



Coimisiún  
na Meán

# Response to Consultation: Draft Access Rules for Broadcasting Services

Publication date: November 2024

# Table of Contents

<b>1. Introduction</b>	<b>3</b>
1.1. Public Consultation	3
1.2. Targeted Consultation Meetings	4
1.3. Purpose of the Response to Consultation	4
<b>2. Draft Access Rules</b>	<b>5</b>
2.1. Relevant Background	5
2.2. Reasons for Proposed Changes	5
2.3. Legal Framework for Making of Rules	6
<b>3. Next steps</b>	<b>6</b>
3.1. Final version of the revised Access Rules for Television Broadcasting Services	6
<b>4. Commission Response to Submissions</b>	<b>7</b>
4.1. Introductory provisions	7
4.2. Definitions	9
4.3. General rules applying to all access provisions	10
4.4. Subtitling rules	12
4.5. Irish Sign Language rules	13
4.6. Audio Description (AD) rules	15
4.7. Deleted sections	16
4.8. Access principles and influencing factors	16
4.9. Standards applying to subtitling, Irish Sign Language & Audio Description	17



# 1. Introduction

Coimisiún na Meán (“**the Commission**”) is Ireland’s public body responsible for developing and regulating a thriving, diverse, creative, safe and trusted media landscape. Its responsibilities include:

- Overseeing the funding of and supporting the development of the wider media sector in Ireland
- Overseeing the regulation of broadcasting and video-on-demand services
- Developing and enforcing the Irish regulatory regime for online safety

The Commission was established in March 2023 under the Online Safety and Media Regulation Act 2022, which amended the Broadcasting Act 2009 (“**the Act**”).

One of the Commission’s key duties under the Act is to make **media service rules**<sup>1</sup> to govern the standards and practices of television broadcasters and providers of audiovisual on-demand media services.

## 1.1. Public Consultation

On 18 July 2024, the Commission [published](#) the Draft Access Rules for Television Broadcasting Services (“**the Draft Rules**”), together with a [Consultation Document](#). The Draft Rules made changes to and updated the current version of the Access Rules, published in 2019 (“**the 2019 Access Rules**”), which set the standards and obligations required of television broadcasters based in Ireland to enhance the accessibility and enjoyment of programming for people who are deaf, hard of hearing, vision impaired, or hard of hearing and vision impaired.

A public [consultation](#) on the Draft Rules ran from 18 July to 19 August 2024. In total, thirteen submissions were received from the following, in order of receipt:

- National Disability Authority
- Vision Ireland
- TG4
- Private individual
- Chime – The National Charity for Deaf and Hard of Hearing People
- Warner Bros. Discovery
- Houses of the Oireachtas Service
- Independent Living Movement Ireland
- RTÉ
- Dublin Community Television
- Irish Deaf Society
- Virgin Media
- Screen Producers Ireland

---

<sup>1</sup> **Media service rules** generally relate to the presentation and structural aspects of the service being provided, covering matters such as promoting the accessibility of the service to all members of the public. These are made by the Commission under Section 46O of the Act.



Copies of the submissions received have been published separately and will be made available on the [publications page](#) of the Commission’s website. A summary of the submissions received has been prepared by Wagner-Hatfield for the Commission, which may also be accessed from the publications page of the Commission’s website.

The public consultation was undertaken in accordance with the Commission’s statutory obligations under Section 46Q of the Act to consult on any draft media services rules it intends to introduce.

## **1.2. Targeted Consultation Meetings**

In furtherance of its statutory obligations, the Commission is committed to engaging with relevant service users as part of its process for developing its regulatory rules and standards that will directly impact those users and their enjoyment of television programming. The Commission is mindful of Ireland’s ratification of the United Nations Convention on the Rights of Persons with Disabilities (“**UNCRPD**”) and the prominence that it places on the involvement of Disabled Persons Representative Organisations (“**DPROs**”) in the development of policy. In this regard, as part of its regulatory process, the Commission engaged in targeted consultation meetings on the Draft Rules.

### **Engagement with Disabled Persons Representative Organisations**

On the 11<sup>th</sup> and 12<sup>th</sup> September 2024, the Commission held individual meetings with the Irish Deaf Society and Voice of Vision Impairment, as the relevant DPROs in this area. The meetings were focused on the new rules relating to the proposed changes to the 2019 Access Rules and the accessibility of on-demand services, under Section 15 of the [Draft Media Service Code & Rules for Audiovisual On-Demand Services](#) (“**the Draft On-demand Code & Rules**”).

### **Engagement with User Consultative Panel**

Two further meetings were organised with users of subtitling, Irish Sign Language and audio description services. These participants are part of the User Consultative Panels (“**UCP**”), which is an initiative to allow for direct engagement with users who are deaf, hard of hearing and/or vision impaired. On the 11<sup>th</sup> and 12<sup>th</sup> September 2024, the Commission held meetings with the UCP panel membership with particular interest in subtitling, Irish Sign Language, and audio description. These meetings were similarly focused on the new rules relating to the proposed changes to the 2019 Access Rules and the accessibility of on-demand services, under Section 15 of the Draft On-demand Code and Rules.

A summary of the meetings and input received is published separately and can be accessed on the [publications page](#) of the Commission’s website.

## **1.3. Purpose of the Response to Consultation**

In accordance with the Consultation Guidelines published by the Commission in June 2023, which may be accessed [here](#), the Commission is publishing this Response to Consultation following its conclusion of the public consultation process.



The purpose of the Response to Consultation is to set out the key issues emerging from the submissions received during the public consultation and the targeted consultation meetings, and to explain how these issues have been considered by the Commission in the context of determining the revisions to the Draft Rules in the making of final text of the revised Access Rules to be adopted (“**the final version of the revised Access Rules**”).

The Commission has considered the submissions received. With due regard to the submissions as a whole, the Commission has exercised its judgement and formed its views on the final version of the revised Access Rules.

This Response to Consultation provides an account of the issues raised in consultation that have resulted in amendments being made to the Draft Rules, as well as the issues that could not be considered for practical, legal or policy reasons. In view of the range and volume of responses to consultation, it is not intended to be exhaustive. The failure to refer to any specific issue should not be taken as failure on the part of the Commission to have regard to any particular submissions or the submissions as a whole.

The Commission reserves the right, in the exercise of its discretion, to adopt measures on which it has consulted, with or without amendment.

## 2. Draft Access Rules

### 2.1. Relevant Background

The Access Rules were first introduced in 2005 by the Broadcasting Commission of Ireland, a regulatory predecessor to the Commission. The Access Rules set out the standards and obligations required of Irish television broadcasters to increase the understanding and enjoyment of television for people who are deaf, hard of hearing, vision impaired, or hard of hearing and vision impaired.

The Access Rules also provide for targets that broadcasters must meet each year relating to the percentage of their programming that must have (i) subtitling, (ii) Irish Sign Language, and (iii) audio description facilities.

### 2.2. Reasons for Proposed Changes

As explained in the Consultation Document, changes introduced to the 2019 Access Rules are principally informed by the need to transpose into Irish law new requirements included in EU Legislation under the Audiovisual Media Services Directive (the “**AVMS Directive**”).

The AVMS Directive coordinates the national laws of member states in the area of broadcasting and other types of media services, providing for minimum standards that broadcasters must comply with in a variety of areas, which include accessibility matters. The latest version of the AVMS Directive has introduced new requirements for television broadcasters, which require the 2019 Access Rules to be updated.



In addition, recent changes to the Act in the areas of compliance and enforcement have also required the 2019 Access Rules to be updated. Furthermore, rules with respect to Irish Sign Language have also been updated to reflect the findings of the first review of the implementation of the Irish Sign Language Act 2017. The Draft Rules also set out new targets for broadcasters as they relate to subtitling, Irish Sign language, and audio description for the 2025 to 2027 period. The 2019 Access Rules only provide targets up until the year 2023. As the final version of the revised Access Rules give effect to targets from January 2025, the Commission has not assigned targets for 2024 period. Broadcasters are expected to maintain the 2023 levels of accessibility for 2024

### **2.3. Legal Framework for Making of Rules**

As per Section 46Q of the Act, before the finalisation of a media service rule, the Commission is required to:

- Make a draft of the rule available for inspection by any person
- Allow individuals to make submissions in relation to the draft within a specified period
- Publish a notice that a draft is available for inspection, details on how it can be inspected, and the period for making submissions

The drafting of the Draft Rules and the public consultation have been undertaken in accordance with the statutory obligations of the Commission under the Act listed above.

## **3. Next steps**

### **3.1. Final version of the revised Access Rules for Television Broadcasting Services**

The Commission is appreciative for all feedback received during this consultation process and would like to thank respondents to the public consultation and representatives of the Disabled Persons Representative Organisations and the members of our UCP Panels who participated in the targeted consultation. Following the public consultation and targeted consultations with DPROs and the UCP, the Commission has made a number of changes to the version of the Draft Rules published in July 2024.

A summary of the key issues identified in the consultation submissions, together with a summary of the Commission's response to these issues, are detailed below under **Section 4** of this Response to Consultation.

Following the completion of the consultation process, **the final version of the revised Access Rules** for Television Broadcasting Services is now complete and applicable to all licensed broadcasters based in or operate under the jurisdiction of the State from its effective date.



## 4. Commission Response to Submissions

This section summarises in broad terms the key issues raised by the submissions received in response to each of the consultation questions listed in the [Consultation Document](#).

Each subsection provides a brief summary of the relevant provision of the Rules, an overview of the submissions received relating to its respective consultation question, and the response of the Commission to these submissions in making its decision on the final draft.

Please note that the overview of the submissions below are intended to provide a general sense of the responses received and highlight some of the more prominent issues raised. It is not a comprehensive account of every submission or concern expressed.

In general terms, it is important to emphasise that, in considering the submissions received to the public consultation and making final decisions on the Rules, the Commission had regard to the primary focus of the changes being proposed under the Draft Rules, which is to give effect to the AVMS Directive, to update the 2019 Access Rules following changes to the Act, and to provide new targets to cover the 2025 – 2027 period.

In addition, a range of issues, some complex, are highlighted. These will require further consideration and, if proposed for adoption, public consultation. The Commission will be undertaking a second stage review of the Rules, and these matters will be given consideration at that time.

Furthermore, several responses sought clarification about the implementation of the Draft Rules in practice. In this respect, the final version of the revised Access Rules now includes a section setting out how and under what conditions the Commission will provide guidance on the Access Rules. Guidance may also be published by the Commission on specific aspects of the Access Rules further to Section 7(3)(i) of the Act. Where appropriate, the Commission has made amendments to the Draft Rules to assist in providing greater clarity.

### 4.1. Introductory provisions

#### Proposals for public consultation

The introductory sections to the Draft Rules (Sections 1.1 to 1.5) provided relevant context to the regulations in the following areas:

- Legislative basis
- Scope and Jurisdiction
- Guidance on the Rules for Television Broadcasters
- Information and Complaints on the Access Rules

Section 2 of the Draft Rules provided that the Commission will consider the “Access Principles and Influencing Factors” (Appendix 1) when determining the relevant targets and timeframes set for subtitling, audio description (“**AD**”) and Irish Sign Language (“**ISL**”) services.



#### 4.1.2 Overview of submissions received in response

##### **Consultation Question (Question 1): *Do you have any comments on the proposed changes to the introductory sections of the Draft Access Rules?***

Several submissions on this consultation question welcomed the introductory sections to the Draft Rules.

Specific suggestions were made to include references to the UNCRPD in Section 1.1. A similar point was raised in relation to the European Accessibility Act.

General remarks were received on the feasibility of parity of investment and targets in the medium term and more specifically challenges for Irish language broadcasters in providing access services.

Other submissions mentioned specific points on the Sound & Vision scheme, costs of subtitling, and absence of wording allowing the use of Irish Sign Language to file complaints with the Commission.

#### 4.1.2 Commission response

The Commission has considered all the submissions received in response to Question 1, including the feedback provided by the relevant DPROs and UCP sub-panel at the targeted consultation meetings. The Commission has decided to maintain the current draft with the following changes.

- The introductory sections have been redrafted to align with equivalent sections in other media service codes and rules published by the Commission (see, for example, the Media Service Codes and Rules for Audiovisual On-demand Services). The reason for this is to ensure consistency and alignment between regulations insofar as possible. The introductory sections will now be as follows:
  - Section 1: Introduction
  - Section 2: Scope and Jurisdiction
  - Section 3: Purpose and Preparation of the Rules
  - Section 4: Regulatory Principles Relevant to the Rules
  - Section 6: Waiver
  - Section 7: Compliance and Enforcement
  - Section 8: Complaints and Information
  - Section 9: Guidance

The final version of the revised Access Rules now state under the 'Regulatory Principles Relevant to the Rules' section that in its interpretation of the Rules the Commission will have due regard to the UNCRPD and the provisions of the European Accessibility Act. In respect of the concerns expressed in the submission regarding the accessibility of the complaints process, while the Commission acknowledges the importance of this issue, the Commission is of the view that it is sufficient to include details of the Contact Centre and dedicated complaints webpage on the Commission website. The relevant webpage contains detailed information on the complaint procedure, and the Contact Centre can assist persons with making a complaint as required.





While the Commission notes submissions that outlined views relating to funding under the Sound & Vision Scheme, the Commission is of the view that it is not appropriate to address these issues via the Access Rules. Matters relating to the accessibility of programmes funded via the Sound and Vision scheme are outside the scope of the Rules. These will be addressed separately.

Regarding resource matters highlighted in responses, as set out in the 'Influencing Factors' at Appendix 1 of the Draft Rules, matters such as funding, technical capacity, and the technical and human resource cost are factors that the Commission already considers in determining specific access targets for broadcasters.

## **4.2. Definitions**

### **Proposals for public consultation**

Section 3 set out the definitions of key terms which are used throughout the Draft Rules. These definitions are aligned with, where relevant, the equivalent definitions of the AVMS Directive.

The following definitions are listed in this section:

- Access Services
- Audio Description
- Audiovisual Media Service
- Broadcaster
- Captioning
- Irish Sign Language
- Programme
- Subtitling
- Television Broadcasting/Television Broadcast

#### **4.2.1 Overview of submissions received in response**

##### **Consultation Question (Question 2): *Do you have any comments on the proposed changes to the Definitions section of the Draft Access Rules?***

Several submissions raised issue with the wording of certain definitions and terminology and requesting that they be amended. These include references to “vision impaired” instead of “partial sighted”, “Hard of Hearing” instead of “hearing impairment”, and the correct use of capital letters when speaking of “Deaf” and “Hard of Hearing” people.

Other submissions proposed to amend certain definitions, including of Irish Sign Language. Respondents also pointed to the absence of definitions which they perceive to be of added value, including “home programming”.



#### **4.2.2 Commission response**

The Commission has decided to maintain the current draft with the following changes.

- The term 'partial sighted' has been replaced with 'vision impaired' in the Definitions section, as well as in other sections of the final version of the revised Access Rules where appropriate.
- The term 'hearing impairment' has been replaced with 'Hard of Hearing' in sections of the final version of the revised Access Rules where appropriate.
- The term 'Deaf' (capitalised, as opposed to 'deaf') is used in the final version of the revised Access Rules where appropriate to refer to all persons who identify culturally as Deaf, to be distinguished from persons who are deaf or Hard of Hearing generally.
- The terms 'ISL presenter' and 'ISL signer' have replaced the term 'signer' where appropriate in the final version of the revised Access Rules.
- The phrase '*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*' is deleted as it is not considered necessary having regard to the updated definition for Irish Sign Language included in the final version of the revised Access Rules.
- In respect of the submissions that requested the Commission to elaborate further on the definition of Irish Sign Language (to include reference to additional matters such as the number of active users), the Commission has considered this and incorporated parts of this suggested definition into the revised version.

### **4.3. General rules applying to all access provisions**

#### **Proposals for public consultation**

Section 4 set out the general obligations of broadcasters relating to matters such as quality standards, provision of accessible information in case of national emergencies, promotion of access provisions, consultations with users with certain accessibility requirements, drafting of annual action plans and the appointment of access liaison officers.

#### **4.3.1 Overview of submissions received in response**

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

At the targeted consultation meetings, issues regarding the quality of access measures and the adequate promotion of programmes with accessibility features was a consistent theme.



Contributors expressed strong opinions that the monitoring of quality standards was inadequate, and that further efforts must be made to improve the quality of subtitling for live events in particular. Other contributors expressed their disappointment that listings of programmes were not being kept up to date as to the access measures available.

In response to the public consultation, several respondents raised questions and put remarks forward on the quality monitoring of access provisions. Submissions asked for clearer wording on the frequency of monitoring and further clarification was sought on specific topics, including the captioning/quotas, and whether services can avail of obligations if no Irish audience was directly targeted.

Many submissions pointed to challenges in providing emergency information in ISL and expressed dependency, in the context of press conferences or official government announcements, on the provision of ISL interpreting services by the government.

The paragraph on the promotion of accessibility services was welcomed with suggestions on the use of Electronic Programming Guides (“EPGs”), on engagement with DPROs, and about standardisation of access symbols.

Other submissions highlighted the ineffectiveness of the current obligation on broadcasters to conduct consultations with groups of access users. Some submissions suggested the Commission take on a facilitation role, whereas others suggested that the Draft Rules include more specificity to allow for better engagement with DPROs, as well as to increase the transparency of these consultations with users.

In addition, submissions were received which advised the Commission to take a more granular approach with respect to the obligations for the Annual Accessibility Action Plans. This would include specifying the requirement for quality monitoring by broadcasters and by providing transparency about the user consultations. Other points raised suggested lowering the frequency of the plans and making the reports available in accessible formats.

#### **4.3.2 Commission response**

The Commission has decided to maintain the current draft with the following changes.

- In the section titled ‘Quality Standards’, the term ‘quotas’ has been replaced with ‘targets’ for the purposes of clarity.
- The section titled ‘National Emergencies’ has been updated and now states that broadcasters shall take all practicable steps to ensure that coverage is provided in Irish Sign Language during these situations. At a minimum, broadcasters must ensure that ISL interpreters are included in coverage of any governmental or public body announcements during such emergencies. This change has been made to reflect the fact that it may be difficult for all broadcasters to secure an interpreter under emergency conditions.



- In the section titled “Promotion of Access Services”, paragraphs i) and ii) of this section now include requirements that the provision of information about access services is done in a timely manner and that the information is accurate and kept up to date. This reflects the need to facilitate audiences in being made aware of the provision of access services in a sufficient manner so that they can avail of provisions that are provided by broadcasters.
- The section titled “Annual Action Plans and Reporting” has been updated to specify the information that should be provided in the action plans, requires consultation with users and requires that the plan be published. These changes are introduced to ensure closer alignment with the accessibility provision of the Draft On-demand Code & Rules and to also ensure greater transparency and consistency with respect to plans to be produced by broadcasters. This section has also been amended to specify that the first plan must be provided within six-months of publication of the final version of the revised Access Rules.

On a proposal to oblige Electronic Programme Guides to promote accessibility services, this is provided for under the European Accessibility Act,<sup>2</sup> which enters into application in Ireland in June 2025. The Commission has responsibilities in this regard which are separate to the Access Rules and will be addressed via a separate process.

#### **4.4. Subtitling rules**

##### **Proposals for public consultation**

Section 5 of the Draft Rules set out general obligations on subtitling, introduced an 18-hour day slot for assessments of targets, and set specific timeframes and targets for broadcasters with respect to subtitling.

##### **4.4.1 Overview of submissions received in response**

**Consultation Question (Question 4): *What are your views on the targets proposed for subtitling for the 2025 to 2027 period as set out in the Draft Access Rules?***

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

At the targeted consultation meetings, the issue of the quality of the subtitling, particularly for live programming, was a consistent theme. Contributors expressed strong opinions that if quality considerations were properly taken into account, the targets set for certain broadcasters would not be met.

The submissions to the public consultation expressed a wide variety of views in response to these consultation questions. Several respondents welcomed the targets and expressed agreements with them. However, some stated the desire to let the increase be accompanied with an increase in funding and with an increase of quality.

---

<sup>2</sup> The Accessibility Act (S.I. No. 636/2023) comes into operation on 28 June 2025



Some submissions indicated discontent with the targets for specific broadcasters and proposed concrete changes to targets set. In one submission, a respondent pointed to a potential error in the targets set for Oireachtas TV, which is one per cent lower in 2025 under the Draft Rules than in the 2023 baseline period.

Another submission expanded on technical and legal issues leading to variances in subtitling when infrastructure of external providers is used to receive broadcasting services.

#### **4.4.2 Commission response**

The Commission has considered all the submissions received in response to Questions 4 and 5, including the feedback provided by the relevant DPROs and UCP sub-panels at the targeted consultation meetings. The Commission has decided to maintain the current draft with the following changes:

- The target for Oireachtas TV for the year 2025 has been amended to 18% as the draft proposal of 17% was lower than the 2023 target, which was 18%.
- The targets for Dublin Community Television for the years 2025 – 2027 have been amended to ensure that they align with those for the other community television service, Cork Community TV. This still represents an increase on the 2023 target of 13%.

The Commission has considered all submissions with regards to the targets set for subtitling, noting that some respondents to the consultation highlighted what they consider to be significant challenges in meeting the new targets while users, their representative organisations and organisations supporting users consider them to be inadequate. Having regard to the submissions, other than the changes set out above, the Commission is of the view that they are reasonable having regard to the “Access Principles and Influencing Factors” which are appended to the final version of the revised Access Rules.

In relation to the infrastructure of external providers, which is out of the scope of broadcasters, the Commission sees a role in the upcoming Irish transposition of the European Accessibility Act, which enters into application in Ireland in June 2025. The Commission will endeavour to engage with its regulatory counterpart CCPC on this point.

## **4.5. Irish Sign Language rules**

### **Proposals for public consultation**

Section 6 outlined general obligations on the provision of Irish Sign Language, introduced a new 18-hour assessment time-period, and defined the targets to be met by broadcasters regarding ISL provision.

#### **4.5.1 Overview of submissions received in response**

**Consultation Question (Question 6): *What are your views on the proposed targets for ISL for the 2025 to 2027 period as set out in the Draft Access Rules?***



**Consultation Question (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 as set out in the Draft Access Rules?***

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

The Commission acknowledges that the submissions received expressed a wide variety of opinions regarding the appropriateness of the proposed targets. Some stakeholders saw a need for higher targets, whereas others believe the proposed targets are adequate. A specific point was made in relation to the target for Virgin Media, which is not an increase compared to 2023.

At the targeted consultation meetings, quality issues for Irish Sign Language provision and disappointment with the levels of the targets were consistent themes. Contributors expressed strong opinions that broadcasters should be required to invest more in the provision of Irish Sign Language for their programming. Contributors further expressed dismay at the minimal Irish Sign Language interpretation for news and current affairs programmes and submitted that this should be increased by creating a sub-target for this category of programming.

In response to the public consultation, several broadcasters made general remarks on the challenges in providing ISL services, arguing there is a limited availability of ISL qualified interpreters.

Other submissions expressed views with regards to the balance of repeated and non-repeated content and proposed the setting of sub-targets.

Submissions were also received in relation to the proposed 18 hour-day assessment period, which were generally welcoming the proposed changes. Two specific submissions were put forward, which asked for consideration of live content and of consideration of the possibility of displaying ISL content outside the 18-hours day slot, whilst allowing ISL content to be watched through recordings or the use of audiovisual on-demand players.

#### **4.5.2 Commission response**

The Commission has decided to maintain the current draft with no changes. The Commission is of the opinion ISL targets should increase progressively and incrementally and in accordance with the “Access Principles and Influencing Factors” appended to the Draft Rules. In a second stage review of the Access Rules (as explained in the Consultation Document) the Commission may consider the feasibility of setting sub-targets and enhanced rules relating to quality measurement.

The Commission would note that the move from a 24-hour assessment period to an 18-hour period will require a period of adjustment for broadcasters. This change was made having had regard to the conclusion arising from the assessment, undertaken by the National Disability Authority, of Section 8 of the Irish Sign Language Act which found that the 24-hour period for ISL and the maintenance of the 18-hour period for other forms of access provision did not meet the equality standard requirement of the Act.



The Commission considers the change in the rules in this respect appropriate and necessary but notes that there will be technical, financial and human resource impacts on broadcasters in this respect. The Commission also notes divergent views from broadcasters and respondents from users of access services about the availability of ISL presenters and interpreters and this will require further investigation and consideration before targets with respect to ISL are amended.

## **4.6. Audio Description (AD) rules**

### **Proposals for public consultation**

Section 7 of the Draft Rules set out general obligations on broadcasters with respect to audio description, introduced an 18-hour daily assessment time-period, and defined specific targets for audio description.

#### **4.6.1 Overview of submissions received in response**

**Consultation Question (Question 9): *What are your views on the proposed targets for AD for the 2025 to 2027 period as set out in the Draft Access Rules?***

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

At the targeted consultation meetings, contributors expressed views that the quality of audio description provided by certain broadcasters was strong, however the targets remain modest and should be increased further. Contributors also expressed frustration that programming with audio description was not being adequately publicised by broadcasters. Submissions were also made that initiatives should be undertaken to facilitate audio description for important live events, particularly in the area of sport in the future.

In response to the public consultation, the Commission received submissions expressing support to increase the targets, stating that technological developments made the process of providing audio description easier. Similarly to the submissions received in response to other consultation questions, it was submitted that some specific targets have not shown an increase compared to the 2023 base line.

Some submissions asked for further clarifications for broadcasters in relation to meeting the targets. Others provided granular suggestions on effective execution of AD services.

#### **4.6.2 Commission response**

The Commission has decided to maintain the current draft with one change.

- The 2025 target for Virgin Media is increased from 4% to 5%. This decision is made with regard to the fact that its equivalent target for 2023 was 5%.



As with other types of access provision, there were different views about the targets proposed with broadcasters and users holding different views. Having regard to the submissions, other than the changes set out above, the Commission is of the view that they are reasonable having regard to the “Access Principles and Influencing Factors” which are appended to the final version of the revised Access Rules.

## **4.7. Deleted sections**

### **Proposals for public consultation**

Sections 9 – 13 of the 2019 Access Rules were proposed to be deleted under the Draft Rules.

#### **4.7.1 Overview of submissions received in response**

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

In response to the public consultation, several respondents expressed agreement with the proposed deletion. Some stakeholders expressed their view that there was merit in retaining information on how the Commission intends to evaluate, measure and report performance against the Draft Rules, and how it plans to enforce compliance.

Others argued references to the Commission’s legal obligations in relation to reporting to the competent ministers were missing.

#### **4.7.2 Commission response**

The Commission has decided to maintain the current draft with no changes.

The Commission in the final version of the revised Access Rules has included a more comprehensive introduction section which is aligned with its other media service codes and media service rules, together with new requirements for broadcasters to report on quality monitoring issues under their accessibility action plan. The Commission is of the view that these changes adequately address several of the concerns raised in the submissions.

## **4.8. Access principles and influencing factors**

### **Proposals for public consultation**

In Appendix I of the Draft Rules, the “Access Principles” and “Influencing Factors” are listed. There are four access principles which set out the aims of the Draft Rules and the Commission’s primary considerations in their drafting, implementation and interpretation, being the I) Access, II) Excellence, III) Incremental progression, and IV) Responsiveness.





The influencing factors, which are used by the Commission to determine the specific access targets, and the specific timeframes associated with those targets, proposed in the same annex, see to the A) Differentiation between broadcasters, and B) Funding. Point A is divided into six sub factors.

#### **4.8.1 Overview of submissions received in response**

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

On the first part of the Appendix relating to the Access Principles, submissions suggested the use of more specific wording to outline their practical effect.

Comments were received as well in relation to the “influencing factors” in the second part of the Appendix, pointing to technical, financial and human resource challenges for broadcasters in achieving the targets for subtitling, ISL and AD.

#### **4.8.2 Commission response**

The Commission has decided to maintain the current draft with no changes.

In making this decision, the Commission had regard to the primary focus of the changes being proposed under the Draft Rules, which is to give effect to the AVMS Directive, update the 2019 Access Rules following changes to the Act, and provide new targets to cover the 2025 – 2027 period.

### **4.9. Standards applying to subtitling, Irish Sign Language & Audio Description**

#### **Proposals for public consultation**

Appendix II of the Draft Rules is titled “Standards Applying to Subtitling, Irish Sign Language and Audio Description”. This document lists in detail the factors that broadcasters must have regard to in ensuring that the Subtitling, Irish Sign Language, and Audio Description measures undertaken are of sufficient quality.

#### **4.9.1 Overview of submissions received in response**

**Consultation Question (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 Draft Access Rules?***

Various submissions were received in relation to the standards set out in Appendix II.

Some respondents argued there is a need to be more specific on the quality monitoring of the access provisions.



Others made very specific proposals in relation to the wording of the ISL standards, the size of the ISL interpreters in the screen, the repeating of ISL content, and the balance with providing services for both users with as without accessibility requirements.

#### **4.9.2 Commission response**

The Commission has considered all the submissions received in response to Question 13 including the feedback provided by the relevant DPROs and UCP sub-panels at the targeted consultation meetings. The Commission has decided to maintain the current draft with the following changes.

- Certain terms and text in the 'Irish Sign Language' section have been amended for clarity to differentiate between ISL presenter and ISL interpreter, for the reasons outlined in the "Definitions" section of this Response to Consultation.

### **4.10 Accessibility of Television Broadcasting Services**

Section 3 of the 2019 Access Rules sets out at a high level how the Rules are applied. Having had regard to submissions to the consultation, the amended AVMS Directive and the new compliance and enforcement context created by the Act, it is considered desirable to include more specificity about how the Access Rules will be applied to specific broadcasters.

In view of this, a new section, has been added to the final version of the revised Access Rules at Section 11, which is titled "Accessibility of Television Broadcasting Services". In addition, the structure of the Draft Rules has been updated under the final version of the revised Access Rules so that the application of the Access Principles and Influencing Factors in the setting of percentage targets is set out in the first instance and the other rules around content quality, engagement with users etc., is set out secondly. This is intended to improve the readability and clarity of the Rules.

