

AVMSD Implementation in Europe



Funded by
the European Union



December 2024

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About EFHOH

The European Federation of Hard of Hearing People (EFHOH), established in 1993 and registered in the Netherlands, is a non-profit organization representing hard of hearing and late-deafened individuals across Europe. EFHOH advocates for awareness and practical actions to eliminate barriers to access affordable hearing care and rehabilitation and create an accessible society through public services and assistive technologies. Its main objective is to protect and promote the rights of individuals with hearing loss in Europe, facilitating legislative and social protections through collaboration with members and stakeholders.

Executive Summary

The European Federation of Hard of Hearing People (EFHOH) conducted an online survey for hard of hearing organizations and accessibility experts from October to December 2024 to assess the impact of Article 7 of the [Audiovisual Media Services Directive](#) (AVMSD) on national broadcast regulations. The AVMSD revision process involved intense negotiations, with the European Parliament adopting a report on audiovisual media services and the Council completing the legislative process in 2018. Member States were required to transpose the AVMSD into national legislation by September 2020. EFHOH actively participated in early negotiations with broadcasters and environmental NGOs, advocating for stronger provisions under Article 7.

EFHOH has a long-standing commitment to accessibility in audiovisual media and conducted two previous reports on the state of subtitling in Europe. The [first report](#) on the **state of subtitling access in the EU** was published in 2011 and the [second report](#) followed in 2015.

The 2024 survey included multiple-choice, closed, and open-ended questions focusing on the national transposition process, broadcast accessibility quality, and general trends in accessibility in television.

Responses were collected from 12 experts across seven countries: Sweden, Denmark, the Netherlands, Austria, the UK, Poland, France, and Slovenia. United Kingdom has participated in the transposition of the AVMSD ahead of leaving the EU, for this reason, the country is included in our report.

Key findings:

- **Consultation:** Slovenia and UK reported meaningful engagement, while other countries indicated limited or no involvement from the hard of hearing community in the AVMSD transposition process, or reported a lack of awareness of regulations.
- **Consultation Accessibility:** Accessibility during consultations was minimal, with 82% of respondents reporting no access. Provisions like real-time captioning and assistive listening systems were rarely available.
- **Television Accessibility:** Improvements in TV accessibility varied, with some countries noting positive changes, while others experienced little to no progress. Rules for terrestrial TV and streaming platforms showed inconsistencies across Member States.

In conclusion, the AVMSD is a cornerstone of EU initiatives and the European Strategy for Rights of Persons with Disabilities (ESRPD). However, monitoring of Article 7 remains weak, and vague requirements in the Directive limit effectiveness. Quantity has improved in some cases, but quality often lags.

The lack of consultation with EFHOH members on access services and innovative technologies, combined with the absence of minimum accessibility standards, is a serious concern. EFHOH is committed to advocating for clear guidance, robust standards, and training for member organizations in accessibility.

Section 1: National Process of AVMSD Transposition:

The AVMSD transposition process was an opportunity for Member States to collaborate with stakeholders, including the hard of hearing community, to enhance accessibility provisions. This section examines how consultation processes were conducted across countries and the extent to which the hard of hearing community was engaged.

Consultation during the transposition of the AVMSD into national laws

- **Poland, France, Austria, Sweden, Denmark:** Members reported a lack of involvement or consultation during the transposition process.
- **The Netherlands:** The consultation table with organizations of Persons with Disabilities was established late, limiting influence. Lobbying efforts led to an amendment requiring accessibility during crises.
- **Slovenia:** Respondents noted that consultation occurred, and they provided feedback, though not all suggestions were adopted.
- **United Kingdom:** The UK regulator Ofcom runs full consultation, which included online and face-to-face meetings with stakeholders including our member.

Based on the responses, one of the methods used for carrying out the process was round table discussions, accounting for 26.5%. Only participation in the UK was recorded both via an online questionnaire and round table discussion.

Consultation Accessibility

The accessibility of the round table discussions was limited. More than 80% of responding members reported no access. Sign language interpretation, real-time professional captioning and hearing loops were provided only for the UK. Automated captioning and personal assistive listening systems were each used in 8.3% of cases.

Impact on TV Accessibility

When asked whether the level of accessibility on TV improved in their country due to the latest Audiovisual Media Services Directive (AVMSD), 44% of respondents said yes (UK, Slovenia, Austria, France in quantity but not in quality), an equal 19% said no, and 37.1% were unsure.

Current Rules for Terrestrial TV Accessibility

- **Denmark:** Respondents noted an absence of clear national regulations beyond EU directives.
- **The Netherlands:** There are no obligations for commercial streaming services, though discussions with service providers occur.
- **Austria:** Accessibility is mandated under §30b of the [Audiovisuelle Mediengesetz](#).
- **Poland:** Accessibility is regulated under the [Act on Radio and Television Broadcasting](#), requiring 50% accessibility for public broadcasters and 30% for private broadcasters.
- **Slovenia:** Article 14.a of the AVMS Act mandates gradual improvements in accessibility through three-year plans and agency reporting. However, the lack of KPIs has limited measurable progress.
- **UK:** The [Access Service Code](#) regulates accessibility for television.

Rules for Video on Demand (VOD) and Over the Top (OTT) Services

- **Denmark:** Respondents noted limited awareness of existing rules or standards beyond EU directives.
- **The Netherlands:** Responses referred to the current rules for Terrestrial TV accessibility.
- **Austria:** Accessibility provisions for VOD services are detailed in [national regulations](#).

- **Poland:** Platforms must ensure accessibility features like subtitles and audio descriptions as per [national law](#) aligned with the AVMSD.
- **Slovenia:** OTT services must ensure accessibility, but implementation has been inconsistent, particularly for Slovenian-language content.

“In Slovenia, Video on Demand (VOD) and Over-the-Top (OTT) platforms, such as Netflix, Amazon Prime, and TV broadcasters’ own streaming apps, are required to ensure accessibility for people with disabilities. This includes subtitles for the deaf and hard of hearing, audio descriptions for the blind and visually impaired, and sign language interpretation, as mandated by the Audiovisual Media Services Directive (AVMSD) and the European Accessibility Act, which have been transposed into national legislation. However, these directives are not being followed, as accessibility features, particularly subtitles and other services, are not available in Slovenian language.”

- **UK:** The [Access Service Code](#) applies to both linear broadcasting and online streaming platforms although regulated approach online is still not published.

Section 2: Established Broadcast Quality of Access Services

AVMSD has broadened its scope to gradually increase availability (quantity) as well as quality of access. EFHOH asked members to share their views on AVMSD's influence.

Subtitling Regulation Authorities

- **Denmark:** The primary broadcasters, DR and TV2, oversee subtitling quality. User complaints appear to be the main mechanism for addressing poor quality.
- **The Netherlands:** The Commissariat of the Media, a member of the European Regulators Group for Audiovisual Media Services (ERGA), oversees subtitling quality.
- **Austria:** Regulation is less defined, with potential oversight by RTR (Österreichische Rundfunk und Telekom Regulierungs-GmbH).
- **Poland:** The National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji, KRRiT) is explicitly tasked with ensuring compliance with the Act on Radio and Television Broadcasting, which mandates broadcasters to provide high-quality subtitles, particularly for content intended for people with hearing loss. Additionally, public broadcasters like Telewizja Polska (TVP) have internal standards for subtitling quality, ensuring synchronization, readability, and accuracy.

- **France:** Arcom (formerly CSA), a founder of ERGA, regulates subtitling.
- **Slovenia:** Currently, there is no specific authority in Slovenia responsible for regulating the quality of subtitling. However, on September 24, 2024, the Ministry of Culture issued the Regulation on Detailed Conditions Regarding the Accessibility of Services Providing Access to Audiovisual Media Services for Persons with Disabilities. This regulation establishes detailed conditions for the accessibility of audiovisual media services, including standards for subtitling quality. The Ministry expected to oversee compliance.
- **UK:** The Office of Communications (Ofcom) regulates subtitling quality for both linear broadcasts and Video on Demand services.

Delay in Live Subtitling

Hard of hearing people often rely on two inputs to enjoy television broadcasts: clear sound and synchronized subtitling. The International Telecommunication Union has published standards in the accessibility of TV broadcasts which recommend synchronized speech with text with no more than 3 seconds delays. Any longer delay and the user is no longer able to follow the broadcast or enjoy equal access to information.

- **Denmark:** Mixed responses suggest either minimal standards or a lack of clarity. In particular with exceedingly long delays and heavily edited subtitling.
- **The Netherlands:** No known regulations.
- **Poland:** While no specific legal maximum delay is defined, broadcasters are expected to adhere to general standards of accessibility and quality, as overseen by the National Broadcasting Council. Best practices recommend delays of no more than 2–3 seconds. Broadcasters often use real-time captioning technologies, such as respeaking, to keep delays as short as possible.
- **France:** A maximum delay of 10 seconds is mentioned, though a French respondent says it is “*not seriously enforced*”.

- **Slovenia:** Recent regulations cap delays at 10 seconds, though respondents advocate for stricter limits of 2 seconds. A Slovenian respondent said *“It is maximum 10 seconds. We wanted 2 seconds max.”*
- **UK:** Ofcom mandates that subtitles for live broadcasts should have minimal delay max 3 sec to ensure usability.

Subtitling Quality for Repeat Broadcasts and VOD

- **Denmark:** Subtitles are sometimes absent in reruns, and there is dissatisfaction with subtitling availability.
- **Poland:** Repeat broadcasts and VOD content are expected to have fully synchronized subtitles, with stricter quality requirements compared to live programs. Subtitles must be pre-synchronized and adhere to high-quality standards, with no delay between the dialogue and the text.
- **France:** Subtitles for repeat and VOD content should align precisely with the soundtrack.
- **Slovenia:** No clear standards for repeat broadcasts and VOD.
- **UK:** Repeat broadcasts are expected to provide pre-prepared subtitles with no delay, ensuring higher synchronization accuracy.

Additional Quality Requirements

- **Poland:** General accessibility laws guide subtitling quality, though there are no codified national standards. For more detailed and specific guidance, reaching out directly to KRRiT or consulting with individual broadcasters is recommended.
- **France:** The [*2011 Charter for the subtitling quality for deaf and hard of hearing people*](#) outlines quality expectations for subtitles intended for viewers with hearing loss.
- **Austria and Slovenia:** They acknowledge efforts toward formalizing quality indicators.

- **UK:** Ofcom outlines additional requirements for subtitles, including accuracy, readability, timing.

Enforcement Mechanisms

- **Denmark:** Relies heavily on user complaints, often via social media.
- **Poland:** Enforcement includes monitoring, annual reporting, public complaints, and sanctions. Broadcasters must submit annual reports on compliance, and KRRiT conducts checks to ensure standards like synchronization, readability, and quotas are met. Non-compliance can result in fines or sanctions. Viewers can report issues directly to KRRiT, triggering investigations.
- **France:** Enforcement is perceived as weak.
- **Austria:** Annual hearings by expert advisory boards provide oversight.
- **Slovenia:** Enforcement is expected to follow newly implemented accessibility regulations.
- **UK:** Ofcom enforces compliance through regular audits of broadcasters and streaming services, public complaints mechanisms and issuance of compliance notices or penalties for non-compliance.

Satisfaction with Outcomes

Member Organizations participating in the survey expressed dissatisfaction with the subtitling quality. Common complaints include:

- Inadequate synchronization and delays, especially for live content or newer productions.
- Multiple errors and heavy editing impact usability.
- Lack of enforcement or accountability by regulatory bodies.

Section 3: Trends and the Delivery of Broadcasts

TV broadcast delivery

Europe has varied and often fractured broadcast delivery , especially regarding access services. Most common TV broadcast continues to be **Digital terrestrial television (DTTV)**, **Satellite** and **internet-based TV and HBBTV**.

Channels Accessibility

Internet-based television is considered more accessible with subtitling by almost 60% of respondents, while traditional television is seen as more accessible by 40%.

Traditional television is more accessible due to enforced legislation, while internet-based television accessibility has not yet been enforced. However, streaming services are voluntarily catching up and providing an increased level of access.

Members raised also concerns about the difficulty of accessing subtitles on internet-based TV, where many internet boxes lack a direct subtitle button on the remote control.

Clear Speech/Clear Voice TV Availability

The survey results indicate that 44.6% of respondents confirmed the availability of the Clear Speech/Clear Voice TV feature in their country, noting that it is less common, while 27.7% reported it is not available, and another 27.7% were unsure about its presence.

Conclusions

AVMSD is an important part of EU flagship initiatives and ESRPD. EFHOH publications in [2011](#) and [2015](#) created a better understanding of the subtitling access to TV broadcasts and we see some improvements.

Through direct interviews and communication with Members, we observe a lack of robust monitoring of the transposition and implementation of Article 7 of AVMSD. Vague requirements in the Directive, despite the intent, do not have a strong influence on increasing quantity and even when the quantity eases considerably, quality does not follow.

It is concerning that our members have not been consulted on access services, nor were their views sought when planning and delivering innovative ways of providing access using automated and AI-driven technology. The lack of minimum standards in accessibility is also of concern despite broadcasters' awareness of existing global standards of delivery.

EFHOH has a role to play in developing clear guidance and position of quality of access and to provide training to member organizations in the area of telecommunications.