

[DE] Discussion draft on improving media accessibility and implementing the European Accessibility Act (EAA)

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Late last year, the German Länder published a discussion draft on strengthening media accessibility, which is designed to expand the related provisions of the *Medienstaatsvertrag* (state media treaty – MStV). The public consultation process ended on 8 January 2021.

Last year's MStV reforms included measures to improve media accessibility. However, when the MStV was adopted, the Länder stated in a joint declaration that they intended to develop these rules further in the near future. This is reflected in the new discussion draft which, by extending media accessibility, aims to enable all people to participate in media discourse and therefore to incorporate the provisions of the Directive on the accessibility requirements for products and services (European Accessibility Act (EU) 2019/882) in the MStV.

The draft begins by redefining an accessible service as one that can be found, accessed and used normally by people with disabilities, using the latest technological disability aids, without any particular difficulties and without the help of others.

In the general principles contained in Article 3 MStV, the draft adds the requirement for the broadcasters concerned (the ARD members, ZDF, Deutschlandradio and all providers of national private broadcasting services) to take measures to combat discrimination. Article 7, which sets out the rules on accessibility, is amended to ensure that the broadcasters, in their efforts to expand their accessible services, take into account the needs of people with different disabilities. Announcements broadcast in accordance with regional legislation on the right to make official announcements must also be accessible. For telemedia providers also, the provisions on accessibility enshrined in Article 21 are significantly expanded. Whereas these providers were previously only urged to support barrier-free access to television programmes and television-like telemedia within the scope of their technical and financial means, the discussion draft contains much more specific rules. Telemedia providers that offer access to television programmes or television-like telemedia should ensure, within the scope of their technical and financial means, that the system for selecting their services is accessible. In particular, barrier-free electronic programme guides should provide information on the availability of accessibility. Steps must be taken

to ensure that accessibility components are fully transmitted with adequate quality, and synchronised with sound and video, while allowing for viewer control of their display and use. This also applies to the corresponding telemedia services of ARD, ZDF and Deutschlandradio.

Infringements by broadcasters are added to the list of offences contained in Article 115 MStV. Failure to provide or extend accessible services despite having the technical and financial means to do so, as well as breaches of the related reporting obligation, can therefore be sanctioned as offences.

Diskussionsentwurf zur Stärkung barrierefreier Medienangebote und zur Umsetzung des European Accessibility Acts (EAA)

https://www.rlp.de/fileadmin/rlp-stk/pdf-Dateien/Medienpolitik/ENTWURF_Synopse_Barrierefreiheit_MStV_2020.pdf

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