



Coimisiún
na Meán

Copy of Submissions: Consultation on Draft Access Rules for Television Broadcasting Services

Publication date: November 2024

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Chime Submission

to

Coimisiún na Meán

on the

**Draft Access Rules for
Television Broadcasting Services**

August 2024

1.0 Introduction

1.1 Chime is the National Charity for Deaf and Hard of Hearing people. Chime was founded in 1964 and is dedicated to a society where deafness or hearing loss does not limit individual potential, personal choice or quality of life. Chime works to achieve this through advocating for a more accessible and inclusive society and providing a range of personal support services for Deaf and Hard of Hearing (D/HH) people. Chime's services entail a holistic approach, addressing the person's social, technological and emotional needs.

1.2 Chime welcomes Coimisiún na Meán's consultation on the Access Rules. Access to TV and audio-visual media is an important service for Deaf and Hard of Hearing people. Accessible programmes can help alleviate social isolation and promote inclusion and social participation.

1.3 A significant portion of the population is affected by deafness or hearing loss. The Deaf community has approximately 5,000 members whose primary language is Irish Sign Language (ISL). Those who have acquired a hearing loss in adulthood are a much larger group. The HSE estimates that 8% of all adults (approximately 300,000 people) have a moderate or greater hearing loss and require audiological support. The prevalence of hearing loss increases greatly in later life, so that by the age of 70 approximately 50% of the population have acquired a significant hearing loss.

1.4 Subtitles are accessed by a considerable number of people. Previous research has shown that typically 3% of any television audience require subtitles to access and enjoy the programme content, while up to 15% of viewers, (many of whom are not Deaf or Hard of Hearing viewers), benefit from subtitles on a regular basis

1.5 The format of this submission is based on the list of consultation questions provided in Coimisiún na Meán's consultation document.

2.0 Question 1: Do you have any comments on the proposed changes to the introductory sections of the Access Rules?

2.1 We welcome the introduction of a "single, easily accessible" point of contact for providing information and receiving complaints. While the Coimisiún may advise that the "quickest" way to have a complaint considered is to contact the broadcaster, experience of both the public and representative groups is one of general frustration in getting complaints responded to and resolved. This 'lived experience' means that it is likely many complainants are likely to use the Coimisiún's Contact Centre in the first instance in the immediate future.

2.2 We note the text of the "Access Principles", which is the same as the 2019 version of the Access Rules. In particular we draw attention to the principle of "responsiveness", and that access provision "should be in response to the needs and priorities *as expressed by the user groups*" (our emphasis). We will make further reference later in this submission with regard to this aspect of the principle of responsiveness.

3.0 Question 2: Do you have any comments on the proposed changes to the Definitions section of the Access Rules?

3.1 Chime welcomes the inclusion of AVMS within the scope of the Access Rules.

4.0 Question 3: Do you have any comments on the proposed changes to the General Rules Applying to All Access Provision section of the Access Rules?

4.1 Chime welcomes the Coimisiún's proposal to have regard to the quality of provision when assessing if a broadcaster has met the quotas for subtitling provision. Chime also welcomes the requirement for broadcasters to engage with platform providers in resolving issues impacting on access provision for end users as part of Rules applying to Quality Standards.

4.2 In relation to the Obligation to Consult with Access Users, Chime believes that the Access Rules should require broadcasters to report on their consultations with users, and in particular to list the main issues being raised by users in a report. This recommendation is put forward as there are typically no agreed records of consultation meetings between broadcasters and users. This report could be included within the proposed Annual Accessibility Action Plans.

4.3 Chime welcomes the proposal that broadcasters are required to develop an annual accessibility action plan. The development of such plans should be in accordance with UNCRPD, i.e. people with disabilities should be actively involved in developing such plans.

5.0 Question 4: What are your views on the targets proposed for subtitling for the 2025 to 2027 period?

5.1 Chime is broadly in favour of the proposed targets for subtitling. However, we believe that the targets for RTE News Now and Virgin Media Channels are too low. The reason for this opinion is based on the fact that RTE News Now is mainly made up of repeated News bulletins or current affairs programmes which have already been broadcast with subtitles on RTÉ 1 and should be provided automatically on the RTÉ News Channel, while much of Virgin Media's broadcasts are pre-recorded programmes where subtitle files have already been created.

6.0 Question 5: Do you have any further comments on the proposed changes to the Subtitling Rules section of the Access Rules?

6.1 Chime has no further comments to add at this point, save to point out that we have further comments in relation to Standards Applying to Subtitling in response to Question 13.

7.0 Question 6: What are your views on the proposed targets for ISL for the 2025 to 2027 period?

7.1 Chime broadly welcomes the proposed increase in overall ISL targets for 2025-2027, although we believe the increases should be greater in 2025. We are also strongly of the view that ISL presented programmes have lacked appropriate balance in terms of scheduling and programme content.

7.3 Chime accepts that there have been improvements in programmes in ISL for children in recent years. However, ISL programmes for adults are much less satisfactory for a number of reasons. There is a preponderance of 'light entertainment' programmes and very little in terms of news and current affairs. In Chime's view the Deaf community have the same right to access a spectrum of programmes similar to that of the wider viewing public. Therefore we are proposing that the Access Rules provide more specific sub-targets within the overall targets. Chime believes that the Access Rules should include a target for a minimum of 2% of ISL presented programmes that are focussed on news and current affairs.

(Note: Chime has recently proposed to RTÉ – not for the first time – that one main RTÉ news bulletin per day is broadcast with ISL on the News Now Channel or on RTÉ Plus 1. The format of the current News for the Deaf bulletin has not changed in 30 years and is typically just 2 minutes in length* – although RTÉ schedules give the impression it is a 5 minute programme. As a result many members of the Deaf community feel that they receive a dumbed down version of the news).

* Chime assessed the average length of 5 News for the Deaf editions for the week beginning Aug 11th 2024. The average length was 2 minutes and 7 seconds.

7.4 Chime also believes that RTÉ should restore some form of the magazine programmes aimed at the Deaf community that were previously a feature of RTÉ's provision for the Deaf community up until 2014. Again, the decommissioning of the magazine programmes were in direct conflict with the expressed wishes of the Deaf community at the time, and despite many requests to restore the magazine programme in the interim, there has been no response from RTÉ. Chime is proposing that 1% of the ISL targets for RTÉ would consist of a magazine programme for the Deaf community presented by members of the Deaf community. Such an approach would be consistent with UNCRPD and enhance the portrayal of people with disabilities on RTÉ.

8.0 Question 7: What is your view on the change to the assessment of ISL targets based on an 18-hour day, from 7am to 1am?

8.1 Chime very much welcomes this proposal. For many years the Deaf community have complained about the scheduling of ISL presented programmes in the middle of the night as demeaning and disrespectful, as well as being inaccessible to many members of the Deaf community who did not have recording facilities. These valid

complaints were not listened to, and we are now pleased that the Coimisiún is proposing this important change in approach.

9.0 Question 8: Do you have any further comments on the proposed changes to the Irish Sign Language (ISL) Rules section of the Access Rules?

9.1 Chime believes that for the present, it is appropriate that the National Broadcaster RTÉ has prime responsibility for delivering the bulk of ISL presented programmes under the Access Rules. However, we believe that as technology and other processes develop, the overall costs associated with producing ISL presentation on programmes is reducing. In this context we believe that it will be reasonable and proportionate in the future to have increased access to ISL programmes across more channels and broadcasters.

10.0 Question 9: What are your views on the proposed targets for AD for the 2025 to 2027 period?

10.1 We have no specific comment to make on the AD targets, except to say that we fully support the provision of AD to enhance access to people who are vision impaired.

11.0 Question 10: Do you have any comments on the proposed changes to the Audio Description (AD) Rules section of the Access Rules?

11.1 We have no comments on this question.

12.0 Question 11: Do you have any comments on the proposed changes to the “Access Principles and Influencing Factors” section of the Access Rules?

12.1 As already referenced, Chime welcomes the change to allow for a single and easily accessible point of contact for providing information and receiving complaints regarding accessibility issues as outlined in paragraph 1.4, and consequently agrees with the deletion of Section 9 of the 2019 Access Rules.

12.2 Chime also supports the deletion of Section 10 of the 2019 Access Rules, and supports the idea that the implementation of the Rules is supported via consultation. However, we also believe that a more robust framework is required to achieve implementation and that this should be referenced with more detail in the new Access Rules. We welcome the proposed requirement for broadcasters to produce Annual Accessibility Action Plans, and we have also proposed that such Action Plans would include the references to the expectations and wishes of users. These measures and others, such as a formal auditing of access provision and reports on complaints trends could provide the

basis for a strengthened framework to ensure and enhance access provision under the Access Rules.

13.0 Question 12: Do you have any comments on the proposed changes to the “Access Principles and Influencing Factors” section of the Access Rules?

13.1 As pointed out in the introduction, this submission is limited due to available time and resources, and cannot be in itself comprehensive. However, Chime wishes to comment on some of the tone and general approach of the Green Paper.

14.0 Question 13: Do you have any comments on the proposed changes to the “Standards Applying to Subtitling, Irish Sign Language & Audio Description” section of the Access Rules?

14.1 We accept the Coimisiún’s view that the production of live subtitles in real time is challenging. However, we believe that the quality of live subtitling offered by Irish broadcasters is below standard and in many cases, simply not fit for purpose. Such provision should not be accepted for meeting required quotas.

14.2 Live subtitling on certain programmes, such as news broadcasts, is extremely important. We note the Coimisiún’s comments in relation to cueing text or use of pre-loaded subtitles for news segments that have been pre-recorded. We believe that this strategy could be utilised more and that current use could be improved in terms of synchronicity and transition from pre-loaded segments to live segments and vice versa. These comments are based on informal comparison with similar programmes in the UK.

14.3 We would suggest a time delay of a few seconds in visual transmission of live programmes to aid synchronicity of subtitling on live transmissions. We note that on many occasions when there is international transmission of live events, RTÉ broadcasts are often several seconds ahead of UK broadcasts. While we are not familiar with the technical elements at play that give rise to this, we believe that consideration of ‘antenna delay’ or ‘as-live broadcasts’ should be considered in the context of the new Access Rules to facilitate improved quality of live subtitling. We would welcome further consideration of this issue by the Coimisiún and the inclusion of appropriate amendments in the Access Rules.

We would like to draw the Coimisiún’s attention to the following document on guidelines for making television broadcasts accessible: <https://dev-avt.ckc.uw.edu.pl/wp-content/uploads/sites/170/2020/11/How-to-implement-live-subtitling-on-TV-.pdf>

Submitted to Coimisiún na Meán, August 2024.

For further information on this submission contact:

Organisation name	Dublin Community Television
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Your response:

Please insert your response under each of the respective questions below.

Question 1: Do you have any comments on the proposed changes to the introductory sections of the Access Rules?

DCTV welcomes the draft proposals and the legal footing they are to be given. The proposals are very comprehensive and helpful documents. Notwithstanding the targets set. DCTV wishes to grow AD, ISL and Subtitles across the 3 year period.

Question 2: Do you have any comments on the proposed changes to the Definitions section of the Access Rules?

none

Question 3: Do you have any comments on the proposed changes to the General Rules Applying to All Access Provision section of the Access Rules?

With regard to monitoring, is programmatic monitoring acceptable? or is monitoring expected to be performed by staff on a full time basis.

DCTV will liaise with a panel of our audience who have specific access requirements.

Question 4: What are your views on the targets proposed for subtitling for the 2025 to 2027 period?

DCTV welcome that new targets have been set for 2025 - 2027. With regard to the Influencing Factors, we welcome that consideration is given to the size of organisation and track record.

In particular to the targets set for DCTV, in the 2019 rules the target was 13%.
The targets set for DCTV are 30%, 32%, 34% for 2025,2026 & 2027.

Noting that DCTV usually exceeds our targets, we would suggest that the same targets be set for DCTV as are suggested for CCTv.
those being, 19%,22%,24% for 2025,2026 & 2027.

We are suggesting this as the gap from 13% to 30% is a large increase to accommodate from January 2025, in 4 months time.

Question 5: Do you have any further comments on the proposed changes to the Subtitling Rules section of the Access Rules?



none

Question 6: What are your views on the proposed targets for ISL for the 2025 to 2027 period?

none

Question 7: What is your view on the change to the assessment of ISL targets based on an 18-hour day, from 7am to 1am?

While there is no specific target for DCTV, the hours in which ISL is provided should avoid them being very late at night.

Question 8: Do you have any further comments on the proposed changes to the Irish Sign Language (ISL) Rules section of the Access Rules?

none

Question 9: What are your views on the proposed targets for AD for the 2025 to 2027 period?

DCTV intends to increase AD across the period of 3 years. We would welcome a training resource where Irish exemplars in Audio Description could train newcomers and independent TV productions in the skills needed to provide quality AD. This would be most useful to our members.

Question 10: Do you have any comments on the proposed changes to the Audio Description (AD) Rules section of the Access Rules?

none

Question 11: Do you have any view on the proposed deletions to Section 9 to 13 of the 2019 Access Rules?

none

Question 12: Do you have any comments on the proposed changes to the “Access Principles and Influencing Factors” section of the Access Rules?

Mostly the increase in access provision will come with new productions. We see already an increase in proposals to DCTV featuring Audio Description and Subtitling. When these projects have access provision elements, the additional costs that take the overall project budget into a higher bracket. In these projects there is a higher percentage of input that is required by the producer. In



such circumstances if the line item cost for access services were not included in the overall budget cost, it would increase the amount of projects with access services provided by DCTV members. Could this be looked at in Sound & Vision rules to help the provision of access services to new productions.

Question 13: Do you have any comments on the proposed changes to the “Standards Applying to Subtitling, Irish Sign Language & Audio Description” section of the Access Rules?

none

To whom it may concern,

Please find below the response from **Oireachtas TV** to the Draft Rules of Television Broadcasting Services.

Appendix 1: Consultation Questions

Question 1: Do you have any comments on the proposed changes to the introductory sections of the Access Rules?

No comments to offer.

Question 2: Do you have any comments on the proposed changes to the Definitions section of the Access Rules?

Re the definition proposed for “**programme**”, I would suggest that it be widened to include live events that are not sports events – including commemorative ceremonies, state visits, cultural events, and political proceedings/elections.

Question 3: Do you have any comments on the proposed changes to the General Rules Applying to All Access Provision section of the Access Rules?

In **Section 4.2** re National Emergency Broadcasting, I am concerned that there seems to be an assumption that all broadcasters would be in a position to provide accurate live subtitles in a situation where a script may not be available from Government, or a spokesperson could go off script. I think there should be a recognition that speech to text software may not be either available to a broadcaster or in use at a sufficient level of accuracy in a situation as grave as a national emergency. I think there could be a responsibility here for the authority making the announcement to provide information or even their own live subtitles. It warrants further discussion.

In **Section 4.3** there is no mention of the responsibility broadcast platforms have to display access symbols in an easy to see and read format. I think there is an opportunity here to discuss standardising where and how these symbols can be read across diverse platforms. Often, information and symbols have been properly provided but are displayed inconsistently across the different providers. While I agree with making the responsibilities of the broadcaster clear, the same should hold true for the platforms.

Section 4.4 puts the responsibility for user consultation on the broadcaster. However, while we at Oireachtas TV have had some success with community engagement on specific projects, we have had very little success in having representatives of stakeholder groups speak with us in more general terms about our overall coverage. I believe that this is the case with other broadcasters. Before we mandate consultation to broadcasters, I think there should be further discussion as to what a successful consultation would look like to both user groups and broadcasters. There could well be a facilitation role for Coimisiún Na Meán in a new process. Whatever that looks like, I think it is clear that the present model of broadcasters putting out invitations to user groups that are not taken up, is not effective and must be examined before we put in place further rules.

Section 4.5 speaks about an Annual Action Plan to be put in place. I am confused as to the format and efficacy of this requirement. Given the fact that we are given annual targets to achieve, that we engage in robust annual reporting as it is with Coimisiún Na Meán, that the four Access Principles lay out key policy objectives (including incremental progression), I fail to see what an annual plan will add. I would suggest that we be required to provide a Three Year Plan at the start of the new target periods, which will give us a chance to layout the medium-long term technical development which will be key to achieving these targets. That could then be used as a benchmark for discussion during the annual reporting meeting.

Question 4: What are your views on the targets proposed for subtitling for the 2025 to 2027 period?

No comment to offer.

Question 5: Do you have any further comments on the proposed changes to the Subtitling Rules section of the Access Rules?

No comment to offer.

Question 6: What are your views on the proposed targets for ISL for the 2025 to 2027 period?

No comment to offer.

Question 7: What is your view on the change to the assessment of ISL targets based on an 18-hour day, from 7am to 1am?

While I completely understand the reasoning behind this requirement, I would point out that, as the producer of more live content than any of the other broadcasters, it is very difficult to provide accurate scheduling details at all times. It is not uncommon for the proceedings of the Oireachtas to overrun, and that could then cause scheduled ISL content to fall outside the proposed 1am cut-off, leading to a falloff in our figures. I note that our ISL targets have increased hugely this year – we welcome that as a sign of our success in access provision during the period just finished – but the added requirement to move to an 18-hour day will impact Oireachtas TV quite significantly, given the nature of our channel. I would hope that could be taken into consideration in any further discussions.

Question 8: Do you have any further comments on the proposed changes to the Irish Sign Language (ISL) Rules section of the Access Rules?

No comment to offer.

Question 9: What are your views on the proposed targets for AD for the 2025 to 2027 period?

No comment to offer.

Question 10: Do you have any comments on the proposed changes to the Audio Description (AD) Rules section of the Access Rules?

No comment to offer.

Question 11: Do you have any view on the proposed deletions to Section 9 to 13 of the 2019 Access Rules?

No comment to offer.

Question 12: Do you have any comments on the proposed changes to the “Access Principles and Influencing Factors” section of the Access Rules?

No comment to offer.

Question 13: Do you have any comments on the proposed changes to the “Standards Applying to Subtitling, Irish Sign Language & Audio Description” section of the Access Rules?

No comment to offer.

Sincerely,

Irish Deaf Society Submission to the

Coimisiún na Meán Consultation on Draft Access Rules for Television Broadcasters

Submitted on 19th August 2024

Introduction

This document is a response to the call by Coimisiún na Meán for consultation on the Draft Access Rules for Television Broadcasters. IDS will specifically address the Draft Access Rules with respect to the provision of Irish Sign Language (ISL) and subtitling. Campaigning for better access to media (ISL and subtitles) is one of the strategic goals of IDS under the pillar “Campaigning for Deaf Rights and Advocates of ISL” (see Supporting Documents).

The IDS is the only national Deaf-led representative organisation of the Deaf, and it serves the interests and welfare of the Deaf community. It provides a number of educational, personal and social services delivered through ISL to Deaf children, adults, and their families. ISL is the first and/or preferred language of the Deaf community and was recognised as such via the ISL Act 2017. The Deaf community sees itself as a linguistic and cultural minority group.

The IDS is recognised as a Disabled Peoples Organisation (DPO) under the UN Convention on the Rights of Persons with Disabilities (CRPD). IDS are members of the World Federation of the Deaf and the European Union of the Deaf and have consulted with international Deaf representative bodies in relation to a number of societal issues that impact on Deaf people.

The IDS leads the ISL Act Cross Community Group, which is a group of National organisations and service providers working in the Deaf community. We consult with this group in relation to topics of interest to Deaf people including the ISL Act and the topics discussed in this submission. This group includes the following members: Bridge Interpreting, Centre for Deaf Studies (CDS) TCD, Chime, Council of ISL Interpreters of Ireland (CISLI), Council of ISL Teachers (CISLT), Greenbow LGBTQ+, Irish Deaf Research Network (IDRN), Irish Deaf Youth Association (IDYA), National Deaf Women of Ireland (NDWI), Sign Language Interpreting Service (SLIS), Deaf Reach Services and Deaf Sports Ireland (DSI).

There are no accurate statistics on the size of the Deaf community in Ireland, but it is estimated that 5,000 people communicate in ISL as their primary language together with a community of an estimated 40,000 including family, friends and those working in the Deaf community. The most recent data from the central statistics office show there are over 233,000 people who are deaf and hard of hearing in Ireland. However, not all communicate in ISL as their primary language, or many may not consider themselves to be part of the Deaf community. The IDS use the term Deaf to cover all Deaf people, regardless of the degree of hearing they have.

ISL Act 2017

Section 8 of the ISL Act 2017 states:

“Broadcasters (within the meaning of the Broadcasting Act 2009) in fulfilling their obligations in relation to Irish Sign Language targets and requirements in respect of programmes transmitted on a broadcasting service (within the meaning of that Act) provided by the broadcaster as set out in the broadcasting rules made under section 43 (1)(c) of the Broadcasting Act 2009 by the Broadcasting Authority of Ireland shall adhere to principles of equality, dignity and respect in terms of the promotion and broadcasting of such programmes.”

Meaningful engagement and co-creation

Article 4.3 of the UNCRPD highlights the importance of meaningful engagement with DPOs during design, delivery, implementation and review of policies and decisions that affect them. It states that *“in the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organization”*. Meaningful engagement and co-creation with DPOs benefits both the DPO and the State in terms of appropriate policymaking and budget allocations as it ensures effective use of State funds. Government departments, public bodies and service providers themselves must also have the capacity, skills and awareness to meaningfully engage with DPOs.

Points to be considered:

This section will address the consultation questions as relevant to this submission.

1. Definition of Irish Sign Language (Section 3)

- IDS recommends that the definition of ISL in the Draft Access Rules document should follow that which appears on the IDS website- *“Irish Sign Language is the first and/or preferred language of 5000 Deaf people in Ireland and approximately 40,000 people in general will communicate in ISL (family, friends, co-workers, etc). Irish Sign Language is the indigenous language of the Deaf community and research shows that sign languages are full languages with its own complex linguistic structure, rules and features. It is a visual and spatial language with its own distinct grammar and not only is it a language of the hands, but also of the face and body. Irish Sign Language is different from all other sign languages such as British Sign Language, American Sign Language etc. Ireland is unique in that we have gender sign language, i.e. men and women in Ireland have different sign languages due to being educated in separate schools. The Deaf community sees itself as a linguistic and cultural minority group as opposed to being disabled.”*
- The following segment is not required under the definition and it is the opinion of IDS that it should be removed- *“Sign Language must be presented on a screen through the use of a signer as part of the audiovisual programme content, or by the use of a signer acting as an interpreter and positioned over the images on-screen”.*

2. General Rules Applying to All Access Provision (Section 4)

- **Quality Standards- Subtitling and Captioning Standards- Appendix 2(i)**
 - Subtitling standards should focus equally on quality and quantity and quality should be included among targets. Although targets of >90% have been set for 2025-2027, the quality of subtitles should be equally fore fronted. One of the biggest issues for Deaf and Hard of Hearing people overall is missing information due to inconsistencies in the subtitles, making programmes difficult to follow. It is worth noting that even if 96% of output contains subtitles, a far lower percentage of this would be considered high-quality and to an acceptable standard for Deaf and Hard of Hearing people to be able to access and enjoy. The quality issues are even more
-

apparent for live TV. Therefore, we ask for clarification about a quality control system i.e. how are subtitles checked and published? It must be noted that subtitles alone do not constitute full access as subtitles are usually in English, the second language of the Deaf community. Therefore, the provision of high-quality subtitles is imperative and should be the default.

- **Quality Standards- Irish Sign Language Standards- Appendix 2(ii)**

- “A person interprets and signs live or recorded programmes or programme segments” should be replaced with “An ISL Interpreter (including Deaf Interpreters) interprets and signs live or recorded programmes or programme segments” (p. 30).
 - Clarify what exactly is a sign language presenter as this should read ISL Presenter (p. 30). Stating “sign language” alone is misleading to Deaf people from other countries who may use a different sign language, therefore it should read ISL Presenter.
 - In relation to signing competence, it must be clarified how broadcasters will ensure this. Fundamentally, and as per Section 7 of the ISL Act 2017, all ISL Interpreters must be fully qualified and accredited by the Register of Irish Sign Language Interpreters (RISLI). Additionally, an internal quality control system is recommended by means of ISL Consultants. These are usually qualified Deaf Interpreters who monitor the output of the ISL Interpreter or ISL Presenter. The Council of Irish Sign Language Interpreters (CISLI) have a sub-committee comprising Deaf Interpreters who could be contacted by broadcasters to consult on matters relating to quality.
 - The sections outlining synchronisation (p. 31) and speaker identification (p. 32) can be removed as qualified, RISLI-accredited ISL Interpreters will be aware of these as fundamental skills of interpreting.
 - Clarification is required about monitoring (p. 31). It should be clearly stated how this will be done and how often. Effective monitoring can incorporate an internal quality control system and meaningful engagement and co-creation with IDS.
 - The term “signer” should not be used. “ISL Interpreter” or “ISL Presenter” should be used depending on the context.
 - Display of the ISL Interpreter- the size of the in-vision box must be consistent across all programmes and of a size that allows for easy and accessible visualisation of the ISL Interpreter.
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- In terms of targets, there is a stark contrast between subtitling and ISL with 96% versus 6% (RTÉ 1 & 2 for 2025) respectively. It is worth noting that of all of the output with ISL interpretation, much is repeated with little new programming. Clarification is needed on the decided targets and the increments e.g. by 2027 the aim is 10% for RTÉ 1 & 2. This is extremely concerning considering it will be ten years after the passing of the ISL Act. Further, targets should include provision of daily ISL News and the development of more Deaf and ISL-related documentaries to promote awareness and understanding to the general public.
- **Promotion of Access Provision (4.3)**- This section should outline how broadcasters may engage with DPOs as to the most effective ways of advertising for their respective communities.
- **Obligation to Consult with Access Users (4.4)**- As mentioned previously, Article 4.3 of the UNCRPD highlights the importance of meaningful engagement and co-creation with DPOs during design, delivery, implementation and review of policies and decisions that affect them. This section of the Draft Access Rules should be developed to include a commitment to this. It is not sufficient to rely on Deaf and Hard of Hearing people to give ah-hoc feedback or as part of a review process. Broadcasters should consult with IDS throughout all phases as outlined above.

3. Other

- With respect to terminology, “Deaf” should be used consistently throughout (as opposed to “deaf”), particularly in sections relating specifically to ISL. “Deaf and Hard of Hearing” should be used when referring to both Deaf people and Hard of Hearing people e.g. in the sections about subtitles. ISL is the language of the Deaf community and subtitles are also used when accessing media content. Hard of Hearing people may not use ISL as their first language and generally reply on only subtitles to access media content. Further, in Section 1.1 “hearing impairment” should be amended to “Hard of Hearing”. The term “hearing impairment” is no longer an acceptable term. Finally, “Irish Sign Language” or “ISL” should be used throughout the document as opposed to “Sign Language” as this is misleading to Deaf people from other countries who may use different sign language.
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- We would like to highlight the UNCRPD in particular Article 9 (Accessibility), Article 21 (Freedom of expression and opinion, and access to information) and Article 30 (Participation in cultural life, recreation, leisure and sport). Deaf and Hard of Hearing people must have equal access to information and that information must be provided in accessible formats and technologies. This is especially true for public services and is in line with the Public Sector Duty and the ISL Act 2017. For many, accessing media is a recreational activity and Deaf and Hard of Hearing people must have equal opportunities to enjoy this if they so wish.

Conclusion

In this document, IDS addressed the Draft Access Rules with respect to the provision of ISL and subtitling. Campaigning for better access to media (ISL and subtitles) is one of the strategic goals of IDS under the pillar “Campaigning for Deaf Rights and Advocates of ISL” (see Supporting Documents). Of primary concern are ISL programming and subtitles both in terms of quality and quantity. Particularly, the targets relating to ISL programming are very low compared to those of subtitling. It must be highlighted that subtitles do not constitute full access for Deaf people whose first language is ISL. Another aspect that must be addressed in the Draft Access Rules is terminology. The correct terminology must be used and CNM (and broadcasters) should engage with IDS at all stages of policy development and delivery to ensure this.

Supporting documentation:

ISL Act 2017: <https://www.irishstatutebook.ie/eli/2017/act/40/enacted/en/print>

Register of Irish Sign Language Interpreters (RISLI): <https://www.risli.ie/>

IDS Strategy Plan 2023-2026: <https://irishdeafsoc.wpenginepowered.com/wp-content/uploads/2023/06/IDS-Strategy-2023-2026-Web-Download-1.pdf>

Enhancing Media Accessibility for Disabled Audiences

ILMI Submission August 2024

Introduction

Media accessibility is crucial for fully including disabled people in contemporary society. As the media landscape evolves, it is imperative that media companies and broadcasters align with best practices to ensure that content is accessible and inclusive for all viewers, including those with impairments. This submission paper, presented by Independent Living Movement Ireland (ILMI), outlines key recommendations for improving media accessibility based on extensive feedback from disabled persons and their representative organisations.

1. Subtitles

1.1 Consistency in Terminology

Using terms such as "captions" and "subtitles" should be consistent across all platforms. Confusion can arise when these terms are used interchangeably. Standardising terminology will enhance clarity for all viewers.

1.2 Enhanced Synchronisation

Improved synchronisation of subtitles with audio and video is needed, particularly for acquired programmes. Implementing AI-driven tools to enhance accuracy and reduce delays should be a priority.

1.3 Customisable Subtitle Options

Viewers should be able to customise subtitle settings, including font size, colour, and background opacity. This will cater to individuals with various visual impairments and specific reading needs.

1.4 Speed and Complexity Adjustments

Options to adjust subtitle speed and complexity should be available, especially for children and viewers with cognitive impairments. Simplified language and controlled text speed can significantly improve comprehension.

2. Music and Sound Effects

2.1 Consistent Music Markers

Standardise the markers used to indicate music and sound effects. To avoid confusion with other symbols, the hash symbol (#) should be replaced with musical notes (♪).

2.2 Descriptive Music Subtitles

Subtitles should provide more detailed descriptions of music, including mood or genre (e.g., "melancholic piano music") rather than just indicating that music is playing. This approach offers a richer experience for deaf viewers.

3. Silence and Pauses

3.1 Indicate Significant Pauses

Subtitles should clearly indicate long pauses or silences with descriptive captions (e.g., “[long reflective pause]”). This helps convey the emotional context of the scene more effectively.

4. Sign Language Interpretation

4.1 Competence Standards

Regularly update and enforce high competence standards for sign language interpreters to ensure accuracy and fluency.

4.2 Enhanced Visibility

Increase the size and resolution of sign language inserts to improve the visibility of the interpreter’s expressions and gestures. Consider making the interpreter window a minimum of one-sixth of the screen.

4.3 Background and Dress

Ensure interpreters wear plain, contrasting clothing and that they are placed against non-distracting backgrounds to enhance visibility and reduce viewer fatigue.

5. Audio Description

5.1 Clarity and Timing

Audio descriptions must be precise and well-timed. Avoid hurried speech and ensure descriptions fit naturally within pauses in dialogue.

5.2 Emotion and Neutrality

Describers should subtly convey necessary emotions to match the scene's mood without making the description a performance. They should maintain neutrality to avoid personal bias.

5.3 Detailed Descriptions

Encourage detailed descriptions of characters, actions, and settings. Avoid overly technical terms like "the camera pans left" and focus on providing a comprehensive understanding of the scene.

6. General Recommendations

6.1 Feedback and Monitoring

Establish robust feedback systems involving regular consultations with the disabled community to monitor the effectiveness and quality of access services. Incorporate this feedback into ongoing service improvements.

6.2 Emergency Information

Ensure emergency information is accessible in multiple formats, including subtitles, sign language, and audio descriptions, to keep viewers informed.

6.3 Apology and Explanations

Provide clear, immediate apologies and explanations for any service failures. This practice maintains trust and ensures viewers are kept informed about service issues.

6.4 Digital Advancements

Leverage digital advancements to enhance subtitle and description services. AI-driven tools can improve real-time subtitle accuracy and reduce delays.

Conclusion

Enhancing media accessibility aims to ensure that disabled people can fully participate in and enjoy media content without barriers. By implementing these recommendations, media companies and broadcasters can move towards a more inclusive and equitable media landscape. Collaboration with Disabled Persons' Organisations (DPOs) and continuous improvement based on community feedback is essential to achieving these goals.

Who ILMI is:

Independent Living Movement Ireland (ILMI) is a national cross-impairment Disabled Persons Organisation (DPO) dedicated to ensuring that disabled people have freedom, choice, and control over all aspects of their lives and can fully participate in an inclusive society. A DPO is a group led by and for disabled people, focusing on advocating for their rights and needs. Under the UN Convention on the Rights of Persons with Disabilities (UNCRPD), consulting with DPOs is crucial for developing policies and practices that truly reflect the experiences and aspirations of disabled people. ILMI's work exemplifies this by embedding our core values of human rights, collective empowerment, and social justice into our strategic efforts, ensuring that disabled people's voices are central to shaping a more inclusive society.

Further Reading:

Our Lives, Our Voices: Reclaiming the Narrative

The representation of disabled people's lives in the Media

ILMI Position Paper February 2022

<https://ilmi.ie/wp-content/uploads/2022/02/Our-Lives-Our-Voices-Reclaiming-the-Narrative-February-2022.pdf>



Údarás Náisiúnta Míchumais
National Disability Authority

August 2024

NDA Submission to Coimisiún na Meán concerning the Draft Access Rules for Television Broadcasting Services

Introduction

The National Disability Authority (NDA) is the independent statutory body with a duty to provide information and advice to the Government on policy and practice relevant to the lives of persons with disabilities, and to promote Universal Design. The NDA welcomes the opportunity to input into Coimisiún na Meán's ('the Commission') consultation concerning the Draft Access Rules for Television Broadcasting Services ('Draft Access Rules').

The NDA has consistently advised that access requirements should be met through a progressive and continuous process, while considering the practical and unavoidable constraints that could prevent full accessibility, such as programmes or events broadcast in real time. Our approach is akin to that required by the Audiovisual Media Services Directive, which requires EU Member States, including Ireland, to ensure that services provided by media service providers under their jurisdiction are made continuously and progressively more accessible to persons with disabilities through proportionate measures.

While the NDA has provided detailed responses to the consultation questions below, we also wish to underline the importance of broadcasters meeting not just quantitative and temporal targets, but also qualitative targets designed to improve the quality of access services. The NDA is aware that the quality of

access services varies across different broadcasters and that access users¹ have expressed the view that the figures supplied by broadcasters about meeting qualitative targets are inaccurate given the many quality-related issues that persist. The NDA therefore advises greater attention to strengthening the monitoring of the quality of access services² within the Draft Access Rules, including enhanced qualitative monitoring by Coimisiún na Meán, with the participation of access users.

Responses to Consultation Questions

Question 1: Do you have any comments on the proposed changes to the introductory sections of the Access Rules?

UN Convention on the Rights of Persons with Disabilities

The NDA notes the absence of a reference to the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in Section 1.1 and advises that this be remedied. As the UNCRPD has been ratified by Ireland, the NDA advises that the Draft Access Rules should be guided by and adhere to the Convention.

Article 30 of the UNCRPD specifically obliges States Parties, including Ireland, to recognise the right of persons with disabilities to take part on an equal basis with others in cultural life, and to take all appropriate measures to ensure that persons with disabilities enjoy access to television programmes in accessible formats.³ In addition, Article 21 of the Convention enshrines the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.

Furthermore, the changes proposed in the Draft Access Rules are principally informed by the need to fully transpose the Audiovisual Media Services Directive into Irish law.⁴ The European Union has ratified the UNCRPD and accordingly all

¹ Access users refers to people who are D/deaf, hard of hearing, vision impaired, or hard of hearing and vision impaired who may require a sign language service, subtitling, or audio description to access and enjoy TV programmes.

² “Access services” means subtitling, captioning, Irish Sign Language and audio description as defined within the Draft Code and Rules.

³ The NDA’s 2024 annual conference, taking place on 24 October 2024, will consider Article 30 of the Convention. We are liaising with colleagues within the Commission regarding participation at the event to ensure a focus on accessible television and broadcasting services.

⁴ Ireland has failed to meet the deadline of 19 September 2020 for transposition of the Audiovisual Media Services Directive. While commencement of the Online Safety and Media

EU law, including Directives, must be interpreted in a manner consistent with the Convention. Recital 22 of the Directive also explicitly 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.’

European Accessibility Act

The NDA also notes that there is no reference to the European Accessibility Act in Section 1.1 and advises that this be remedied. The European Accessibility Act (EAA) (Directive EU 2019/882) is a directive that aims to improve the functioning of the internal market for accessible products and services, by removing barriers created by divergent rules in Member States. These products include equipment related to digital television services and access to audio-visual media services such as television broadcast and related consumer equipment. The EAA was transposed into Irish law via Statutory Instrument (S.I.) 636/2023.

The NDA considers the EAA and the Audiovisual Media Services Directive to be complementary, a view echoed in the European Commission report examining the application of the Audiovisual Media Services Directive during the period between 2019 and 2022. The definition of ‘audiovisual services’ is the same in both Directives, further reinforcing this alignment.

As outlined in S.I. 636/2023, accessibility requirements for services providing access to an audiovisual media service must be achieved by ‘providing EPGs [Electronic Programming Guides] which are perceivable, operable, understandable and robust and provide information about the availability of accessibility’ (Schedule I, Section 4, (b)(i)); and ‘ensuring that the accessibility components (access services) of the audiovisual media services, such as subtitles for the deaf and hard of hearing, audio description, spoken subtitles and sign language interpretation, are fully transmitted with adequate quality for accurate display, and synchronised with sound and video, while allowing for user control of their display and use.’ (Schedule I, Section 4, (b)(ii)).

Regulation Act 2022 in March 2023 marked partial transposition of the Audiovisual Media Services Directive, the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media has noted that full transposition will only be achieved once Coimisiún na Meán adopts relevant online safety and media services codes (including the revised Access Rules for Television Broadcasting Services). The right of persons with disabilities to participate and be integrated in the social and cultural life of the EU is linked to the provision of accessible audio-visual media services. The NDA therefore underscores the importance of full, effective and timely transposition of the Audiovisual Media Services Directive.

As the designated compliance authority for services providing access to audiovisual media services under S.I. 636/2023, the Commission must ensure that the services provided by broadcasters, who are considered ‘economic operators’ under the EAA definition, meet the accessibility requirements detailed in Schedule 1 of S.I. 636.

Accessible Complaints Mechanism

The NDA welcomes the establishment by the Commission of a Contact Centre for handling complaints related to accessibility. This measure seeks to give effect to Article 7(4) of the Audiovisual Media Services Directive, which requires each EU Member State ‘to designate a single, easily accessible, including by persons with disabilities, and publicly available online point of contact for providing information and receiving complaints regarding any accessibility issues.’

The NDA notes that there are two options to communicate with the Contact Centre, either by phone or email (Section 1.4). However, the NDA advises that these forms of contact may not be accessible to Irish Sign Language (ISL) users, particularly given the low literacy levels of some ISL users. One of the issues identified in the NDA review of the operation of the Irish Sign Language Act 2017 (‘ISL Act 2017’ or ‘2017 Act’) was the inaccessibility of complaints mechanisms to ISL users.

Complaints processes are an essential part of service provision, business improvement and quality assurance. The NDA review of the 2017 Act concluded that the absence of an accessible complaint mechanism for ISL users should be remedied promptly by providing a two-way mechanism where ISL users can make a complaint or submit feedback in ISL on any matter, and receive appropriate responses through ISL. The NDA therefore advises that the Contact Centre consider ways of making their complaints and information services accessible to ISL users.

Question 2: Do you have any comments on the proposed changes to the Definitions section of the Access Rules?

Disability Language and Terminology

The NDA notes the proposal to replace the term ‘partial sighted’ in the definition of ‘Audio Description’ with the term ‘vision impaired’. The NDA wishes to draw the Commission’s attention to an advice paper on disability language and terminology we produced which provides practical guidance for Departments and

public bodies on the use of language when speaking and writing about disability.⁵ As set out in our advice paper, the term ‘person with a vision impairment’ can refer to someone with no vision or with some vision, while the term ‘partially sighted’ refers to a person who has some vision. The NDA therefore welcomes this change in language and advises that there may be other advice in that paper that may be useful to Coimisiún na Meán.

Minimum Targets

The NDA advises that Section 2 be amended to state that the targets stipulated within the Draft Access Rules represent minimum obligations. In this regard, the NDA wishes to draw the Commission’s attention to Section 4.5 of Ofcom’s Code on Television Access Services, updated this year, which contains the following statement: ‘The targets represent minimum obligations and apply on a rolling basis from each anniversary of the applicable date onwards for each service in question.’

Question 3: Do you have any comments on the proposed changes to the General Rules Applying to All Access Provision section of the Access Rules?

Quality Standards

Section 4.1 of the Draft Access Rules recognise that ‘maintaining quality access provision is essential for ensuring that audiences using these services benefit from them.’ However, broadcasters are obligated to monitor content to ensure quality standards are met, rather than Coimisiún na Meán. The NDA advises that Coimisiún na Meán considers strengthening this aspect of the Draft Access Rules, in particular by considering how the Commission itself can enhance monitoring of qualitative ISL, Audio Description and subtitling targets.

Emergency Information in ISL

The NDA welcomes the proposed introduction in Section 4.2 of a new requirement that broadcasters must provide emergency information in Irish Sign Language. The COVID-19 pandemic highlighted the necessity of ensuring all emergency broadcasts and public health information are provided in an accessible format, including live subtitling and ISL.

This measure is also mandated by Article 7(5) of the Audiovisual Media Services Directive, which requires EU Member States to ensure that emergency information, including public communications and announcements in natural

⁵ National Disability Authority (2022) **NDA Advice Paper on Disability Language and Terminology**, available at the following link: [NDA Advice Paper on Disability Language and Terminology - National Disability Authority](#)

disaster situations, which is made available to the public through audiovisual media services, is provided in a manner which is accessible to persons with disabilities.

Promotion of Access Provision

The NDA welcomes the changes proposed in Section 4.3 relating to the Promotion of Access Provision by broadcasters, including the deletion of the caveat under the 2019 Access Rules that the obligation to indicate in listings the programmes for which access provision is available applies “except where it is not possible to do so and where this can be clearly demonstrated”. We also note that access users consulted as part of the Statutory Review outlined their frustration that broadcasters did not sufficiently promote Audio Description provision and recommend particular attention to this issue.

In line with the European Accessibility Act, the NDA advises that Section 4.3 be amended to require broadcasters to promote awareness of the availability of their access services by making available accurate and timely information to electronic programme guide (EPG) operators listing their services, and by providing similar information on their own website and app listings. In this regard, the NDA notes that broadcasters consulted as part of the 2023 statutory review on the 2019 Access Rules (‘the Statutory Review’) highlighted their efforts to promote access service availability via on-screen symbols, EPGs and websites.

Furthermore, the NDA advises that Section 4.3 be amended to encourage broadcasters, where unforeseen circumstances mean that scheduled access services are not available, to take steps to ensure that updated information is provided to EPG operators and that audiences are given timely information on availability by appropriate and effective means. The Commission may find Section 6.3 of Ofcom’s 2024 Code on Television Access Services instructive in this regard.

Obligation to Consult with Access Users

The NDA advises that the obligation to consult with access users in Section 4.4 should include engagement on the development, implementation and monitoring of the annual accessibility action plans provided for in Section 4.5. We would further recommend that there is a specific reference to consultation with Disabled Persons’ Organisations (DPOs). The UNCRPD is clear that DPOs, as representative organisations of disabled people, must be closely consulted with and actively involved in decision making processes concerning issues related to people with disabilities.

Annual Accessibility Action Plans

The NDA welcomes the proposal in Section 4.5 to require broadcasters to develop an annual ‘accessibility action plan’, which will detail how the broadcaster

intends to progressively make their services more accessible to persons with disabilities and meet their obligations under the Access Rules. This proposal is also recommended by Article 7.3 of the Audiovisual Media Services Directive.

In addition to outlining how the broadcaster intends to meet targets for the provision of access services under the Access Rules, the NDA advises that these accessibility action plans should also detail the ways the broadcaster intends to improve the quality of the access services and how they will monitor content to ensure quality standards are met. The NDA further advises that Section 4.5 be amended to expressly state that the annual accessibility action plans are made publicly available in accessible formats.

Question 4: What are your views on the targets proposed for subtitling for the 2025 to 2027 period?

The NDA welcomes the introduction of three-year targets (across the subtitling, ISL and Audio Description targets), as opposed to the five-year period under the 2019 Access Rules. We agree with the Commission that this shorter period is still long enough to facilitate forward planning by broadcasters, while recognising that a five-year timeframe may no longer be appropriate given the pace of change in media and technology.

The NDA welcomes the targets proposed for subtitling for the 2025–2027 period, which generally adhere to the requirement under the Audiovisual Media Services Directive that broadcasters continuously and progressively make their services more accessible to persons with disabilities through proportionate measures. However, while noting that the 96% subtitling target for RTÉI is high, this proposed target remains static for the three-year period. The NDA suggests there may be scope for a small but incremental increase in this target over the relevant timeframe.

The NDA further notes that the 2023/2024 subtitling target for Oireachtas TV is 18%, while the 2025 target is 17%. This target does not align with the requirement to progressively improve services.

Question 5: Do you have any further comments on the proposed changes to the Subtitling Rules section of the Access Rules?

While recognising the efforts of the Commission and broadcasters, the NDA advises that an increase in subtitling targets must also be accompanied by improved quality of subtitling. The Statutory Review highlighted that access users consider that significant levels of subtitling provision are not of an appropriate standard, with this being particularly evident for live programming. The Statutory Review further noted that while some access users are encouraged by the increased quantity of subtitling, the majority felt that the absence of a comparable

level of improvement in the quality of subtitles can make the additional quantities immaterial.

Question 6: What are your views on the proposed targets for ISL for the 2025 to 2027 period?

The NDA notes that the Statutory Review found that targets for Irish Sign Language remain modest and there continues to be scope to increase these levels. The proposed targets for ISL for the 2025 to 2027 period broadly represent incremental progress in line with the NDA's advice that accessibility requirements should be met through a progressive and continuous process. However, we note that the 2023/2024 ISL target of 2% for Virgin Media 1 remains the same for 2025.

Question 7: What is your view on the change to the assessment of ISL targets based on an 18-hour day, from 7am to 1am?

Section 8 of the Irish Sign Language Act 2017 requires broadcasters in fulfilling their obligations in relation to ISL targets and requirements in respect of programmes to adhere to principles of equality, dignity and respect in terms of the promotion and broadcasting of such programmes.

The NDA review on the operation of the ISL Act 2017 found that the principles of equality, dignity and respect were not adhered to in broadcasting programmes with ISL when fulfilling the targets and requirements stipulated in the 2019 Access Rules. The NDA review highlighted that most programmes with ISL were broadcast at times when people can be expected to be asleep, an approach amounting to unequal treatment, which is not used for other demographics or other types of access programming such as subtitling.

The NDA review noted that the guidance and direction of Coimisiún na Meán (formerly the Broadcasting Authority of Ireland or 'BAI' at the time the review of the 2017 Act was undertaken) as the regulator in relation to broadcasters' approach to Section 8 principles, regarding the timing of ISL broadcasting, was an important factor. While broadcasters are responsible under Section 8 for their decisions to provide programmes with ISL mainly during sleeping hours, the NDA noted that this approach was facilitated by the 2019 Access Rules.

While the 2019 Access Rules measure targets for subtitling and audio description based on an 18-hour day from 7am to 1am (which means programming in the early hours of the morning does not count towards targets), ISL targets are measured based on a 24-hour day. The NDA noted that this raised key questions about the meaningfulness of Section 8, particularly adherence to the principle of equality, when the Access Rules themselves do not require broadcasters to treat ISL users with equality. The NDA also stated that the assessment of ISL targets

based on a 24-hour day raised questions about the adequacy of the Access Rules in having sufficient regard to Section 43(2)(d)(ii) of the Broadcasting Act, which requires the Rules to ‘have regard to’ the provision of sign language materials ‘at popular viewing times as well as at other times.’

In addition to the NDA’s review of the Irish Sign Language Act 2017, the Statutory Review similarly identified the fact that ISL programmes are generally carried during the night as a key issue for ISL users. The NDA therefore welcomes the proposed change to the assessment of ISL targets based on an 18-hour day, from 7am to 1am. This measure would also implement a key recommendation of the NDA review of the ISL Act 2017.⁶

Question 8: Do you have any further comments on the proposed changes to the Irish Sign Language (ISL) Rules section of the Access Rules?

The NDA review of the ISL Act 2017 found that broadcasted programmes with ISL are often repeated programmes rather than non-repeated (‘new’) content. The Statutory Review indicated that the issue of repeat programming would be considered as part of the revision of the 2019 Access Rules. However, the NDA notes that this matter is not dealt with in the Draft Access Rules.

The NDA cautions against broadcasters repeating programmes in seeking to meet the increased ISL targets and advises that the Draft Access Rules be amended to require balance in the ratio of repeated and non-repeated content and to provide a diversity of content equivalent to that provided to other viewers.

The NDA’s review of the ISL Act 2017 highlighted concerns raised by members of the public that there was occasionally a poor quality of ISL used in programmes with ISL, as well as concerns regarding the presentation of ISL interpreters on screen, for example cutting interpreters out of the camera shot. The NDA advises that an increase in ISL targets must also be accompanied by improved quality of ISL provision.

Question 9: What are your views on the proposed targets for Audio Description (AD) for the 2025 to 2027 period?

The NDA notes that access users participating in the Statutory Review were of the opinion that the level of Audio Description (AD) provision is low. The same

⁶ The next report on the operation of the Irish Sign Language Act 2017 is due in 2025.

review also concluded that the targets for AD remain modest and there continues to be scope to increase these levels.

The proposed AD targets for the 2025–2027 period broadly represent incremental progress in line with the NDA’s advice that accessibility requirements should be met through a progressive and continuous process. However, we note that the 2023/2024 AD target for Virgin Media 1 is 5%, while the 2025 target is 4%. This target does not align with the requirement to progressively improve services.

Question 10: Do you have any comments on the proposed changes to the Audio Description (AD) Rules section of the Access Rules?

The NDA notes that the language on AD targets for home-produced programming (Section 7.4) remains unchanged, with the Commission to agree with each broadcaster the proportion of the total increase in AD provision on an annual basis which will relate to home-produced programming. The Statutory Review highlighted calls to prioritise the provision of additional AD for home-produced programming. The NDA advises that this should be a key consideration for the Commission when engaging with broadcasters on AD targets for home-produced programming.

Question 11: Do you have any view on the proposed deletions to Section 9 to 13 of the 2019 Access Rules?

Complying with the Rules

The NDA notes the proposed deletion of Section 9 of the 2019 Access Rules, on the basis that it ‘is outdated due to updates in legislation’. While the NDA agrees that legislative updates require some amendments to this section, we consider that there is merit in retaining information as to how the Commission intends to evaluate, measure and report performance against the Rules, and how it plans to enforce compliance (either here or in Section 1.4 of the Draft Access Rules).

The Online Safety and Media Regulation Act 2022 introduces a significantly more robust compliance and enforcement framework, including sanctions for contraventions of the Draft Access Rules. However, Section 1.4 of the Draft Access Rules only makes a cursory mention of compliance and enforcement as follows: ‘Non-compliance with the Rules may result in a contravention of the Act and enforcement under Part 8B of the Act.’ By contrast, Section 9 of the 2019 Access Rules outlines the activities the former BAI can undertake in enforcing compliance and evaluating and measuring performance against the Rules.

In addition, the NDA recommends that the Draft Access Rules reference the Commission’s statutory obligations to:

- include within its annual report a report to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media on progress made towards increasing the accessibility of audiovisual media services to people with disabilities, and in particular, on progress made to achieve the intended outcomes relating to such accessibility set out in any media service rules.
- prepare a report for the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media on the operation of the media service rules every 3 years.

Support for the Implementation of the Rules

The NDA disagrees with the proposed deletion of section 10 of the 2019 Access Rules titled “Support for the Implementation of the Rules”. The 2019 Access Rules indicate that support measures may include capacity building activities and measures related to the promotion and awareness of the Rules and their importance and value to audiences. The Commission’s rationale for proposing deletion of this section is that ‘it is more appropriate to determine how the implementation of the Rules should be supported via consultation with Disabled Persons Representative Organisations, broadcasters and its User Consultative Panels via ongoing discussion and engagement rather than codify it in the Rules as is the case with the 2019 Access Rules.’

The NDA advises that support measures are an important facilitator to effective implementation of the Draft Access Rules and this deletion would have the net effect of removing all references to support for implementation of the Rules. The NDA considers the wording in the 2019 Access Rules to be flexible and would favour retention of this section in amended form. In particular, the NDA advises that this section could be reworded to recognise the Commission’s commitment to supporting the implementation of the Access Rules on an ongoing basis, and to engaging with Disabled Persons Representative Organisations, broadcasters, its User Consultative Panels and other relevant stakeholders on specific measures to support implementation of the Rules.

Question 12: Do you have any comments on the proposed changes to the “Access Principles and Influencing Factors” section of the Access Rules?

The NDA has no difficulty with the proposed changes in this section. However, we note that under the Access Principle ‘Incremental progression’, there is acknowledgment ‘that there are a number of issues other than funding which need to be addressed in order to increase access provision.’ The NDA advises that these issues be explicitly mentioned. For example, the Statutory Review recognised that there were barriers faced to ISL provision, including the shortage of ISL interpreters, capacity issues, and the lack of technology to allow for closed ISL.

Question 13: Do you have any comments on the proposed changes to the “Standards Applying to Subtitling, Irish Sign Language & Audio Description” section of the Access Rules?

The NDA notes that there is no proposal to update provisions in the Irish Sign Language Standards relating to monitoring. The section states as follows: ‘Broadcasters should monitor the effectiveness of the service through contact with deaf people and their representatives.’

The NDA’s review of the ISL Act 2017 highlighted concerns raised by members of the public that there was occasionally a poor quality of ISL used in programmes with ISL, as well as concerns regarding the presentation of ISL interpreters on screen. The NDA’s discussions with the former BAI confirmed also that quality of ISL interpretation is not actively monitored due to lack of ISL skills in existing staff.

As outlined in the NDA review of the 2017 Act, monitoring of the quality of ISL interpretation for broadcast content is essential to ensure language preservation, and should be conducted independently by ISL-accredited individuals on the same basis as other quality checks by the Commission (formerly BAI). The NDA notes and welcomes that the former BAI voiced its support for the recommendation that future monitoring of ISL should be undertaken by a qualified ISL speaker or interpreter in the Statutory Review, while also recognising that ‘this is an operational matter that the BAI can implement itself’. The NDA therefore advises that the ISL Standards be amended to make provision for same.

Conclusion

The NDA welcomes Coimisiún na Meán’s review of the 2019 Access Rules, which is timely given recent changes in the legislative and regulatory landscape relevant to broadcasting. We would be happy to engage with the Commission on any of the points raised in this submission and note that a review of the ISL Act is likely in 2025 which will have relevance to these Rules.

Hi Robert

I am seeing and hearing of a trend where some TV stations will not give TV platforms permission for their programmes to be recorded.

For example RTE will not allow eir TV to record their programmes. Viewers will have to use RTE Player to catch up. Subtitles are showing for the RTE Player and that fine.

However I read recently that Virgin Media are now following suit for their own TV stations.

But Virgin Media Player do not provide subtitles therefore restricting full access to those who avail of subtitles unless they watch a programme as scheduled on TV.

In addition I have noticed that while I (using SKY TV platform) can record Virgin Media stations but the recording does not include subtitles but subtitles was available for the scheduled showing on TV.

I just want to ensure that this practice be observed and be included in the Access rules.

Many thanks and kind regards

Máire Mariga

RTÉ Response to Consultation on revised Rules to improve Accessibility of Television Broadcasters

19 August 2024.

Please insert your response under each of the respective questions below.

Question 1: Do you have any comments on the proposed changes to the introductory sections of the Access Rules?

RTÉ is supportive of the overall ambition to ensure that access codes are adapted to align with changes in media consumption patterns.

In broad terms, RTÉ acknowledges the ‘direction of travel’ for linear platforms and also appreciates the Commission is required to implement provisions of the AVMS directive.

As the Commission will be aware, RTÉ has invested significantly in developing and enhancing our provision of Access Services over recent years. We have provided additional hours of accessible content on RTÉ Player (including box sets and Player only content), as increasing numbers access their content via this medium.

For a number of years now, across all our content, RTÉ has moved increasingly towards being a ‘digital first’ provider. As we have evolved our digital services, we have provided significant volumes of content with subtitles, AD and ISL on RTÉ Player, including ‘live’ ISL content

However, as with many other media organisations, RTÉ faces challenges in having to maintain and develop both linear and digital services within financial and resource constraints, and would highlight that we would be concerned as to the feasibility of expectations of parity of investment or targets in the medium term.

Question 2: Do you have any comments on the proposed changes to the Definitions section of the Access Rules?

The definitions appear reasonable and sensible to RTÉ.

Question 3: Do you have any comments on the proposed changes to the General Rules Applying to All Access Provision section of the Access Rules?

Currently, RTÉ access provision is indicated in print, listings and EPG. RTÉ believes this is sufficient to indicate availability of subtitles as we provide subtitles on a high percentage of content across our channels.

We have specific AD and ISL idents leading into content. Continuity announcers indicate the availability of service. We also use social media and a bespoke strap on main channels to direct viewers to live ISL content on RTÉ News and RTÉ Player.

Question 4: What are your views on the targets proposed for subtitling for the 2025 to 2027 period?

There are specific points that RTÉ wishes to highlight in respect of subtitling, particularly in respect of the quality of subtitling and whether poor quality should count towards targets.

RTÉ has invested significantly in upgrading our live subtitle broadcast infrastructure and our pre-recorded subtitling software systems. We have resilience/back-up paths built in and output to all platforms is monitored on transmission. The same signal/feed is distributed to all platform providers.

There is, however, a fundamental concern here: there are variances between how users access subtitling with the infrastructure of other providers that are not within the control of RTÉ. The experience of viewers can vary depending on the device/platform or type of box being used. Many non-approved boxes do not properly carry additional OTT signals such as subtitles and AD.

We welcomed representatives from the Commission to our Payout Suite in March to demonstrate this in real time.

RTÉ can stand over the quality of Subtitling as it leaves our platform. However, the quality received by a viewer is ultimately dependent upon their platform provider and the technical infrastructure available to that provider, including the set top box used by the viewer. These elements are outside RTÉ's control and RTÉ cannot be expected to take responsibility for all instances at the user end. This is an issue that needs to be addressed more explicitly in the Rules. The device (and version) being used by audiences will also have an impact on quality.

There is an onus on RTÉ in respect of the quality of Subtitling we provide but equally there is an onus on other providers and users for the infrastructure they use for subtitling.

Question 5: Do you have any further comments on the proposed changes to the Subtitling Rules section of the Access Rules?

RTÉ notes the following from the Draft Rules:

Captioning may count towards satisfying subtitling targets for broadcasters, but not for new home-produced programming, which must be subtitled appropriately. This requirement comes into effect from January 2025. “

Much of RTÉ’s Irish Language content contains sections As Gaeilge with onscreen English translation captions. The English sections of content are provided by closed caption subtitles.

Question 6: What are your views on the proposed targets for ISL for the 2025 to 2027 period?

Operationally, this % increase will be challenging in terms of studio/crew and operational resources. Also, the Draft Rules, in RTÉ’s view, do not provide sufficient weight to the significant turnaround time to create an ISL version for a programme. ISL provision, aside from the financial, technical and human resource aspects, is a highly specialised and time-consuming production.

All of our pre-recorded content is interpreted by native Deaf interpreters for whom ISL in their first language. As there are many barriers to education and employment for the Deaf community, representation/visibility/advocacy is important to RTÉ.

For example, as a result of interpreting *The Late Late Toy Show*, one of our ISL interpreters was offered opportunities to interpret at several live arena concerts this year: Pink, Taylor Swift and Coldplay.

The key point is that there is a limited pool of qualified ISL interpreters and with official recognition of ISL as a language, ISL interpreters are in high demand.

(Interpreters are required for all aspects of life: banking, education/college, medical appointments/procedures, childbirth and end of life...)

It takes a considerable period of time to qualify. RTÉ believes the Draft Rules should acknowledge there are genuine challenges in the availability of qualified ISL interpreters at this time.

RTÉ will return to this aspect in responding to the “Influencing Factors” below.

Question 7: What is your view on the change to the assessment of ISL targets based on an 18-hour day, from 7am to 1am?

Currently targets for RTÉ One and RTÉ 2 are assessed based on a 24-hour broadcast day. RTÉjr remains as is.

A change to assessment based on an 18-hour broadcast day (7am to 1am) will be challenging. Unlike subtitles and Audio Description, which are opt-in/opt-out services, an Irish Sign Language interpreter cannot be switched on/off.

Much of the content broadcast during our current late night ISL blocks would not be suitable for broadcast during the daytime schedule. At present, members of the user community can record content they wish to access for later viewing. Our ISL content is also available to view on RTÉ Player.

The issue with the new times is to source and provide content that is suitable while also being mindful and respectful of those members of the audience who may not wish to have an ISL interpreter as part of their viewing.

Question 8: Do you have any further comments on the proposed changes to the Irish Sign Language (ISL) Rules section of the Access Rules?

Operationally, this % increase will be exceptionally challenging – taking account of studio/crew/operational resources. As we point out above, there are significant turnaround times in creating every ISL version of a programme, allowing for ISL interpreter availability against other competing market demands, lead-in preparation for the interpreter, studio set up, ensuring vision/shots are appropriate, rehearsals and then final recording, transcoding and onboarding of broadcast media. And all of this adds to the cost base for each ISL programme.

RTÉ's assessment is that the additional targets will carry a significant additional cost factor, if they are to be achieved.

Question 9: What are your views on the proposed targets for AD for the 2025 to 2027 period?

The targets are challenging but RTÉ believes they are attainable.

The proposed AD targets represent a significant increase, **especially so given any additional AD requirement for VOD**. The turnaround time for creation of quality AD is significantly longer than for subtitling, for example. The audio describer must watch content, script and record AD, premix and embed AD tracks on the broadcast media file.

The delivery of these targets would build on the foundation work on this area already underway; RTÉ often broadcasts audio described content outside the 7am-1am timeframe, which is not currently factored in towards targets.

Question 10: Do you have any comments on the proposed changes to the Audio Description (AD) Rules section of the Access Rules?

RTÉ notes the following from Draft Codes:

"vii) Opening Titles and/or End Credits Opening titles and end credits should be described".

While this provision is retained from the 2019 Rules, the difference is the application of this in the context of a statutory complaints process.

Audio describing end credits: there is a significant risk with this, and our concern is that AD would become a suboptimal experience for the user audience if we had continuity voiceovers/cross-promotion during end credits/squeezebacks. It would be confusing and distracting from the main message.

This is something that RTÉ has avoided for the reasons outlined above.

Question 11: Do you have any view on the proposed deletions to Section 9 to 13 of the 2019 Access Rules?

RTÉ has no issue with the deletion of Sections 9-13 of the 2019 Rules.

Question 12: Do you have any comments on the proposed changes to the "Access Principles and Influencing Factors" section of the Access Rules?

Given the significant challenges referred to above, particularly ISL, it is RTÉ's view that the "Influencing Factors" will be become important.

We acknowledge the Commission document recognises this, although our assessment is that this may be more consequential than anticipated in the document.

We have provided a brief outline of the issues with the change for ISL, and it is clear efforts to deliver this will be totally contingent on technical, financial and human resources. To emphasise just one core example: the very real issue of the availability of ISL interpreters.

The fact the Commission is introducing these changes, may result in users believing that the Commission has already determined there are no significant impediments to the delivery of the changes.

Therefore, it is RTÉ's strong view that the Commission should, in any final document, more explicitly acknowledge – for users – that there will be technical, financial and human resource issues in delivery, and particularly the Commission should acknowledge there is a specific issue with the availability of trained ISL interpreters which may impact on capacity to deliver.

This aspect is crucial and is outside the control of broadcasters.

Question 13: Do you have any comments on the proposed changes to the “Standards Applying to Subtitling, Irish Sign Language & Audio Description” section of the Access Rules?

While the legislation now allows for complaints in respect of Access Services and the Commission has to set some benchmark standards, we have a concern particularly in respect of ISL interpretation.

For example, the Commission document states, “the level of competence and fluency in ISL required by broadcasters should be informed by user and representative groups and other people or organisations that have expertise in this area.” (Page 30) This is identical to the language of the 2019 Rules, but the important difference now is that the legislation provides for a complaints process in respect of Access Services.

RTÉ has experience in the past of differing users and groups taking very different views of an ISL interpretation. There can also be varying views on particular interpreters.

While the views of users groups, etc are important considerations, we have a concern with the continued use of this wording.

This wording could potentially be seen by some users (or user groups or experts) as conferring on them a role, or influence or control in defining or determining what constitutes an appropriate standard of fluency and/or competence.

This has a clear resonance where complaints are possible under the legislation. The issue is what happens when users, user groups or experts differ and offer conflicting or contradictory views to the broadcaster in the context of a complaint – and where they cite this wording, as the Commission affording them a particular standing in determining what constitutes competency and fluency.

RTÉ strongly urges that this wording be amended/replaced with wording that makes it clear the Commission, and the Commission alone, will be the arbitrator of the appropriate standards of competency/fluency.

Sound & Vision: RTÉ is supportive of the Sound & Vision Fund but to highlight the points above: we have experience of having to retrofit ISL and AD from productions sent to RTÉ that were of poor quality.

RTÉ has shared our ISL technical specifications in advance. However, in one instance of a production, RTÉ made the decision to remove a series from our schedule as the interpreter used a British Sign Language sign throughout. This sign had a completely different meaning in ISL. RTÉ recorded several episodes of this series with ISL.

The production company undertook to re-record the ISL versions, however some episodes were not of an appropriate standard as the interpreter was looking downwards and not to camera, so not engaging with the viewer. This resulted in re-recording of these episodes.

This goes to the core of the issue of what standards are to be applied to productions funded through Sound & Vision.

RTÉ, and we assume other broadcasters, cannot be in a position of having to retrofit ISL and/or AD to S&V commissioned programmes if they fail to meet the appropriate standards.

The Commission must outline a clear policy on how it will deal with S&V commissions in terms of the standards for access services.

It would be profoundly unfair to expect that the broadcaster should incur additional costs in having to re-edit a production that fails to achieve appropriate standards.

There is also a serious consideration in respect of targets and complaints, and the policy on S&V commissions need to provide clarity on these aspects.

If an S&V commission does not have acceptable access standards, it is unclear where liability for addressing issues arising would lie.

If the broadcaster is not willing to incur additional costs in correcting any deficiencies and broadcasts the programme(s) will it count for the purposes of targets? If there is a complaint about the quality of access services, who is responsible? Under the Act, it would appear to be the broadcaster. But this creates an anomalous situation whereby the regulator funds a programme that fails to deliver appropriate standards, but the broadcaster is potentially responsible.

Similar considerations apply to AD in this respect. RTÉ has experience of S&V productions with AD that are below the standard we would broadcast.

RTÉ have also shared our Editorial Standards for AD with Coimisiún na Meán and with external providers.

RTÉ works with external productions to ensure AD complies with our editorial guidelines for AD. Our AD team preview and QC AD prior to delivery of final broadcast file. With the proposed increase, this volume will be challenging given our current resources.

It is our view that it would be entirely anomalous for the Commission to fund S&V productions with below standard ISL and/or AD and at the same time require a broadcaster to achieve challenging new targets with ISL/AD standards that is subject to a statutory complaints system.

This is an area where we believe there needs to be more clarity about the responsibility for access services in programmes commissioned through the S&V funding.

Organisation name	Screen Producers Ireland
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Your response:

Please insert your response under each of the respective questions below.

Question 1: Do you have any comments on the proposed changes to the introductory sections of the Access Rules?

Screen Producers Ireland is supportive of the overall sentiment of the introductory sections of the Access Rules – it highlights the importance of having Access Rules and the role they play in promoting inclusivity and diversity in the Audiovisual Sector.

It is also useful to include section 1.1 which outlines the legislative basis for the document, this is important as it grounds the document within a legal framework and highlights the specific goals of the document.

SPI notes how useful it is to have a designated point of contact outlined in the introductory section for audiences, it is important that audiences are placed at the centre of these guidelines to ensure that the guidelines are effective in increasing the accessibility of television programming in Ireland.

On a wider point, Screen Producers Ireland welcomes this consultation, SPI has a number of members who are highly committed to the production of programming for people with difficulties hearing.

Mind the Gap films were involved in producing deaf programming for RTE from 1996 until very recently and Teo Macalla recently produced Dizzy Deliveries which is a children’s TV show aimed at teaching audiences to learn Lámh.

Question 2: Do you have any comments on the proposed changes to the Definitions section of the Access Rules?

Screen Producers Ireland would recommend including a definition of producers and production companies in the definition section as they are important stakeholders in the overall process of delivering programming to audiences and they do take access services into consideration when developing programming.

SPI welcomes the differentiation between “broadcaster” and “television broadcast” outlined in this section as it provides more context to the type of broadcast being referred to, and it also means that the document will be applicable to more content being viewed by audiences in Ireland.

Question 3: Do you have any comments on the proposed changes to the General Rules Applying to All Access Provision section of the Access Rules?

The inclusion of a reference to “people with disabilities” in 5.2 is an important change from the 2019 access rules, this represents a more specific focus on groups who may have particular difficulty accessing programming and will make stakeholders more aware of this group.

While this is not specifically a change, SPI warmly welcomes the obligation on broadcasters outlined in 5.4 to consult with access users. This will allow for stronger dialogue to be built between broadcasters, the Coimisiún na Meán and Access Groups and is a positive way to ensure inclusivity in content. Engagement with the groups that will be impacted should be central to the development of any guidelines document.

It may be useful to outline in this document which groups are being contacted, why they are being contacted and the process involved in deciding which groups are being contacted, this would ensure better transparency.

Question 4: What are your views on the targets proposed for subtitling for the 2025 to 2027 period?

SPI welcomes the ambitious goals outlined in the targets.

SPI would query why peak time targets for RTE2 are lower than the overall target for this broadcaster, there is more than likely an explanation for this, and it would be useful to include this in the document.

SPI would also query why the targets are so low for Oireachtas TV compared to the other targets outlined. All members of society should be afforded the opportunity to view our government in action, this is especially important considering the threats of disinformation.

It should also be noted that any increase in subtitling requirements for broadcasters should also be met with an increasing in funding made available to broadcasters, producers, and anyone involved in developing this kind of access service for programming.

Question 5: Do you have any further comments on the proposed changes to the Subtitling Rules section of the Access Rules?

NA

Question 6: What are your views on the proposed targets for ISL for the 2025 to 2027 period?

SPI notes that delivering ISL for programming is much more intensive and costly compared to other forms of accessibility access service, however, the target levels are strikingly low when compared to targets set for other access services. It is important to highlight that, for some people without this service, they cannot access audiovisual programming. It is important to SPI members that all potential audience members can access the programming they develop.

It should also be noted that any increase in ISL requirements for broadcasters should also be met with an increasing in funding made available to broadcasters, producers, and anyone involved in developing this kind of access service for programming.

SPI also recognises that there may be a shortage of ISL interpreters and that this may be a factor in setting the targets in this document, if this is the case, SPI recommends that Coimisiún na Meán explore the possibility of increasing the number of ISL interpreters in partnership with other sectors involved in training ISL interpreters in Ireland.

Question 7: What is your view on the change to the assessment of ISL targets based on an 18-hour day, from 7am to 1am?

This is an important change as it acknowledges audience behaviours. Night-time between 1 am and 7 am is traditionally the lowest level of audience engagement with television programming. This means that people requiring access services were less likely to watch shows in this period, by shortening the time period targets are based, Coimisiún na Meán will increase the overall amount of ISL programming actually available to audiences.

Question 8: Do you have any further comments on the proposed changes to the Irish Sign Language (ISL) Rules section of the Access Rules?

The shift in timeline from 3 years to 5 years in this section and throughout the document is a welcome change. This will allow for faster changes to policy and will make it easier for stakeholders and Coimisiún na Meán to address issues raised while implementing the targets in this document.

As a general point, the “setting off against” point needs to be outlined more clearly throughout the document, it would be useful to outline in what context it is acceptable to do this in a specific part of the document.

Question 9: What are your views on the proposed targets for AD for the 2025 to 2027 period?

SPI welcomes its inclusion in the document however it should be noted that AD is relatively inexpensive and therefore the percentages should be higher. The targets are significantly lower than subtitling requirements, and it is important to consider the level of impact it can have on someone who needs it to fully access a programme. As noted previously, it is important to SPI members that all potential audience members can access the programming they develop.

It should also be noted that any increase in AD requirements for broadcasters should also be met with an increasing in funding made available to broadcasters, producers, and anyone involved in developing this kind of access service for programming.

Question 10: Do you have any comments on the proposed changes to the Audio Description (AD) Rules section of the Access Rules?

NA

Question 11: Do you have any view on the proposed deletions to Section 9 to 13 of the 2019 Access Rules?

Reducing the size of the document through deleting these sections is useful as it increases the document’s accessibility and conciseness. Also, the majority of the main themes and points that are removed in this section are covered in other parts of the revised draft document.

However, it may be useful to reintroduce the sections to the document in a stripped-back version so there is a specific heading on compliance.

Question 12: Do you have any comments on the proposed changes to the “Access Principles and Influencing Factors” section of the Access Rules?

SPI notes that the change from “all indigenous broadcasters coming under the jurisdiction of the rules” to “all broadcasters under the jurisdiction of the state are covered in principle by the rules” is welcome as it increases the coverage of the rules to a broader set of programming available to Irish audiences and will increase the accessibility of programming in Ireland.

Similarly, including a differentiation between broadcast services and broadcasters is a useful way of ensuring that the widest amount of programming that needs to comply with these regulations.

Also, as noted previously, the shift from a 5-year time frame to a 3-year time frame for incremental progression as it allows for easier tracking of progress and makes it easier for Coimisiún na Meán to implement changes more quickly.

Question 13: Do you have any comments on the proposed changes to the “Standards Applying to Subtitling, Irish Sign Language & Audio Description” section of the Access Rules?

NA

Question 14 - additional points

Targeted Communication Campaigns and engagement with Independent Producers

SPI notes that there is no reference throughout the document to the independent production sector. SPI acknowledge these rules do not directly impact our members work, however our members are very committed to accessibility and ensuring that the content can be enjoyed by as wide an audience as possible. With this in mind SPI notes it would be positive if Coimisiún na Meán carried out targeting communications and engagements covering relevant topics, some of these might include:

- The importance of the considering accessibility early in the production process.
- Additional funding that is available through the BAI Sound and Vision Scheme to add AD and ISL to their productions, when required.
- Any updates or changes to accessibility requirements, i.e. when these guidelines are published, or the Commission no longer considering captioning for home-produced programming when assessing compliance with subtitling targets
- Etc.

SPI would be happy to discuss working with Coimisiún na Meán in supporting these campaigns or engagements.

Increased funding from PSBs to Independent Producers for Access tools

Given the peak time subtitling targets of each PSB, as well as the lower target for commercial channels, broadcasters should be required to allow the cost of subtitling as a cost over and above the tariff they provide. RTÉ, as the recipient of the License Fee, should be required to provide more access than other stations and increase the amount of ISL programming as is reflected in the Access Rules.

Organisation name	TG4
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Your response:

Please insert your response under each of the respective questions below.

Question 1: Do you have any comments on the proposed changes to the introductory sections of the Access Rules?

In relation to section 2 – Setting Targets and Timeframes:

TG4 would like Coimisiún na Meán to note that there are additional, substantial challenges for Irish language broadcasters relating to provision of subtitling, AD and ISL services on Irish language content. TG4 appreciates that this is reflected in the quotas set out for the provision of such services on our content. However, increases in content in these formats is very challenging due to the limited availability of service providers with expertise in dealing with content in Irish and Access services.

The relative underdevelopment of Large Language Learning models and machine learning technology also puts Irish language media providers and broadcasters at a significant disadvantage to our English language counterparts. The lack of tools to enable high quality speech to text transcription is a prime example. This has developed considerably for the English language and is supporting Access services in English, but is wholly inadequate for spoken Irish at present.

TG4 believe that this is an area where Coimisiún na Meán should use it's influence with policy makers, service providers and national and European stakeholders, to help level the playing field in relation to technological advances such as these for lesser used languages such as Irish.

This in turn would increase the viability for broadcasters such as TG4 and others to increase and improve the level and quality of Access options available on Irish language content to our viewers.

Question 2: Do you have any comments on the proposed changes to the Definitions section of the Access Rules?

No additional comments from TG4 on this section

Question 3: Do you have any comments on the proposed changes to the General Rules Applying to All Access Provision section of the Access Rules?

In relation to section 4.2 relating to Communications around National Emergencies - TG4 would like to note that the portions of these delivered in Irish tend to have no ISL on them, or are excluded from broadcasts by the authorities providing the information. This excludes the Irish language audience and disadvantages Irish language broadcasters who want to carry these communications.

For example, in the case of the Covid 19 emergency communications, any comments made in Irish – and there were many – did not have signing available on them. That meant that they would not be

acceptable under these guidelines for broadcast on TG4. TG4 appreciate that this is a complex issue where the capacity of ISL signers with the ability to translate from Irish is limited, but it is an area that we feel is worth considering.

In relation to 4.4 – TG4 would like to note the challenges for each individual broadcaster organising consultations with user groups. These groups are themselves challenged in engaging service users in their own everyday activities and it can be challenging for them to engage with numerous broadcasters regarding Access service provision. TG4 believes that co-ordination of these consultations under the auspices of Coimisiún na Meán would be more effective and result in better outcomes for user groups and audiences. Therefore, TG4 would ask Coimisiún na Meán to reconsider this approach.

Question 4: What are your views on the targets proposed for subtitling for the 2025 to 2027 period?

TG4 are concerned that it will be very difficult to reach the new proposed peak time targets over the coming years. The reason for our concerns is that much of our peak time programming consists of live sports and other live programming such as news bulletins. At present there is very little capacity and expertise available to deliver live subtitling in Irish. Therefore, it would be almost impossible to increase subtitling for this content. TG4 does subtitle all of our pre-recorded content in prime-time in both English and Irish and has reached the suggested targets previously. But with an envisaged increase of live events, sports, news and current affairs and other content in peak time over the next few years, TG4 feels that this target may be much more challenging due to the lack of live subtitling expertise available to us. We would propose that the levels be kept as they are currently and that TG4 will make every effort to exceed them in the future where possible.

Question 5: Do you have any further comments on the proposed changes to the Subtitling Rules section of the Access Rules?

No further comments

Question 6: What are your views on the proposed targets for ISL for the 2025 to 2027 period?

No further comments

Question 7: What is your view on the change to the assessment of ISL targets based on an 18-hour day, from 7am to 1am?

No further comments

Question 8: Do you have any further comments on the proposed changes to the Irish Sign Language (ISL) Rules section of the Access Rules?

TG4 welcomes the support by Coimisiún na Meán through your Sound & Vision programme for ISL provision on Irish language content. Coimisiún na Meán have acknowledged the additional challenges relating to such provision due to the complexities of working on original Irish language subject material. Pilot projects such as “Saol Eila ISL” have helped developed new and improved workflows and expertise to enable further development of ISL versions of Irish language content in future. TG4 hopes to continue to develop ISL versions of Irish language content with increased support from Coimisiún na Meán in future.

Question 9: What are your views on the proposed targets for AD for the 2025 to 2027 period?

No further comments

Question 10: Do you have any comments on the proposed changes to the Audio Description (AD) Rules section of the Access Rules?

No further comments

Question 11: Do you have any view on the proposed deletions to Section 9 to 13 of the 2019 Access Rules?

No further comments

Question 12: Do you have any comments on the proposed changes to the “Access Principles and Influencing Factors” section of the Access Rules?

In relation to Access principle iii) Incremental Progression – TG4 would like to note, as outlined above, that it will be very challenging to incrementally increase provision of subtitling where a large proportion of the output is live content in Irish. With an increased demand for live content at peak time from viewers it will be very difficult to provide subtitling for this content due to the lack of capacity and

expertise in the sector to provide these services. Therefore, TG4 would argue that the current threshold for subtitling of Irish language content has reached maximum capacity and should not be increased until the support services have been developed to facilitate the provision of live Irish language subtitling. Technological advances such as fully developed Large Language Models and Machine Learning capabilities in Irish would help develop this and TG4 believe that Coimisiún na Meán can have a very influential role with stakeholders in this regard and should utilise this capability to support broadcasters and our audiences. TG4 would argue that this assertion should be considered in line with the Influencing factors –

- i) the nature of the broadcaster and broadcasting service(s) provided.

- iv.) Type of programming schedule

- and

- v.) The technical and human resource cost

The provision of live subtitling of Irish language content would also have substantial budgetary implications and this should also be considered when setting targets, as even if there were more service providers available that would come at a considerable extra cost for TG4 as a broadcaster and this is not factored into our current financial projections.

Question 13: Do you have any comments on the proposed changes to the “Standards Applying to Subtitling, Irish Sign Language & Audio Description” section of the Access Rules?

No further comments



Virgin Media Television response to:

Consultation Document: Draft Access Rules for Television Broadcasting Services.

Non Confidential

19 August 2024



Introduction

Virgin Media Television welcomes the opportunity to respond to the consultation on the Draft Access Rules for Television Broadcasting Services and the proposed changes to enhance the accessibility. Please find below Virgin Media Television's response to the questions.

Please do not hesitate to contact us should you require clarification on any of our responses.

Virgin Media Television Response to Consultation on the Draft Audiovisual On-Demand Media Service Code & Rules

1. Do you have any comments to the proposed changes to the introductory sections of the Access Rules?

Virgin Media Television response to Q1. Virgin Media Television has no further comments on the proposed changes to the introductory sections of the Access Rules.

2. Do you have any comments on the proposed changes to the Definitions section of the Access Rules?

Virgin Media Television response to Q2. Virgin Media Television has no further comments on the proposed changes to the Definitions section.

3. Do you have any comments on the proposed changes to the General Rules Applying to All Access Provision section of the Access?

Virgin Media Television response to Q3. Virgin Media Television has some comments regarding the proposed changes to the General Rules as follows:

- Virgin Media Television would welcome further clarification on what is meant by captioning/ quotas for captioning in Paragraph 2 of Section 4.1 which states *"The Commission shall have regard to the quality of provision when assessing whether a broadcaster has met the quotas for subtitling (including captioning), Irish Sign Language and audio description set out in these Rules"*



- Section 4.2 includes a new requirement that broadcasters must provide emergency information in Irish Sign Language. In this circumstance, we believe that the signer should be provided by the Government. For example, when provided by for Government press conferences (i.e. daily COVID-19 press conferences).
If the expectation rests with the Broadcaster to provide this service, there are significant cost implications for the provision of live ISL. We do not have an in-house facility this is not something that we could provide.
- Subtitling is also mentioned in 4.2, for the Broadcaster to provide 'open format' captioning, our current provision is closed captions, selected by the viewer on their device. Virgin Media Television would need to review the current technical infrastructure and any change would likely incur costs for development work and resourcing.

4. What are your views on the targets proposed for subtitling for the 2025 to 2027 period?

Virgin Media Television response to Q4. Virgin Media Television agrees with the proposed targets for subtitling.

5. Do you have any further comments on the proposed changes to the Subtitling Rules section of the Access Rules?

Virgin Media Television response to Q5. Virgin Media Television has no further comments on the proposed changes to the to the Subtitling Rules section of the Access Rules.

6. What are your views on the proposed targets for ISL for the 2025 to 2027 period?

Virgin Media Television response to Q6. Virgin Media Television agrees with the proposed targets for ISL.

7. What is your view on the change to the assessment of ISL targets based on an 18-hour day, from 7am to 1am?



Virgin Media response to Q7. Virgin Media Television agrees with the proposed change to the assessment of ISL targets based on an 18 hour day (7am to 1am).

8. Do you have any further comments on the proposed changes to the Irish Sign Language (ISL) Rules section of the Access Rules?

Virgin Media Television response to Q8. Virgin Media Television has no further comments on the proposed changes to ISL Rules section of the Access Rules.

9. What are your views on the proposed targets for AD for the 2025 to 2027 period?

Virgin Media Television response to Q9. From 2020-2023 our yearly quota increased by 1% per year. Therefore, a 1% yearly increase would be preferable/appropriate. We do acknowledge that there are instances where it is possible to provide additional AD on content if it has been commissioned through the Sound & Vision fund.

10. Do you have any comments on the proposed changes to the Audio Description (AD) Rules section of the Access Rules?

Virgin Media Television response to Q10. Please refer to our response in Q9.

11. Do you have any view on the proposed deletions to Section 9 to 13 of the 2019 Access Rules?

Virgin Media Television response to Q11. Virgin Media Television agrees with the proposed deletions to Section 9-13 of the 2019 Access Rules.

12. Do you have any comments on the proposed changes to the "Access Principles and Influencing Factors" section of the Access Rules?



Virgin Media Television response to Q12. Virgin Media Television has no further comments on the proposed changes to the “Access Principles and Influencing Factors” section of the Access Rules.

13. *Do you have any comments on the proposed changes to the “Standards Applying to Subtitling, Irish Sign Language & Audio Description” section of the Access Rules?*

Virgin Media Television response to Q13. Virgin Media Television has the following comments on the proposed changes to the “Standards Applying to Subtitling, Irish Sign Language & Audio Description” section of the Access Rules.

- Regarding the Timing and synchronisation of subtitles Virgin Media Television use human subtitlers (as is preferred by the user groups) for Live Subtitling. Due to this, there will always be a delay between the live feed to the viewer compared to the live feed for the subtitler which is then broadcast with a 3-5 second delay.
- In terms of ISL quality, Virgin Media Television is currently investigating suggestions made by the user groups in relation to Signers appearing on screen via Green Screen as opposed to in a separate frame on screen.

Organisation name	Vision Ireland (formerly NCBI)
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Your response:

Question 9: What are your views on the proposed targets for AD for the 2025 to 2027 period?

Proposed enhancements to AD targets for 2025-2027, demanding obligatory compliance from broadcasters, with specific goals for RTÉ and other networks to increase their AD programming significantly.

- We would like RTÉ One/RTÉ2 as well as children's Channel RTÉ Jr to reach 25% audio described programming by 2027.
- Virgin Media should reach 15%.
TG4 should have a target of 10%.
- We would also like to see targets introduced for the new kids' channel Cúla4, starting at 5% in 2027.

Question 10: Do you have any comments on the proposed changes to the Audio Description (AD) Rules section of the Access Rules?

We hope that both RTÉ and Virgin media develop their technical capacity to broadcast live AD by 2026, with this technology in regular operation by 2027 as discussed below.

- From 2027, all events designated as must carry Free To Air should also be carried with live audio description. This includes events like the all-Ireland final and Olympics. We would hope that 2028 would see the first Olympics broadcast with audio description in Ireland.
- Any future evolution of the Sound & Vision Scheme should expand the current access criteria for drama and children's programming as this has been extremely successful to date.
- When audio description is available for a show, a continuity link before the programme airs should acknowledge this.
- Where a promo contains a voice over with the show name, the voiceover should also contain the information that "audio description for the blind and visually impaired is available". We would like to see this guideline introduced in 2026.
- By 2027, a dedicated list of must describe events should be in place. This should include events of significant importance to disabled people such as the Paralympics.



Coimisiún
na Meán

Your response:

Warner Bros. Discovery Inc (“**WBD**”) welcomes the opportunity to submit its views in the context of the Public Consultation in relation to the Draft Access Rules for Television Broadcasting Services (the “**Draft Access Rules**”) dated 18 July 2024.

As a preliminary point, WBD would welcome some clarity on the scope of ‘television broadcasting services’ as the current definition under the Broadcasting Act 2009 may require some clarification as to whether the ‘television broadcasting service’ rules do in fact apply to Section 71 contract holders (which themselves are content provision contracts) and the legal basis for applying these rules to Section 71 contract holders.

Please insert your response under each of the respective questions below.

Question 1: Do you have any comments on the proposed changes to the introductory sections of the Access Rules?

None.

Question 2: Do you have any comments on the proposed changes to the Definitions section of the Access Rules?

See above general comment re ‘television broadcasting services’ not being defined and scope being not entirely clear. Similarly in Section 2.5, “home programming” is not defined and note that it will not count towards targets (ie change from 2019 where went against subtitling targets)

Question 3: Do you have any comments on the proposed changes to the General Rules Applying to All Access Provision section of the Access Rules?

WBD would request that the CNAM clarifies if any services, that are not specifically targeted at Irish audiences, can avail of exemptions in relation to Irish sign language as would represent a disproportionate cost impact on their services and how the CNAM will assess targets and incremental reviews.

Question 4: What are your views on the targets proposed for subtitling for the 2025 to 2027 period?

WBD welcome the objective of increased accessibility and note that targets may be helpful in obtaining such goals. Further guidance regarding any anticipated targets for broadcasting services such as WBD would be welcome (in particular on HD and +1 channels as well).

Question 5: Do you have any further comments on the proposed changes to the Subtitling Rules section of the Access Rules?

Yes – WBD believes further detail and guidance needs to be provided on:

- Section.4.2 - re subtitling for national emergencies - further Guidance on this is needed as currently unclear on the scope of responsibility on providers particularly given the resourcing difficulties for emergency information (in multiple formats including accessible ones)
- Subtitling requirements and CNAM expectations for live / linear broadcasts (particularly where any foreign languages used)

- Section 14 - real time subtitling – As the CNAM will be aware, there are additional difficulties when translating - what rules apply to live broadcasts where is there is a requirement to translate?

Question 6: What are your views on the proposed targets for ISL for the 2025 to 2027 period?

See response to Question 4 above.

Question 7: What is your view on the change to the assessment of ISL targets based on an 18-hour day, from 7am to 1am?

WBD welcome the objective of increased accessibility but would welcome clarity on exceptions or the specific rules that may be required. Any such broad accessibility requirement (particularly for providers that are not targeting Irish audiences) imposed significant resource and cost requirements to meet these quotas.

Question 8: Do you have any further comments on the proposed changes to the Irish Sign Language (ISL) Rules section of the Access Rules?

Question 9: What are your views on the proposed targets for AD for the 2025 to 2027 period?

See response to Question 4 above.

Question 10: Do you have any comments on the proposed changes to the Audio Description (AD) Rules section of the Access Rules?

Question 11: Do you have any view on the proposed deletions to Section 9 to 13 of the 2019 Access Rules?

None.

Question 12: Do you have any comments on the proposed changes to the “Access Principles and Influencing Factors” section of the Access Rules?

None other than the CNAM making clear how these principles and factors will be assessed to give providers full clarity on scope.

Question 13: Do you have any comments on the proposed changes to the “Standards Applying to Subtitling, Irish Sign Language & Audio Description” section of the Access Rules?

Yes – WBD believes further detail and guidance needs to be provided on:

- Section 13.1 - when simplified subtitles should be used on children's programmes (i.e. when would these be considered for an audience of children under 11 years) and guidance on applicable strategy to reduce length of sentences would be welcome
- Section 14 - real time subtitling – see Response 5 above.

- (ii) CnaM ISL Standards - see Response 5 above.
- (iii) CnaM Audio Description Standards - s.11 (Children's programming) states that vocabulary and sentence construction should be suitable for age group for whom the programme is intended - this may be difficult to achieve and unclear as to the exact manner this should be achieved.