

# **Ofcom Consultation: Non-domestic TV channels: proposals to modify access service obligations**

## **Response from Modern Times Group Ltd (MTG) Ltd.**

**If you want part of your response kept confidential, which parts?**

None

**Question 1: Do you agree that the transitional period should be extended to 31 December 2016, during which time broadcasters would be able to provide additional subtitling (comprising 5% of their qualifying hours) on top of their existing subtitling quota, in lieu of their signing obligation?**

Whilst MTG agrees that the transitional period should be extended, the date from which the signing obligation comes in to effect should be set based on the finishing date and outcome of Ofcom's and our own consultation with local disability groups. In this suggested time frame there will be very limited scope to plan and implement all technical and operational requirements across the territories in which we broadcast.

In addition, the suggested time frame is not suitable to the commissioning and production of high quality sign presented content if this is brought into scope as a requirement. MTG would be required to establish a commissioning presence, source production companies, develop content and create a scheduling plan to ensure any content had maximum audience benefit.

With this in mind there should be flexibility with regards to the end of the transitional period across territories dependent on the requirements and challenges specific to individual markets.

**Question 2: Do you agree that requirements on non-domestic channels to provide minimum amounts of sign-presented programming should rise over time, as shown in the table at Figure 3, in the same way as the requirements on domestic channels?**

In MTG's opinion, Ofcom needs to first establish the requirements relevant to individual territories, then assess whether there is a need for them to rise over time.

Ofcom should gauge the local preferences for deaf sign language users, assess the practicality of each option and set requirements accordingly. The European Union for the Deaf's website shows that there are limited numbers of sign language users in some of the main territories we broadcast into:

Denmark – 4000 users (<http://www.eud.eu/Denmark-i-180.html>)

Sweden – 8000 users (<http://www.eud.eu/Sweden-i-203.html>)

In MTG's discussion with Danske Døves Landsforbund (Danish Deaf Association) it was stated that their preference was for subtitling across a broader range of content as this would have a much wider benefit to the c.100,000 people in Denmark with a more severe degree of hearing impairment and the c.800,000 people with hearing impairments overall, when compared with the 4000 who use sign language.

We intend to hold discussions with Sveriges Dövas Riksförbund (Swedish National Association of the Deaf) and Norges Døveforbund (Norwegian Association of the Deaf) in 2016 also.

With this in mind, any requirements for access services for users of deaf sign language should be proportionate and of demonstrable benefit to the audience in question.

We do not believe it is reasonable to introduce a rise in minimum requirements without an analysis of audience demand, benefit and costs relevant to the provision in each market.

***Question 3: Do you agree that any requirements to provide sign-interpreted programmes or extra subtitling should rise over time as indicated in the table at Figure 3?***

MTG's opinion is largely covered in Question 2. Ofcom needs to first establish whether sign-interpreted programming is appropriate in each relevant territory and do not believe it is reasonable to introduce a rise in minimum requirements without an analysis of audience demand, benefit and costs relevant to the provision in each market.

Extra subtitling would be more easily accommodated if this is deemed to be a suitable alternative subsequent to discussions with local territories.

***Question 4: Do you agree that, in cases where Ofcom has decided that a substitute requirement is appropriate, it should: a) consider proposals for alternative arrangements that would contribute to the provision of the same type of assistance, and b) make the consequential changes to its Guidance as shown in Annex 5?***

- a) MTG supports the provision of alternative arrangements that meet the same objectives where appropriate.
- b) Yes, we welcome replacing references to 'sign-presented programming' with 'accessible programming'.

**Question 5: Do you agree that the proposed minimum contributions towards alternative arrangements should rise over time, as set out in the table at Figure 3, and be protected from inflation by index-linking to the UK Consumer Price Index?**

As mentioned in previous responses above Ofcom needs to first establish the most appropriate requirements relevant to each territory before setting a scale for a rise in provision based on audience benefit and all costs associated.

**Question 6: Do you agree with the proposed amendments to the Code and Guidance?**

No, Ofcom needs to address the points made above on the suitability, time frame for implementation, and proposed rise in requirements for signed programming or alternative arrangements before committing to a revision of the code and associated guidance.

**Question 7: Do you agree with Ofcom's initial view that requiring non-domestic channels broadcasting in the Republic of Ireland to be subject to specific signing obligations would be disproportionate?**

Yes, provided that Ofcom conducts appropriate research into the relevance of and demand for signed programming in other non domestic countries. Those countries with similar numbers of sign language users or technical issues as the Republic of Ireland should be excluded on the same basis.

**Question 8: Do you agree with the proposal that the implementation of access service obligations for channels targeting EEA EFTA member countries should start from 1 January 2017?**

Ofcom needs to have carried out a thorough assessment of the technical feasibility of providing access services in different member states and the resulting costs of doing so, which are different in each market.

Once this has been established an appropriate commencement date relevant to the territory in question should be issued.

Further to this, according to the European Union for the Deaf there are 2500 sign language users in Norway so any requirement to provide sign presented or sign interpreted programming should take this into account.

Signed:



Date:

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Modern Times Group Ltd, 610 Chiswick High Road, London W4 5RU, UK