

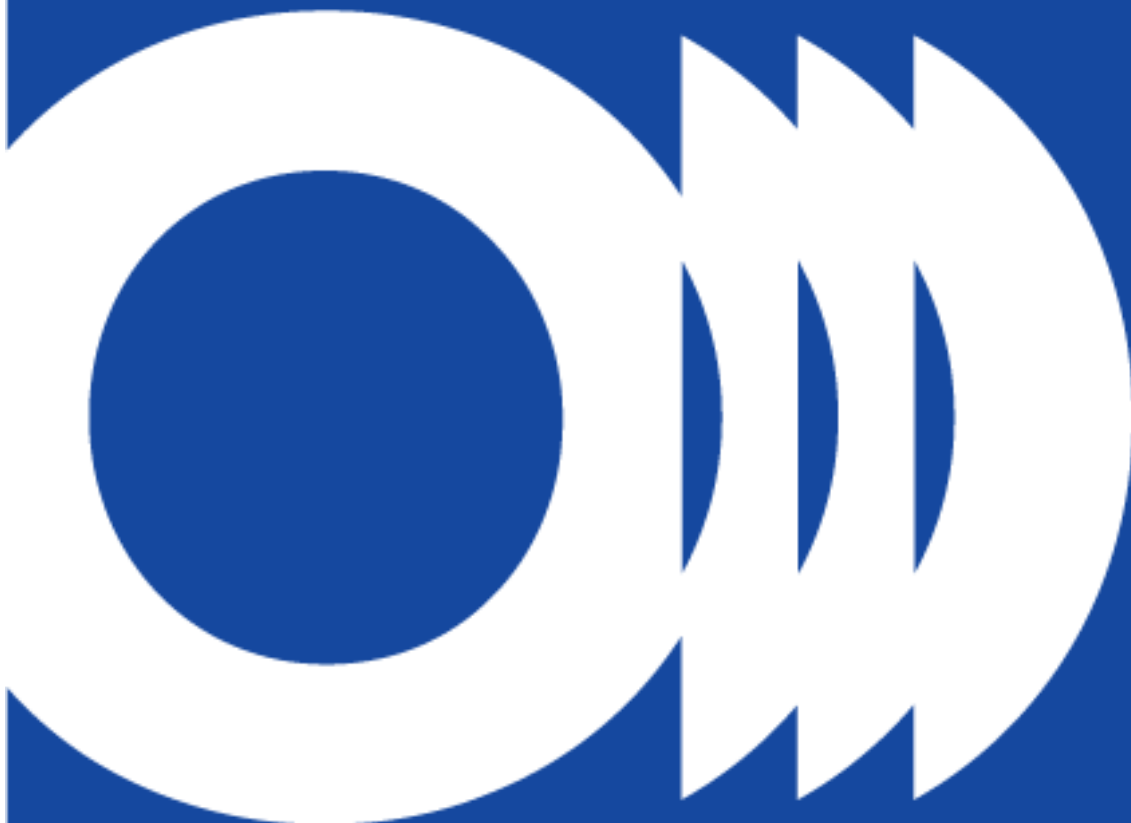
EBU

OPERATING EUROVISION AND EURORADIO

POSITION PAPER

EBU contribution to the public
consultation on the
Accessibility of Public Sector
Websites

25 OCTOBER 2021



EBU's contribution to the public consultation on the Accessibility of Public Sector Websites

The [European Broadcasting Union \(EBU\)](#) is the world's leading alliance of public service media (PSM). We have 115 member organizations in 56 countries. Our Members operate nearly 2,000 television, radio and online channels and services, and offer a wealth of content across third-party platforms. Together they reach an audience of more than one billion people around the world, broadcasting in more than 160 languages. They do so in line with the "universality principle", which is one of the EBU's core values. Universality implies reaching out and offering content to all segments and groups of society, without excluding anyone.

European public service media organisations (PSM) have an outstanding track record in providing quality content for all segments of society and for doing everything within their sphere of control to provide an accessible viewing/online environment. People with sensory disabilities are an important part of our audience and ensuring that they all have the widest possible access to a broad range of content is part of our mission.

Lately, the health crisis has demonstrated that it is essential to communicate clearly and effectively with everyone. Access to information is a component of the freedom of expression, a fundamental right enshrined in the EU Charter of Fundamental Rights and PSM are committed, to the best of their abilities, to broaden their offer and increase the provision of access services to ensure that the needs of people with disabilities and linguistic minorities are met and that communication and information reaches everyone.

A consultation conducted by the [EBU Access Services Experts Group](#) showed that, over the past years, our members have introduced more programmes with sign languages, audio description and subtitling. These programmes included not only fictions but also news, live programmes (entertainment, documentaries, etc.) and even live sports programmes. In addition, EBU Members make available news and political information in an easy language. Special attention has also been given to children. Some EBU members have developed new educational programmes with accessibility services or made some existing programmes with subtitles and/or sign language accessible to young people with disabilities.

The supply of access services has been in constant progression over the last years. According to a pan-European study conducted by EBU services in 2019, all EBU members provide subtitling on their linear channels (100% of EBU members for 70% of broadcast content). 86% of them provide audio description and 84% sign language on at least some content.

The study also showed that EBU members are ambitious when it comes to the accessibility of their online services. Most of them provide, on a voluntary basis, access services either on their own websites, social networks, connected TV, mobile apps or video-on-demand operators. A majority provides subtitling on their online services, and two thirds offer audio description and signed programmes online.

The current European legislative framework on accessibility has undoubtedly accelerated the above-mentioned positive developments. The revised Audiovisual Media Services Directive (AVMSD), coupled with the European Accessibility Act (EUAA), provide a favourable

framework for the advancement of audiovisual accessibility in Europe, while taking into account unavoidable constraints, such as technical or financial restrictions.

EU legislation now distinguishes three categories of requirements:

- Under the AVSMD, media service providers are required to make their services gradually accessible to viewers with a visual or hearing impairment;
- Services providing access to audiovisual media services (including websites, applications and electronic programme guides) will be bound by the requirements set out in the EUAA when these become applicable by June 2025; and
- Consumer terminal equipment, used for accessing audiovisual media services, will also be subject to the EUAA's provisions when in application.

Any new legislation must take account of these existing provisions and not jeopardize their coherence.

A thorough analysis should therefore be carried out to determine whether concrete regulation is lacking before imposing additional obligations on media service providers within the meaning of the AVMSD.

For these reasons, the EBU would caution against extending the scope of the 2016 Directive on the accessibility of public sector websites. The current 2016 Directive excludes public service broadcasters (PSM) and their subsidiaries from its scope of application in Art. 1 (3) point (a).

In the event of a review, it is important to maintain this provision. Applying the provisions of the 2016 Directive to PSM websites would neither be appropriate nor proportionate as public service broadcasters, as explained above, are already subject to extensive obligations, stemming from EU law. The consistency of the current set of rules as well as the interplay between the AVMSD and the EUAA could also be put at risk by introducing further rules in a revised Web Accessibility Directive. We therefore strongly believe that the current exception serves its purpose and is still valid.

Q. To what extent do you agree or disagree with these statements: The Directive adequately covers online public services to ensure full participation of people with disabilities in a digital society? (p.29)

- Strongly agree
- **Agree**
- Neither agree or disagree
- Disagree
- Strongly disagree
- Not sure

Comments:

1500 character(s) maximum

The EBU welcomes the approach of the 2016 Directive. European public service media organisations (PSM) have an outstanding track record in providing quality content for all segments and groups of society and for providing an accessible viewing/online environment. People with sensory disabilities are an important part of our audience. Many PSM organisations go beyond legal requirements and commit to further accessibility on a voluntary basis.

The 2016 Directive's scope of application is sufficiently broad, particularly its definition of public sector bodies as well as its explicit exclusion of public service broadcasters and their subsidiaries (Art. 1 (3) point (a)). In the event of a review, this exemption should be maintained. Applying the provisions of the 2016 Directive to PSM websites would neither be appropriate nor proportionate. PSM are already bound by specific EU rules regulating the accessibility of and to their services.

The current EU legal framework applying to media content is comprehensive and coherent. While the AVMSD regulates accessibility features/components provided by media service providers for audiovisual content, the EUAA regulates accessibility regarding the infrastructure or the means by which audiovisual content is accessed.

To maintain and respect the consistency of current EU legislation, the EBU considers the exception for public service broadcasters appropriate and would not support any extension of the 2016 Directive to PSM websites

**Q. Which of the following types of content currently not covered by the Directive would you consider relevant to be covered in view of technological advances in the past three years?
(p.30)**

- Live video
- Online maps and mapping services
- Third party contents
- Reproduction of items in heritage collection (full inclusion)
- Content of extranets and intranets (full inclusion)
- Content of websites and mobile applications qualifying as archives
- **Other (Please specify)**

If "Other", please specify:

1500 character(s) maximum

We deem important to draw attention to the fact that, according to the revised AVMSD, accessibility requirements to media service providers need to be proportionate and take into account "the practical and unavoidable constraints that could prevent full accessibility", for example as regards live transmissions.

As outlined in the annexe, public service media organisations are already including live events to the extent possible. Live events need specific technical equipment and a very specific know-how. Therefore, we are of the opinion that the rule contained in the revised AVMSD is proportionate and consistent with media service providers' technological, practical and financial requirements.
