



EDF statement on the Proposal for a Directive amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities (COM(2016)287)

**Marie Denninghaus | June 2016**



EDF statement on the Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities (COM(2016)287)

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## About EDF

The European Disability Forum (EDF) is the European umbrella organisation representing the interests of 80 million persons with disabilities in Europe. EDF mission is to ensure persons with disabilities full access to fundamental and human rights through their active involvement in policy development and implementation in Europe. EDF is a member of the Social Platform and works closely with the institutions of the European Union (EU), the Council of Europe and the United Nations.

## Introduction

Access to the Information Society is a basic right of persons with disabilities, who use information and communication technologies (ICTs) to a higher extent than people in general, to live independently and fully participate in society and access education, employment and leisure. The UN Convention on the Rights of Persons with Disabilities (UNCRPD)<sup>1</sup> establishes the right to accessibility in Article 9, and the right to “enjoy access to television programmes in accessible format” in Article 30.

Even if the Member States of the European Union (EU) pursue their own audiovisual policy, the EU defines some benchmarks involving common interests. Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in

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<sup>1</sup> <http://www.un.org/disabilities/convention/conventionfull.shtml>



Member States concerning the provision of audiovisual media services in view of changing market realities (AVMSD)<sup>2</sup>, sets this EU level framework and some provisions directly concern people with disabilities, for which the European Disability Forum fought hard in the previous revision process. As a result, Article 7 of the AVMSD currently states that

*“Member States shall encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability”*

In 2015, the Commission started a revision of the AVMSD and asked stakeholders for their opinions. EDF demanded to further strengthen the accessibility provisions but, **incomprehensibly, the Commission has deleted this crucial article in its latest proposal** published on 25 May 2016.

In the following paragraphs EDF explains why this is unacceptable and how it risks undoing all the efforts in advancing accessibility of television that have been made over the last 10 years in EU policy.

## The Commission proposal

In 2007, the AVMSD initially introduced article 7 about accessibility (see above), prompting European broadcasters, access service providers, researchers, media regulators and users to develop services and structures to open media to 80 million Europeans with disabilities.

Even small broadcasters have shown that they can produce subtitles in different languages. The access services, i.e. subtitles, audio description, audio subtitles and sign language interpretation, are being easier to produce and deliver than expected. Subtitles can also encourage language learning and are useful for everybody in a noisy environment.

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<sup>2</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1464618463840&uri=COM:2016:287:FIN>



In 2010 president Obama signed the US 21st Century Communication Video Accessibility Act (CVAA) that has boosted innovation. But in Europe, the proposal to refit the AVMSD is to delete article 7 on accessibility in the refit taking us a step back into the dark ages.

We were expecting Europe to defend human rights values and strengthen the right to access in article 7. On the contrary, the European Commission points to the newly proposed European Accessibility Act (EAA) to create obligations to make television accessible for persons with disabilities. What is not mentioned is that the EAA is also only a legislative proposal that has no guarantee of being adopted – and even if it is adopted, we do not know when as it will take time to be assessed in the European Parliament, Council and Member States. **The EAA was always intended to complement regulations such as the Public Procurement Directive and the AVMSD, not to replace them.** Accessibility is to be mainstreamed throughout all relevant legislation; dealing with it in a separate Accessibility Act is therefore not a replacement but helps to fulfill the accessibility requirements stated in the mainstream legislation.

The European Disability Forum calls for action to strengthen access to audiovisual media and communication as it is a basic right of persons with disabilities. It enables us to fully participate in society and to access education and employment, and exercise freedom of expression. Television is indeed vital in defining the cultural landscape of modern societies and provides a primary source of information, education and entertainment, from which disabled users shall not be excluded.

**EDF urges the European Parliament and the Council to reintroduce and strengthen accessibility requirements in the AMVSD, so that persons with disabilities can be part of the modern society and access information, education and entertainment just like everybody else while retaining the more detailed requirements also in the European Accessibility Act.**



## Further information

- [EDF website](#)
- [EDF response to the public consultation on the AVMSD \(2015\)](#)
- [Website of the European Commission](#)
- [Text of the proposal for a revised AVMSD](#)
- [Text of the proposal for a European Accessibility Act](#)
- [EFHOH State of Subtitling Reports](#)

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