



ERGA Subgroup 1

2024

Consistent implementation and enforcement of the European framework for audiovisual media services

Deliverable **x**

Report on Accessibility

providing an update on developments in the area of regulating and promoting accessibility of audiovisual media services for persons with disabilities, mapping best practices and issuing recommendations to achieve a more uniform approach

Public report

1. Introduction

Persons with disabilities, in particular a visual or hearing impairment, should be able to fully participate in society and have access to audiovisual media services. This report provides an update on developments in the area of regulating and promoting accessibility of audiovisual media services for persons with disabilities, mapping best practices and issuing recommendations to achieve a more uniform approach. Ultimately with the aim of improving the accessibility of audiovisual media services.

The revised AVMS Directive has been implemented in most Member States, so there are relatively recent experiences in the sphere of practical application and monitoring that are worth sharing within the network. Under the revised AVMS Directive, Member States' requirements towards improving the accessibility of audiovisual media services have become significantly stronger in comparison to the previous Directive. Apart from the AVMS Directive, another important piece of legislation is the European Accessibility Act (EAA) which has to be implemented in national legislation by June 2025. Several NRAs will likely have to deal with supervising and monitoring provisions of the EAA, given its relevance for electronic programme guides (EPGs), applications and websites of media service providers and other operators such as distributors that provide access to media content and services. Finally, there is no doubt that developments in the field of AI have accelerated. It is therefore an opportune time to explore the possibilities of AI for improving accessibility and their possible impact.

Aim of the current report

Previous recent reports on accessibility have predominantly been mapping studies of existing legislation in different EU Member States, such as a 2021 ERGA Report¹ or providing an overview of the accessibility measures as implemented in the Member States, such as the 2023 European Audiovisual Observatory Report on accessibility². Instead, this year we want to explore more practical aspects and best practices for NRAs.

The main purpose of this report is to gain insights in current (practical) issues around promoting accessibility of media services and identifying best practices:

- Providing updates on the legal framework
- Connecting supervision of the AVMS Directive and the Accessibility Act
- Discussing the potential and impact of AI for accessibility
- Providing best practices on monitoring reporting obligations and action plans

Sharing best practices is a key element of the cooperation within ERGA and can contribute to a more common approach in some areas that are still considered to be complex and challenging. On the other hand, the report recognizes that national legislation can differentiate a lot and that there is no one-size-fits-all solution. Also, bearing in mind the discretionary powers of the NRAs, this report should not be considered as an evaluation of the correct implementation of the AVMS Directive. The report's recommendations should be seen as inspiration for every NRA.

¹ [ERGA-SG1-2021-Report-Article-7-accessibility.pdf \(erga-online.eu\)](https://www.erga-online.eu/ERGA-SG1-2021-Report-Article-7-accessibility.pdf)

² <https://rm.coe.int/accessibility-measures-as-implemented-by-avms-providers-for-persons-wi/1680aefb42>

Methodology

This report is mainly based on desk research and the answers of ERGA members to a questionnaire. The survey was sent out mid-May and has been answered by 23 ERGA-members. On 18 September a workshop dedicated to the topic of accessibility was held. The event was attended by representatives from ERGA-members, media service providers and organisations representing media users with special needs such as the European Disability Forum. The presentations and discussions held during this event provided important input. The workshop's main observations and findings are included in this report.

To improve the readability of this report, the conclusions and recommendations are presented first. This is followed by the body of the report.

Conclusions

Since the adoption of the previous ERGA-report, few significant changes can be noted in the legal frameworks or the tasks and competences of the NRAs. Worth mentioning is that the preparations of the national implementation of the EAA have progressed. It has become clear that many ERGA-members will be attributed with supervisory roles regarding the provisions relating to media services. Nevertheless, many details regarding the scope and specific tasks and competences are still unclear.

The great potential of AI when it comes to enhancing and improving accessibility measures is confirmed by many ERGA-members. The obstacles and challenges that are mentioned relate mostly to the high costs of research and implementation. Especially for small media service providers and those operating in jurisdictions with small languages, it can be hard to allocate sufficient resources to the development of AI tools that can support or even replace current accessibility measures. However, the lack of quality of measures generated by AI applications was raised several times and it is important to manage expectations in that respect.

Several NRAs have provided guidance on the reporting obligation and action plans. Many NRAs provide online forms and questionnaires to facilitate the reporting exercises for media service providers. When it comes to the assessment of quality of accessibility measures, not many NRAs can share best practices and lessons learned (yet). This is also due to the fact that most regulatory frameworks seem to focus on quantity instead of quality of measures. Furthermore, several NRAs seek the involvement of user organizations and interest groups or consider doing so in future since their expertise and experiences are deemed to be very useful.

Five Main Recommendations:

- Coordinate supervision, monitoring and enforcement of obligations stemming from the AVMS Directive with those of the Accessibility Act. Within ERGA, and possibly underpinned by future guidance of the European Commission, NRAs should share best practices in that area.
- Media service providers should consider collaborating more in the area of research and development of AI tools and applications so that the costs can be shared by more parties and also smaller media service providers can afford to make the necessary investments.
- On EU-level the European Commission can consider promoting and supporting international initiatives for the development of AI-based applications and tools for accessibility, in which media service providers of several EU countries could participate.

Particularly when it comes to assessing the quality of accessibility measures, and to

2. Update on Legislation

The last ERGA-report from 2021 was predominantly a mapping study of the existing accessibility legislation in the different EU Member States. For this part of the report, we asked NRAs to provide a brief update on new legal obligations regarding accessibility measures, including the EAA.

2.1 Update on the AVMSD

Since the previous report, multiple member states have **transposed** the updated AVMS Directive, including accessibility measures. This applies to Italy, Slovenia, Estonia and Slovakia who had not (fully) implemented the provisions at the time of the publication of the previous report, but have now finalised the transposition process. Norway is still working on implementing Article 7 of the updated AVMS Directive, but new legislation has been proposed to their Parliament. If the proposal is adopted, the new legislation is expected to enter into force on January 1st, 2025. In Greece, article 7 of the AVMS Directive has been formally transposed in Law 4779/2021, but a Ministerial Decision detailing the (reporting) obligations of Article 7 is still pending.

A notable update includes the Mass Media Act of the Republic of Slovenia, which specifically supports the creation and dissemination of program content intended for blind and deafblind in methods suited for them. The Radiotelevizija Slovenia Act stipulates that the public broadcaster should provide program content intended for the blind and partially sighted and the deaf and deafblind. The law also requires setting up a special committee for the topic of program content for the disabled. The supervision of these obligations is carried out through self-regulation.

On the topic of co-regulation, AGCOM in Italy has established a **co-regulation scheme** consisting of both organizations representing persons with disabilities and audiovisual media service providers. This co-regulatory framework will aid in adopting appropriate and proportionate measures to ensure that audiovisual media providers make media services progressively more accessible to persons with disabilities.

Outside of the implementation of the AVMS Directive, NRAs reported that there have not been any significant updates regarding the legal obligations concerning accessibility measures for media service providers or the legal role of the NRA in supervising the accessibility measures.

2.2 Update on the European Accessibility Act

The European Accessibility Act (EAA) aims to increase the availability of accessible products and services on the internal market. This includes the accessibility of audiovisual media services and the related consumer equipment. As the deadline for the implementation approaches, it is an appropriate time to look at the role of ERGA-members in the supervision, monitoring and enforcement of the EAA.

Over 70% of the NRAs will have a formal or informal role under the EAA. Only the media authorities in Malta, CNMC and CRTA will definitively not have any role with supervision, monitoring or enforcement. In Austria, Croatia and Norway, it is still unclear whether the media authorities will have a role in any way, shape or form.

In Lithuania, Belgium (Flanders), Estonia, Netherlands and Slovenia, the NRAs will be the only authority or organisation entrusted with a role under the EAA in relation to media. In half of the

ERGA member states³, other authorities or organizations will be working with the EAA in relation to media. For at least six NRAs⁴, For at least six NRAs⁵, their role in terms of the European Accessibility Act is still not clear.

In terms of the specific provisions under supervision, this varies considerably. Some NRAs will have a limited role. For example, the CRTA in Cyprus will likely only have an advisory role. In Luxembourg the dedicated Office de la surveillance de l'accessibilité des produits et services (OSAPS) is responsible for overseeing the accessibility of products and services in the Luxembourg market, with only the provisions of Article 2(1)(d) within the scope of ALIA's supervisory role. On the contrary, other media authorities, such as Traficom in Finland and CPTRA/TTJA in Estonia, will supervise the majority of the EAA. However, at least seven media authorities⁶ indicate being primarily responsible for supervising the providers and distributors of services providing access to audiovisual media services.

Additionally, we asked NRAs whether they had ideas to combine the supervision, monitoring and enforcement of the implemented provisions of the EAA with those of the AVMS Directive. For example, NRAs can require media service providers to report on accessibility measures arising from the EAA, in their regular reports to the NRA based on article 7, paragraph 2 of the AVMS Directive. As member states are still at an implementation level, media authorities have indicated that it is too early in the implementation process to determine the methodology for supervision.

However, a few NRAs, such as Arcom (France), ALIA (Luxembourg), CSA (French community of Belgium), CvdM (the Netherlands) and AKOS (Slovenia), have indicated that they are considering combining these two obligations. The CSA notes that implementation of the provisions of the decree and the regulation will both be monitored annually through the annual control process and forms. These forms will soon be updated to incorporate the EAA.

Conclusions:

Since the adoption of the last ERGA-report not many significant changes in the legal frameworks or the tasks and competences of the NRAs can be noted. Worth mentioning is that the preparations of the national implementation of the EAA have progressed. It has become clear that many ERGA-members will be attributed with supervisory roles regarding the provisions relating to media services. Nevertheless, many details regarding the scope and specific tasks and competences are still unclear.

Recommendations:

- Coordinate and align supervision, monitoring and enforcement stemming from the AVMS Directive with those of the EAA. Within ERGA, and possibly underpinned by future guidance of the European Commission, NRAs should share best practices in that area.

³ F.e. DLM, Arcom, Traficom, Greece, ERC, ALIA, Sweden, CSA, Norway, Cyprus.

⁴ F.e. Malta, CnM, Austria, Croatia, CNMC, CMS.

⁵ F.e. Malta, CnM, Austria, Croatia, CNMC, CMS.

⁶ F.e. DLM, Arcom, Lithuania, Netherlands, CMS, ERC, Greece.

3. Using Artificial Intelligence to improve accessibility

The use of Artificial Intelligence (AI) has increased enormously over the past few years. One promising application of AI lies in its potential to improve accessibility for individuals with disabilities. For this reason, this part of the report is dedicated to the use of AI to improve accessibility to media services.

3.1. Uses of AI to improve accessibility

At least eight authorities report that media service providers are using or considering the use of AI mainly for **subtitles**. Other uses of AI are only mentioned by the CSA, who reports that there have been investigations into the use of **sign language avatars**, and synthetic voices for **audio description**. While NRAs report that providers are starting to use AI or are currently working on AI for subtitling, only some NRAs are indicating concrete measures.

For example, the use by some broadcasters in Germany of AI-based, automatically generated subtitles is expected for both live subtitling and pre-production for on-demand audiovisual media services from the end of 2024. In France, the public broadcaster has begun to develop the use of AI for automated subtitling on a large scale. To date, this solution is only available for broadcasting via its web player. However, the group has indicated that it plans to use this tool for its terrestrial broadcasts, with the aim of making the service fully accessible to the deaf or hard of hearing. Traficom reports that one provider currently uses AI for subtitling, but that the provider still needs to complement the work of AI with human resources.

Besides by media service providers, AI could also be used by NRAs to improve the supervision of accessibility requirements. However, all authorities have reported that they do not use AI to monitor or enforce accessibility obligations.

3.2. Obstacles that prevent the use of AI

As AI is improving, with new technical possibilities, more accessibility is and should be possible. However, there are still obstacles that prevent the (optimal) use of AI to support and improve accessibility measures. As usual, authorities report a **lack of resources**. Additionally, struggles with developing and implementing AI for subtitling seems to be an issue, rather than any legal obstacles.

The largest issue with implementing AI for subtitling is due to a **lack of quality** with the existing AI tools, as most NRAs report. Traficom mentioned a provider is using AI to improve accessibility and provided subtitling, exclusively based on AI. Since the quality of such AI-generated subtitling was not sufficient enough, it is not used without human intervention. Multiple NRAs, such as Traficom, ALIA, The Swedish Agency for the Media, AKOS and CMS, report that the lack of quality of existing AI is largely an issue for their providers due to their native languages being relatively **small languages**, which is not optimal for developing AI instruments. Some AI tools may be available, but not with a wide range of languages, and it can take quite a long time for AI to learn and fully adopt a new language.

Furthermore, as Arcom pointed out, automated subtitling tools are ideal for specific content that uses clean audio. On the contrary, a lot of content contains **polluted audio**, where multiple speakers talk over each other and background noise is present. This type of audio is not ideal for

simple speech-to-text AI in order to provide closed captioning. Developing AI tools for audio description would be even more complicated. It is interesting to note that media service providers appear to be developing accessibility tools alone or wait for tools to become accessible. Providers don't seem to collaborate on the development and improvement of AI for subtitling.

The lack of quality of existing AI tools has led to various associations for the blind and visually impaired voicing their concerns. Associations have expressed their reluctance of implementing AI, as they fear an increase in quantity will come at the cost of quality.

Conclusions:

The great potential of AI when it comes to enhancing and improving accessibility measures is confirmed by many ERGA-members. The obstacles and challenges that are mentioned relate mostly to the high costs of research and implementation. Especially for small media service providers and those operating in jurisdictions with small languages it can be hard to allocate sufficient resources to the development of AI tools that can support or even replace current accessibility measures. However, the lack of quality of measures generated by AI applications was raised several times and it is important to manage expectations in that respect.

Recommendations:

- Media service providers should consider collaborating more in the area of research and development of AI tools and applications so that the costs can be shared by more parties and also smaller media service providers can afford to explore the potential of AI for increasing accessibility.
- On EU-level the European Commission can consider promoting and supporting international initiatives for the development of AI based applications and tools for accessibility, in which media service providers of several EU countries could participate.

4. Best practices for supervising accessibility obligations

As previous reports have focused on legal and comparative analysis, this part of the report intends to focus on more practical aspects of supervising accessibility obligations.

4.1. Reporting obligation of Article 7 (2)

Article 7 (2) asks that media service providers report on a regular basis to the national regulatory authorities or bodies on the implementation of the measures that make services continuously and progressively more accessible to persons with disabilities. Every three years, member states should report to the European Commission. The next reporting deadline is December 2025. As such, this is an appropriate moment to discuss this topic.

As the AVMS Directive does not comment on the manner in which the reporting obligation is supposed to be set up, we asked NRAs how they organize this obligation. A few authorities have not yet decided how to organize the reporting obligation, such as CnM, the Radio and Television Commission of Lithuania and the Agency for Electronic Media in Croatia. Some authorities collect reports or use information requests, such as ERC, CNMC, CRTA and CMS. However, a majority of the authorities mention the use of a type of **survey, form or questionnaire**. For example, the DLM is using a digital query using an automated online survey tool. The CvdM is using an online tool to aid in drawing up general observations. A notable remark by KommAustria suggests regularly and actively updating the forms and the reporting system whenever an issue or possible improvement was brought to the NRAs attention. This process depends on the individual feedback and experiences of the media service providers.

The first reporting to the European Commission took place on 19 December 2022. As noted by NRAs in the questionnaire, there are no instructions on how and which collected data to send to the European Commission, in order to fulfil this requirement. Additionally, it is unclear how the European Commission used these reports. In order to adequately provide the European Commission with the necessary information, ERGA should consider developing a kind of **template or other standard format** for the national reporting exercise, consisting of all relevant elements that can be included as well in the future reports to the European Commission. This could contribute to more consistency and efficiency in the 3-annual reporting exercises, especially for media service providers, operating under several jurisdictions and regulatory regimes. Last but not least, it would also serve the comparability of the outcomes and findings of the reports so they can better contribute to EU policies to promote accessibility.

During the workshop, user organisations and regulators underlined the importance of the reporting obligation. The aim of the legislation is to provide more information. Such reports can show whether there is an improvement in accessible content, and what approaches work over time in different member states. Several parties highlighted the reluctance of media services to share all relevant data, which should be taken into account when publishing reports. On the other hand, the Swedish authority stated it does not consider the data to be confidential. Furthermore, user organisations pointed out that public information on accessible content should be **publicly available** to help consumers to find information on accessible content and national initiatives.

4.2. Supervising accessibility action plans of Article 7 (3)

Article 7 (3) of the AVMS Directive requires that member states encourage media service providers to develop action plans in respect of continuously and progressively making their services more accessible to persons with disabilities. The DLM and CvdM indicate no supervision in regard to action plans, due to the **lack of a (clear) legal framework**. For instance, the Dutch Media Act in which article 7 of the AVMS Directive has been transposed does not contain an explicit reference to actions plans. Several other authorities also don't actively supervise that services are continuously and progressively made more accessible, but take other measures. As was also brought forward during the workshop, KommAustria provides information about accessibility measures and organizations working in this area on its website, as well as a guideline about the ideal structure and content of the action plan and the yearly reports. ALIA plans to raise awareness among providers for different needs and available tools, through targeted measures like compiling and disseminating best practices. AKOS has requested that some providers improve their action plans.

On the other hand, some member states have **legal obligations** that require that services become more accessible. AGCOM has the legal task to establish specific criteria in order to make programs progressively accessible. KRiTT has indicated that their Broadcasting Act gradually increases the required share of programmes accessible to persons with disabilities. The CSA supervises ambitious targets, which can reach up to 95% of programmes made accessible to persons with hearing impairments. The consideration of action plans is therefore important for service providers to be able to meet these targets.

4.3. Supervising the quality of accessibility measures

The survey also paid attention to the quality of accessibility measures and how this could be monitored and enforced. Most authorities do not systematically check the quality of accessibility measures. ERC, NMA and CvdM, among others, actively supervise accessibility measures, but exclusively based on **quantitative targets**. Others such as Traficom also look at quality of measures but not in a systematic way and their main focus is on quantity of measures. The Swedish Agency for the Media does not supervise the quality of accessibility measures either, but it provides guidance on the website for media service providers.

However, a few NRAs have an explicit role when it comes to assessing and supervising the quality of accessibility measures. The CMS mentioned a separate ordinance by the Ministry of culture on the quality of subtitling for the deaf and hard hearing. The Council decides whether the subtitles met the criteria set down in the ordinance.

Notably, the CSA carries out qualitative assessments at least every year, based on samples from media service providers. In addition, the CSA collaborates with the Audio Description Platform, and more specifically with the **panel** of visually impaired persons responsible for assessing the quality of audio descriptions broadcast on the audiovisual media services of the Wallonia-Brussels Federation. This panel, under the aegis of a non-profit organisation, is required by the publishers or the CSA to assess the quality of the audio descriptions produced. Similarly, the public broadcaster of Portugal (RTP) also includes persons with a disability in its staff to assure quality. As mentioned at the workshop, the RTP provides subtitles, audio descriptions and sign

language with a team of nine people, including two persons with visual impairments, in order to assure quality.

The CnaM in Ireland provides guidance on quality standards for broadcasters in the Access Rules. In response to feedback from users, it is focusing more on quality of standards with a view to encouraging improvement. CnaM has started to work on two pilot projects examining quality of subtitling and quality of ISL to inform its approach to assessing the quality of provision.

The quality of accessibility measures was also discussed at the workshop. It was suggested that accessibility measures and the quality of such measures should be a consideration when allocating EU funding for the production of audiovisual content. Multiple parties pointed out that the provisions of the AVMS Directive leave much room for interpretation on national level. Further guidance on **minimum quality standards** would be helpful. The user organisations pointed out that they can assist on this topic, for example on the qualifications of sign language or the way sign language is displayed. Discussions on topics such as quality should also be held with the community. It was also noted that there could be a European approach for certain requirements of quality assurance, while still leaving other requirements up to national standards.

4.4. Involvement of interest groups

We asked NRAs how they involve organizations representing persons with disabilities in the supervision and monitoring of accessibility measures. For example, we investigated whether they prescribe that these organizations are consulted on regular basis by media service providers and whether they provide guidance on this. At the workshop in Brussels, the user organisations called upon national regulators for more involvement of organisations representing persons with disabilities. The feedback to the survey shows that eight authorities⁷ regularly consult relevant organisations.

For some authorities it is a **legal requirement** to consult with interest groups on specific topics. According to French law, Arcom must consult the Conseil National Consultatif des Personnes Handicapées (CNCPH) annually on the accessibility of audiovisual media services. In Austria, organizations representing persons with disabilities must be involved in the creation of the action plan of Article 7 (3). Furthermore, in Greece the quality of sign language interpreters is guaranteed by the legal requirement that they are approved by the Greek Federation of People with Hearing Disabilities. The importance of certified sign language experts was also emphasised by the European Disability Forum during the workshop.

The Irish CnaM's Access Rules, requires broadcasters to consult with users and to nominate an Access Liaison Officer to deal with user queries about accessibility. The Access Rules, also allow CnaM to seek feedback from User Consultative Panels. CnaM's Draft On-Demand Code will also (when it comes into force) require providers to include in their Accessibility Action Plan proposals to consult with users of access services.

Other authorities consult with interest groups **voluntarily**, but infrequently. ALIA mentioned a meeting in 2023, involving ALIA, the Ministry of State's Media, Connectivity and Digital Policy Department, the Ministry for the Family, media service providers, and disability associations to

⁷ Arcom, Traficom, ERC, Sweden, CSA, Norway, CNMC, CRTA

discuss accessibility needs and solutions. Similarly, in 2022, AKOS in Slovenia organized a virtual meeting to familiarize representatives of audiovisual media service providers and representatives of disability organizations with the content of the form (Accessibility Plan for Audiovisual Media Services for the three-year period 2022-2024). The purpose was also for representatives of disability organizations to present the expectations and needs of persons with disabilities regarding the accessibility of audiovisual media services, and for providers to discuss their capabilities in ensuring accessibility in their services. In 2023 the Swedish Agency for the Media started an accessibility network that meets two times per year. The purpose of the network is to contribute to improved accessibility through closer and more systematic contact between different actors. It consists of different organizations representing persons with disabilities and government authorities. It provides an opportunity for the organizations to share their views on the authority's work on accessibility. Additionally, it was noted at the workshop that the Swedish public service media is required to conduct dialogue with organisations and users on a yearly basis.

Art. 7 (4) of the AVMS Directive provides for the establishment of a **central online contact point** for providing information on accessibility and receiving complaints. During the workshop in September, the user organisations advocated for establishing these contact points in more member states. Based on the information provided by NRAs in response to the questionnaire and the workshop, we can determine that at least three such online contact points have been established. In 2020, the Central Contact Point for Information and Complaints on Accessibility in the Media ("ZABA") was established in Germany. The website answers questions relating to accessibility in the form of texts and videos and provides a complaint form that users can use to contact the respective media providers. Furthermore, AGCOM is going to establish an online contact point which is going to collect complaints, provide information and data in order to monitor the implementation of the measures taken. AKOS stated that they have recently developed a contact point for complaints about accessibility issues. The Swedish Agency for the Media provides a complaint form that users can use to report problems and/or comments related to accessibility. The authority's website also contains information about accessibility.

Conclusion:

Several NRAs provided guidance on the reporting obligation and action plans. Many NRAs provide online forms and questionnaires to facilitate the reporting exercises for media service providers. When it comes to the assessment of quality of accessibility measures, not many NRAs can share best practices and lessons learned (yet). This is also due to the fact that most regulatory frameworks seem to focus on quantity instead of quality of measures. Furthermore, several NRAs seek the involvement of user organizations and interest groups or consider doing so in future since their expertise and experiences are deemed to be very useful.

Recommendations:

- Particularly when it comes to assessing the quality of accessibility measures, and to safeguard a minimum level of quality, the involvement of user organisations and interest groups at an early stage in the process through consultation or other means, and feedback from experts of user organisations and also academia will be key. Panels of persons with disabilities can also provide valuable input.
- With the aim to achieve more consistency and predictability for the media services, ERGA could consider developing a template or other standard format with necessary elements for the reporting exercises. Authorities should also consider publishing the results of the reporting exercise.

Annex I: Summary ERGA SG1 Accessibility Workshop

One of the two deliverables of workstream 3 of Subgroup 1 was the organisation of an ERGA-workshop on the topic of accessibility of media services. This event was held in hybrid form on Wednesday 18 September in Brussels, during the afternoon, after the morning was dedicated to a Subgroup 1 meeting. The main purpose was to share and gather expertise and experience to provide input for the report on accessibility of media services.

The meeting was kicked off with opening remarks of Subgroup 1 chair Marta Carvalho, on behalf of the Portuguese ERC. In her contribution she underlined the importance and actual relevance of the topic to the backdrop of the implementation and actual supervision of article 7 of the AVMSD and the upcoming implementation of the Accessibility Act.

The first part of the workshop was dedicated to a panel discussion with representatives of interest groups, the media industry and media regulators. The interest groups were represented by Alejandro Moledo, Deputy Director and Head of Policy of the European Disability Forum (EDF) and Wouter Bolier, Policy Advisor Accessibility at the Dutch user organisation Ieder(in). From the media companies Peter Matzneller, Manager, Public Policy AVMS, Netflix and Mario Sequeira, Head of Foreign Programs Production and RTP Accessibilities Unit at the Portuguese public broadcaster RTP were on the panel. The panel was completed with representatives of ERGA-members: Johanna Franek, Head of Complaint Board & Media Literacy from the Austrian RTR, David Claesson, Case Officer of the Swedish Agency for the Media and Tomaž Gorjanc, Head of the Electronic Media Department of AKOS in Slovenia. The interventions by these ERGA-members were considered to be particularly interesting because a recent survey for the report showed how regulators play an active role in promoting accessibility of media services in their respective countries. Other ERGA-members and representatives of the European Commission were also present in the room or online and participated in the discussions after the presentations of all panellists.

The questions that were brought forward to the panel followed the structure of the report and focussed mainly of practical implications of promoting and supervising accessibility of media services.

One of the central questions in the panel discussion was how we can further detail national reporting obligations for accessibility measures and make them also more consistent within the EU. Transparency and disclosure of accessibility performance by media parties was also endorsed by almost everyone. User organisations present at the workshop encouraged the publication of the results of the reporting on accessibility. The information should be public, in order to provide information on accessible content and relevant initiatives to persons with disabilities. For example, there is a lack of information on national protocols in ensuring emergency communication is accessible. Additionally, the reporting can provide more information on the improvement in accessible content. This can show which approaches work over time in different Member States. Media companies and the European Commission pointed out that the business confidentiality of certain data must be respected. However, the Swedish Authority mentioned that the relevant information reported is not necessarily confidential and that reported information is available to the public. Also, the user organisations underlined the importance of disclosing main data and publishing achievements regarding accessibility of

media. Such information can provide important insights and be a source of inspiration for others when implementing or stimulating accessibility measures. The EDF pointed out that public information on accessible content should be publicly available to help consumers to find information on accessible content and national initiatives.

A related question was how media service providers can improve the quality of measures and how regulators can then assess and measure this. It was pointed out by the user organisations and the NRAs that the way the provisions were set out, allowed for a lot of manoeuvring and interpretation on national level. All panellists also agreed that there is now too much focus on the quantity of accessibility measures and that much more attention should be paid to ensuring and measuring quality. The user organisations pointed out there needs to be very particular standards for quality. There are already international standards for certain accessibility measures, such as subtitles. An example of a standard for quality is that sign language interpreters should be certified.

The role that user organisations and AI can play in promoting accessibility was also one of the key discussion points. The discussion showed that both policymakers and media companies should make much more use of the knowledge and experience of user organisations. User organisations pointed out they can assist in determining quality and qualifications, but also the community could assist in this matter. For example, sign language centers that work with communities could also collaborate with NRAs. The Portuguese public broadcaster is actively collaborating with persons with disabilities. Their accessibility team also has two persons with visual impairments, in order to assess the quality of accessibility measures. In Sweden, public service media has a requirement to conduct dialogue with organisations and users yearly. Additionally, the Swedish Agency for the Media coordinates a network on accessibility, which started last year. This network gathers three authorities and ten organizations representing persons with disabilities and provides a forum to discuss accessibility. The first meeting of the Slovenian NRA AKOS with persons with disabilities took place in 2022. Furthermore, AKOS and also the Swedish Agency for the Media developed a contact point where persons with disabilities can complain about issues.

The question about a national contact point was also addressed by the user organisations. Member States are not obliged to set up such a contact point, which has limited the impact of the provision. However, user organisations reiterated the importance of a national contact point, where persons with disabilities can submit questions or complaints.

How the supervision of the obligations under the AVMS Directive can be combined with the supervision of the provisions of the Accessibility Act that are relevant to media services was also a point for discussion. However, NRAs stated that it is too early to comment on this issue as the process is ongoing.

Another widely supported conclusion was that AI can play an important role in improving accessibility, but that human intervention remains important, especially to ensure sufficient quality.

In the closing interactive session, we asked our ERGA colleagues about what they believe should be included in the request forms that regulators send to media service providers to collect data on accessibility. The aim was to see whether we can achieve greater uniformity in the reporting system in this way, both nationally and within the reports that must be sent to the European Commission every three years. Greater consistency can also lead to greater predictability and

legal certainty for media companies. We can also compare the results in the Member States better. The session showed that there is a lot of support for better coordination of the questions included in the reporting forms.

Several parties also agreed that revisions of the AVMSD, such as requirements regarding quality of accessibility measures, would be necessary, even if steady progress is already being made. NRAs would welcome more guidance, either by the European Commission or ERGA (the future European Board for Media Services). This could contribute to effective supervision and enforcement of regulators, but also help service providers to know what to expect. Some NRAs already made progress when it comes to providing guidance to providers regarding the reporting exercises. As was also mentioned in the answers to the survey, KommAustria publishes information about accessibility measures and organizations working in this area on its website. The Austrian NRA also published a guideline about the ideal structure and content of the action plan and the yearly reports.

User organisations pointed out that other measures could also be taken to improve accessibility. The EDF suggested that ensuring optimal accessibility could be one of the criteria when allocating EU-funds to films, for instance as part of the Creative Europe Programme.

The closing remarks of the ERGA-workshop were addressed by Giuliano De Vita, Senior Advisor of the Italian AGCOM, on behalf of the ERGA chair.