to programmes broadcast in real time or live sports programmes (games and competitions) under certain conditions. Private/commercial providers with a viewer time share below 1 % must gradually increase the number of programmes made accessible using at least one of these four techniques.

#### **Is there any flexibility regarding the fulfilment of the different quantitative obligations?**

**9 NRAs** (CZ, ES, FR, HR, IT, NL, NO, PT and TU) responded that there is no flexibility regarding the fulfilment of the different quantitative obligations.



**8 NRAs** (AT, BE, FI, IE, MT, PL, SE and SK) responded that there is a certain flexibility in regard to the fulfilment of the different quantitative obligations.

In **the French Community of Belgium**, the providers may be considered to have fulfilled their obligations regarding subtitles for the deaf and hard of hearing if they have used sign language instead. Music shows in live programmes which are subtitled without identification of the sound sources are accounted for as subtitles for the deaf and hard of hearing.

In **Finland**, a maximum of one third of the obligations regarding broadcasts may be fulfilled by providing accessible programmes in the on-demand service of the broadcaster.

In **Ireland**, the national provisions state that voluntary audio description provision by broadcasters may be set off against the targets for subtitling, voluntary sign language provision by broadcasters may be set off against the targets for subtitling and in the case of Oireachtas TV (parliamentary channel), sign language provision may be set off against the targets set in the rules for subtitling on this service. The accessibility community have expressed mixed views about these provisions, with some views being that they might be seen to water down the obligations. They were included by the media regulator with a view to encourage providers to explore additional provision in circumstances where it was not considered appropriate to place specific targets.

In **Malta**, flexibility is key in the implementation of the accessibility provisions. The providers are free to make their services progressively and continuously accessible in different ways and through a wide range of techniques outlined in an action plan which is to be updated every 2 years.

In **Slovakia**, the commercial broadcasters may choose between subtitling for hearing-impaired persons and sign language.

In **Sweden**, the flexibility in regard to the fulfilment of the obligations vary depending on the technique used and whether it is a programme in a linear service or an on-demand service.

#### **Are there qualitative obligations regarding the different techniques for broadcasts?**

**18 NRAs** (AT, BG, CZ, DE, EE, ES, IT, LT, LU, LV, MK, MT, NL, NO, PL, PT, SE and SI) responded that there are no qualitative obligations regarding the different techniques for broadcasts.

In **Latvia**, if a broadcaster – during the allocation of funding to commercial broadcasters for public service remit – states that the content of the broadcast will be available to persons with a disability (e.g., through sign language), the media regulator may withhold part of the contract amount if an expert tasked with assessing the quality, assesses that the quality of the sign language is not adequate.

In **Portugal**, national legislation does not define specific obligations in terms of quality, but there is a set of guidelines for both the quality of subtitling specifically aimed at people with a hearing impairment, and the window layout of the sign language interpreter.

**8 NRAs** (BE, FI, FR, GR, HR, IE, SK and TU) responded that there are qualitative obligations regarding the different techniques for broadcasts.



In the **French Community of Belgium**, the providers have qualitative obligations when it comes to sign language, subtitling for the deaf and hard of hearing and audio description.

In **Croatia**, the providers are obliged to constantly and gradually make their services more accessible by using proportionate measures.

In **Finland**, providers that have an obligation to subtitle Finnish and Swedish programmes must provide subtitling of adequate quality.

In **France**, the media regulator published three charters relating to the quality of audio description, subtitling and French Sign Language (FSL) in 2008, 2011 and 2015. According to the Charter of 2015, the size of the sign language translation should be visible on at least 10 % of the screen. The 2011 Charter is about the quality of subtitling and the 2008 Charter is about the quality of audio description. In 2020, the regulator published a guide on audio description, which inter alia, stipulates that the provider must ensure the quality of the audio description by referring to the principles enshrined in the guide made by the authors of audio description and the French Confederation for the Social Promotion of the Blind and Amblyopic, under the scope of the media regulator.

In **Greece** and **Slovakia**, the providers have qualitative obligations when it comes to subtitling for the deaf and hard of hearing.

In **Ireland**, there is a range of quality guidelines for each type of access provision (sign language, subtitling, subtitling for the deaf and hard of hearing and audio description).

In **Turkey**, the providers have qualitative obligations when it comes to sign language. It is obligatory that the signer/narrator is placed in a one-eighth format on the screen with green or blue background and is shown from the waist up (using the medium shot).

#### **Are there qualitative obligations regarding the different techniques for on-demand services?**

**22 NRAs** (AT, BG, CZ, DE, EE, ES, FR, IE, IT, LT, LU, LV, MK, MT, NL, NO, PL, PT, SE, SI, SK and TU) responded that there are no qualitative obligations regarding the different techniques for on-demand services.

In **Ireland**, the media regulator does not regulate on-demand services and is not aware of any qualitative obligations in place. Access provisions will fall under the media regulator's responsibility once legislation transposing the revised AVMSD has been passed.

**4 NRAs** (BE, FI, GR and HR) responded that they do have qualitative obligations regarding the different techniques for on-demand services.

In the **French Community of Belgium**, there are no qualitative obligations mentioned in national legislation. Nevertheless, there are qualitative obligations included in the Charter adopted on 26 November 2019, which refers to an obligation of means.



In **Croatia**, the providers are obliged to constantly and gradually make their services more accessible by using proportionate measures.

In **Finland**, the subtitling for the deaf and hard of hearing has to be of adequate quality.

In **Greece**, the providers have qualitative obligations when it comes to subtitling for the deaf and hard of hearing.

**Is there a set limit regarding a provider's costs for making its services and programmes accessible to persons with disabilities?**

**24 NRAs** (AT, BE, BG, CZ, DE, EE, ES, FR, GR, HR, IE, IT, LT, LU, LV, MK, MT, NL, NO, PL, PT, SI, SK and TU) responded that there is no set limit regarding a provider's costs for making its services and programmes accessible to persons with disabilities.

**2 NRAs** (FI and SE) responded that there is a set limit regarding a provider's costs for making its services and programmes accessible to persons with disabilities.

In **Finland**, there is a set limit for other broadcasters than the public service broadcaster. The limit is set so that the costs of implementing these services do not have to exceed 1% of the broadcaster's turnover of the previous fiscal year.

In **Sweden**, there is a set limit for private/commercial broadcasters with a viewer time share above 1%. The obligation to make programmes available does not have to be fulfilled to the extent that the costs of making them accessible exceed one percent of the net sales for each service during the previous fiscal year.

**Can the providers receive any funding (state or otherwise) to fulfill the different obligations?**

**18 NRAs** (AT, BG, CZ, DE, EE, FI, HR, IT, LT, LU, MT, NL, NO, PL, PT, SE, SK and TU) have responded that national legislation does not provide for any funding for the providers to fulfill the obligations. In principle however, the providers may receive funding from other sources.

In **Estonia**, public service channels are financed through the state budget and this should also cover the costs for making the public service providers' services more accessible. There has also been some discussion about respective funding for private channels as well, but so far, no decision has been made.

In **Lithuania**, a discussion on funding to fulfil the different obligations is taking place.

**8 NRAs** (BE, ES, FR, GR, IE, LV, MK and SI) have responded that the providers can receive (help with) funding in order to fulfill the different obligations.



In **the French Community of Belgium**, the public service providers can receive funding from the Ministry of Culture and Media and from public provincial administration services to help with the implementation of the rules.

In **France**, the French National Film Center provides direct subsidies for the creation of digital subtitling files for the deaf and hard of hearing and audio description files for the blind and partially sighted. Funding may be awarded to delegated production companies of French-initiated cinematographic works, having obtained production approval.

In **Greece**, the providers could conditionally receive state funding based on the general context for funding of audiovisual works by showing extra costs for translation or content processing.

In **Ireland**, if the provider has received grant funding from the media regulator via a national television and film production fund (based on a percentage of the television license fee) then the content must be made accessible (subtitling at a minimum). However, there are no other grants available.

In **Latvia**, when the media regulator evaluates tenders for funding to commercial broadcasters for a public service remit, it is also taken into account if the content will be available to persons with disabilities.

In **North Macedonia**, it has not been directly specified in the draft document on accessibility mentioned above. The document does however state that the services will look for financial means with the help of the regulatory body.

In **Slovenia**, according to national legislation, the Republic of Slovenia particularly supports the creation and dissemination of programme content intended for blind and deafblind people through adapted techniques and the development of appropriate technical infrastructure. Through the annual tender for this purpose (through the Ministry of Culture) approximately 170,000 EUR is allocated.

In **Spain**, commercial providers may use sponsorship to defray the costs of accessibility measures. The media regulator is not aware if any of these agreements have been put in place, so far.

## 5. General trends and possible guidance

In accordance with what has been described above, an obligation to make audiovisual media services accessible to persons with disabilities was already included in Directive 2010/13/EU. Most countries that responded to the survey have therefore already introduced accessibility obligations for providers under their jurisdiction. A majority of the countries had also already transposed the provisions in Article 7.1 of the revised AVMSD at the time of the survey. These countries have consequently already decided on what they interpret as 'proportionate' measures, at least for the time being. As can be seen from the mapping of the different national accessibility obligations, these 'proportionate' measures differ at least slightly from country to country. They differ regarding which providers, services and programmes that the obligations apply to. They also differ when it comes to the different obligations themselves (i.e., techniques, quantity, quality etc.). Some general trends can still be observed however, and perhaps these general trends can act as possible guidance on how 'proportionate' measures may





be interpreted in the continued work with making services and programmes accessible to persons with disabilities.

When it comes to the type of regulatory system the countries have chosen to introduce, the most common choice is a regulatory system, followed by a co-regulatory system. Half of the countries who responded to this question (16 out of 26) have or will have a regulatory system in place, while 6 countries have or will have a co-regulatory system. 4 countries responded that there is (currently) no regulatory, co-regulatory or self-regulatory system in place to monitor the fulfilment of the obligations. 19 out of 26 NRAs responded that the national media regulator is or will be involved in the monitoring, while 5 NRAs responded that the media regulator is or will be involved in the monitoring together with other bodies. Media regulators will therefore most often be involved in the process of making more and more services available to persons with disabilities (often in some type of cooperation with organisations representing the rights of persons with disabilities). Only 2 NRAs responded that there currently are no bodies involved in the monitoring of the fulfilment of the obligations.

In terms of providers, all countries that responded to the questionnaire have obligations for public service providers. 24 out of 26 NRAs responded that (at least some of the/differing) obligations apply to both public service providers and private/commercial providers, while 2 NRAs responded that the obligations only apply to public service providers. When it comes to exemptions from the obligations, the responses are split almost exactly down the middle, with 14 out of 26 NRAs responding that there are no exemptions from the obligations in national legislation. 12 NRAs responded that there are providers and/or services that can be exempted from the obligations, depending on, inter alia, the provider's annual turnover or a service's viewer time share. When it comes to whether the providers and the services that the obligations do apply to have the same obligations, it is more common than not that the obligations differ between providers and services. 19 out of 26 NRAs responded that different obligations apply to different providers and services depending on, inter alia, the type of provider in question or a service's viewer time share. 7 NRAs responded that the obligations are the same for all providers and services that the obligations apply to.

Regarding services, a great majority (20 out of 26) of the NRAs responded that the obligations (in varying degree) apply, at least in principle, to all nationally available types of broadcasts/linear services as well as on-demand services. 6 NRAs responded that the obligations (in varying degree) only apply to certain types of services. When it comes to whether the obligations, at least in principle, apply to services mainly targeting the own country and/or services mainly targeting other countries, the responses are split exactly down the middle. 13 out of 26 NRAs responded that their obligations only apply to services mainly targeting their own country, while 13 out of 26 NRAs responded that their obligations, at least in principle, apply to both types of services.

When it comes to programmes, almost all NRAs (25 out of 26) responded that the obligations (in varying degree) apply, at least in principle, to both pre-recorded programmes and programmes broadcast in real time. Only 1 NRA responded that the obligations only apply to pre-recorded programmes. Regarding the languages of the programmes, 19 out of 26 NRAs responded that the





obligations apply, at least in principle, to both programmes in the national language(s) of the respective countries, as well as programmes in other languages. 7 NRAs responded that the obligations only apply to programmes in their national language(s).

In terms of the actual obligations, the responses differ greatly, suggesting that there are plenty of options regarding how to set up the more specific requirements. When it comes to which techniques the providers are obliged to use (sign language, subtitling, subtitling for the deaf and hard of hearing, spoken subtitles, audio description or other), 17 out of 26 NRAs responded that there are obligations for the providers to use (one of more of) these techniques. Among these responses however, the obligations differ almost from country to country. There are only a few countries that have chosen to introduce obligations concerning the exact same techniques, which is perhaps not surprising considering how many possible combinations there are. It is still an interesting result however, showing how differently the countries interpret this part of 'proportionate' measures. 9 NRAs responded that there are no obligations for the providers to use specific techniques, opening up for even more combinations of techniques used in the different countries.

As for quantitative obligations regarding the different techniques, a lot of countries have further/stricter obligations for broadcasts/linear services than on-demand services. 17 out of 26 NRAs responded that there are (gradually increasing) quantitative obligations regarding the different techniques for broadcasts, but only 10 out of 26 NRAs responded that there are (gradually increasing) quantitative obligations for on-demand services. A similar trend can be observed when it comes to qualitative obligations regarding the different techniques. 8 out of 26 NRAs responded that there are qualitative obligations for broadcasts, but only 4 out of 26 NRAs responded that there are qualitative obligations for on-demand services. 8 NRAs responded that there is a certain flexibility for the providers when it comes to the fulfilment of the different quantitative obligations.

Finally, when it comes to the costs for making services and programmes accessible, only 2 out of 26 NRAs responded that there is a set limit regarding a provider's costs. 8 out of 26 NRAs – not including the countries with a set cost limit – responded that the providers can receive (help with) funding to fulfil the different obligations.



## 6. Annex - Mapping of ‘proportionate’ measures in national accessibility obligations

| Questions   | Responses   |   |   |
|---|---|---|---|
| Have the obligations described below already been implemented in national law?  | <b><i>Yes (at least partially)</i></b><br><br>AT, BE, BG, DE, EE, FI, FR, GR, IE, IT, LT, LU, LV, MT, NL, NO, PL, PT, SE, SK and TU | <b><i>No (draft proposals)</i></b><br><br>CZ, ES, HR, MK and SI                           | --  |
| Is there a regulatory, co-regulatory or self-regulatory system in place for monitoring the fulfilment of the obligations? | <b><i>A regulatory system is/will be in place</i></b><br><br>BG, CZ, ES, FI, FR, GR, HR, IE, MT, NL, NO, PL, PT, SE, SK and TU      | <b><i>A co-regulatory system is/will be in place</i></b><br><br>AT, BE, EE, LU, LV and MK | <b><i>No system in place (currently)</i></b><br><br>DE, IT, LT and SI |
| Which authorities and/or other bodies are involved in the monitoring of the fulfilment of the obligations?                | <b><i>Only the media regulator</i></b><br><br>AT, BE, CZ, EE, ES, FI, FR, GR, HR, IT, LU, LV, MT, NL, NO, PL, PT, SK and TU         | <b><i>The media regulator and other bodies</i></b><br><br>BG, DE, IE, LT and SE           | <b><i>No authorities or bodies involved</i></b><br><br>MK and SI      |
| Which types of services do the obligations  | <b><i>All nationally available types of services (in</i></b>  | <b><i>Certain types of services (in varying degree)</i></b>                               | --  |

|   |  |  |    |
|---|--|--|----|
| apply to (linear and/or on-demand services)?  | <i>varying degree and at least in principle</i><br><br>AT, BE, BG, CZ, DE, EE, FI, FR, GR, HR, LT, LV, MK, MT, NL, NO, PL, SE, SI and SK   | ES, IE, IT, LU, PT and TU  |    |
| Which services do the obligations apply to (services mainly targeting the own country and/or other countries)?            | <i>Only services mainly targeting the own country</i><br><br>BE, BG, DE, ES, FI, IT, LT, LV, MK, NL, PT, SK and TU   | <i>Both types of services (in varying degree and at least in principle)</i><br><br>AT, CZ, EE, FR, GR, HR, IE, LU, MT, NO, PL, SE and SI | -- |
| Which types of programmes do the obligations apply to (pre-recorded programmes and/or programmes broadcast in real time)? | <i>Both types of programmes (in varying degree and at least in principle)</i><br><br>AT, BE, BG, CZ, DE, EE, ES, FI, FR, GR, HR, IE, IT, LT, LU, LV, MK, MT, NL, NO, PL, PT, SE, SI and TU | <i>Only pre-recorded programmes</i><br><br>SK  | -- |
| Do the obligations apply to programmes in the national language(s) and/or other language(s)?                              | <i>Both national language(s) and other language(s) (at least in principle)</i>   | <i>Only national language(s)</i>   | -- |



|   |  |   |    |
|---|--|---|----|
|   | AT, BE, CZ, DE, EE, FI, FR, GR, IE, IT, LU, LV, MK, MT, NO, PT, SE, SI and TU  | BG, ES, HR, LT, NL, PL and SK   |    |
| <b>Which types of providers do the obligations apply to (public service providers and/or private/commercial providers)?</b> | <b><i>Both types of providers (in varying degree)</i></b><br><br>AT, BE, BG, CZ, DE, EE, ES, FI, FR, GR, HR, IE, LT, LU, LV, MK, MT, NL, NO, PL, PT, SE, SK and TU | <b><i>Only public service providers</i></b><br><br>IT and SI  | -- |
| <b>Are there providers and/or services that can be exempted from the obligations?</b>                                       | <b><i>There are no exemptions</i></b><br><br>BE, BG, DE, ES, FI, GR, HR, IT, LT, LU, LV, MT, SI and TU   | <b><i>There are providers and/or services that can be exempted</i></b><br><br>AT, CZ, EE, FR, IE, MK, NL, NO, PL, PT, SE and SK | -- |
| <b>Are the obligations the same for all providers and/or services that the obligations apply to?</b>                        | <b><i>Different obligations for different providers and/or services</i></b><br><br>AT, BE, BG, CZ, ES, FI, FR, GR, IE, LT, LV, MK, MT, NL, NO, PL, PT, SE and SK   | <b><i>Same obligations for all providers and/or services</i></b><br><br>DE, EE, HR, IT, LU, SI and TU                           | -- |

|   |   |   |    |
|---|---|---|----|
|   |   |   |    |
| Are the providers obliged to use certain techniques (sign language, subtitling, subtitling for the deaf and hard of hearing, spoken subtitles, audio description or other)? | <i>The providers are obliged to use certain techniques</i><br><br>BE, CZ, ES, FI, FR, GR, IE, IT, LT, LV, NL, NO, PL, PT, SE, SK and TU       | <i>The providers are not obliged to use certain techniques</i><br><br>AT, BG, DE, EE, HR, LU, MK, MT and SI       | -- |
| Are there (gradually increasing) <i>quantitative</i> obligations regarding the different techniques for <u>broadcasts</u> ?   | <i>There are (gradually increasing) quantitative obligations</i><br><br>AT, BE, CZ, ES, FI, FR, HR, IE, IT, MT, NL, NO, PL, PT, SE, SK and TU | <i>There are (currently) no quantitative obligations</i><br><br>BG, DE, EE, GR, LT, LU, LV, MK and SI             | -- |
| Are there (gradually increasing) <i>quantitative</i> obligations regarding the different techniques for <u>on-demand services</u> ?   | <i>There are (currently) no quantitative obligations</i><br><br>AT, BG, CZ, DE, EE, ES, GR, IT, LT, LU, LV, MK, PT, SI, SK and TU             | <i>There are (gradually increasing) quantitative obligations</i><br><br>BE, FI, FR, HR, IE, MT, NL, NO, PL and SE | -- |

|   |  |   |    |
|---|--|---|----|
| Is there any flexibility regarding the fulfilment of the different <i>quantitative</i> obligations?                               | <i>There is no flexibility</i><br><br>CZ, ES, FR, HR, IT, NL, NO, PT and TU  | <i>There is a certain flexibility</i><br><br>AT, BE, FI, IE, MT, PL, SE and SK    | -- |
| Are there <i>qualitative</i> obligations regarding the different techniques for <u>broadcasts</u> ?                               | <i>There are no qualitative obligations</i><br><br>AT, BG, CZ, DE, EE, ES, IT, LT, LU, LV, MK, MT, NL, NO, PL, PT, SE and SI                 | <i>There are qualitative obligations</i><br><br>BE, FI, FR, GR, HR, IE, SK and TU | -- |
| Are there <i>qualitative</i> obligations regarding the different techniques for <u>on-demand services</u> ?                       | <i>There are no qualitative obligations</i><br><br>AT, BG, CZ, DE, EE, ES, FR, IE, IT, LT, LU, LV, MK, MT, NL, NO, PL, PT, SE, SI, SK and TU | <i>There are qualitative obligations</i><br><br>BE, FI, GR and HR                 | -- |
| Is there a set limit regarding a provider's costs for making its services and programmes accessible to persons with disabilities? | <i>There is no set limit</i><br><br>AT, BE, BG, CZ, DE, EE, ES, FR, GR, HR, IE, IT, LT, LU, LV, MK, MT, NL, NO, PL, PT, SI, SK and TU        | <i>There is a set limit</i><br><br>FI and SE                                      | -- |
| Can the providers receive any funding (state or otherwise) to   | <i>Legislation does not provide for any funding</i>  | <i>The providers can receive (help with) funding</i>                              | -- |



|   |   |                                   |  |
|---|---|-----------------------------------|--|
| <b>fulfill the different obligations?</b> | AT, BG, CZ, DE, EE, FI, HR, IT, LT, LU, MT, NL, NO, PL, PT, SE, SK and TU | BE, ES, FR, GR, IE, LV, MK and SI |  |
|---|---|-----------------------------------|--|

## 7. List of abbreviations – country codes

AT – Austria

BE – French Community of Belgium

BG – Bulgaria

CZ – Czech Republic

DE – Germany

EE – Estonia

ES – Spain

FI – Finland

FR – France

GR – Greece

HR – Croatia

IE – Ireland

IT – Italy

LT – Lithuania

LU – Luxembourg

LV – Latvia



MK – North Macedonia

MT – Malta

NL – Netherlands

NO – Norway

PL – Poland

PT – Portugal

SE – Sweden

SI – Slovenia

SK – Slovakia

TU – Turkey