

European Federation of Hard of Hearing (EFHOH) response to Ofcom consultation on access regulation of non-domestic channels.

Question 1

Do consultees agree with the proposed approach to setting audience share thresholds for other EU Member States? If not, do they have practicable alternatives that they would like to propose, which would be comparable with the approach taken to domestic channels ?

EFHOH agrees with proposed approach to setting audience share thresholds for other EU Member States. It is important to have standardisation in same thresholds to benefit people with hearing and sight loss . Too many EU countries have either got no thresholds or their thresholds mean that majority of TV channels are not even required to provide access. At the same time so countries like Netherlands regulate that minimum 95% subtitling must be achieved. Ofcom proposal may mean negative impact in this case. We do understand that many factors are taken when access regulation is introduced but would like to stress the differences.

EFHOH would like to point out that some Member States use one percentage for all three groups needing access, this is wrong and we oppose this. We support separate percentage for all three groups. It may mean that the regulators in the other Member States will need to change their own practices.

Question 2

Do consultees have any comments on whether the approach taken to assessing the costs faced by domestic licensees is also appropriate to non-domestic licensees? If so, what alternatives would they propose, and why ?

EFHOH believes that cost should not be a barrier to full access to information; it is a right not a hindrance especially when user is paying for these services as part of the package. The hard of hearing people are tax payers and licence payers like everyone else and need to be seen as equal members of the society. There needs to be understanding that disabled people are expecting full accessibility for the services they are paying for. Access should be part of Universal Design when planning broadcasting services.

Again we see disparity in how the costs are assessed by other regulators, some only take production cost not the annual turnover.

Question 3

Do consultees have any comments on how it is proposed to assess the cost of providing access services, including the provisional assessment of costs

EFHOH agrees with proposed assessment however the technology availability or lack of initiative on behalf of broadcaster should not be the reason for excluding the service from providing access.

The technology does exist, the subtitlers can be trained, and there are also EU funds available to assist training programmes. When assessing the broadcaster all these factors must be taken in the consideration. Monitoring mechanism must be robust and strong. There should be emphasis on monitoring the involvement of users' representatives. The Member States should encouraged broadcaster to work together with user's representatives and forming advisory committees including user's perspective which is taken strongly into planning of access.

Question 4

Do consultees agree that non-domestic channels required to provide access services with effect from January 2014 should be permitted to commence provision in accordance with the targets corresponding to the first anniversary of the notice?

EFHOH would like to see reaching final 100% threshold by 2020 as no barriers should exist; according to EU Disability Strategy. The raising of the subtitling percentages should be altered to reflect that. We would like to see in the requirement explanation of the broadcasting time taken as regulatory measure. If the broadcaster broadcast in 24 hours, by 2020 there should be 80% subtitling access across 24 hour broadcast not 18 hour as some broadcasters do. EFHOH goal is 100% subtitling by 2020, however we understand that 80% requirement excludes advertising which in reality is often subtitled on behalf of advertising company. We feel we can accept 80% as a minimum for now but would like to see at least 95% as a minimum as part of Communication Act review in UK which we believe will take place next year.

We also encourage some regulation of online content often provided on mainstream broadcast, there should be no reason why repeat programs have no subtitling.

Question 5

Do consultees agree that Ofcom should count language subtitling towards access service targets for subtitling ?

EFHOH agrees with the argument put out here however we would like to encourage use of subtitling more than just translation. We would like to have assurances that broadcasters provide subtitling on the black strip as it is required in UK and other

countries as this will ensure that people with visual problems will be able to benefit from subtitling access.

Some members will oppose using language translation as in their countries they see this on increase like in Czech Republic. There needs to be control of the practices.

Other members like Switzerland have 3 official languages and we would accept some compromise.

Question 6

Do consultees agree that, for a transitional period of two years from 1 January 2013, broadcasters should be allowed the alternative of providing additional subtitling in place of signing, in order that they can have the opportunity to devise alternative arrangements that may be more beneficial to sign language users

EFHOH agrees with this argument as it will benefit all. Provision of the community programmes would be beneficial to rising awareness and strengthening the Deaf community. European Union of the Deaf is the best to respond fully to this question.

Question 7

Do consultees have any comments on the proposed changes to the Code on Television Access Services, as set out in Annex 3

The changes of the Code on Television Access Services are necessary and we understand the reasons behind it. However we would like the process to be sped up and complete current 80% subtitling requirement with 2020 as the deadline.

As stated in the Question 4, we are strongly advocating toward 100% subtitling in 24 hours broadcast with exception to broadcasters who only broadcast for shorter hours.

Question 8

Do consultees have any comments on the impact assessment (Annex 2)?

EFHOH as a representative voice of people with hearing loss in EU Members States would like to put emphasis on robust examination as to the reasons why broadcaster is not able to provide subtitling.

Impact assessment should include impact of exclusion from accessing services hard of hearing people experience currently. How the broadcasters raise awareness of their accessibility to hard of hearing people. The TV magazines should include information on subtitled, signing or audio description access in the printed program schedules.

We receive signals that user's organisations and their representatives are often ignored and not seen as equal partners in this process. Many times there are excuses used as financial, technical or simply manpower yet the technology, training and so on are available. It proves the unwillingness of broadcasters on changing their practices. We would like to see how Ofcom proposes to monitor assessments.

We would like to ensure that along with increased subtitling percentages the quality of linguistics and accuracy along with minimum time delay in case of live subtitling are observed. It is our view that representative of user's organisations must be involved in monitoring and proper system put in place for complaints monitoring.

The most important to EFHOH members is equal access to subtitling including subtitling platform access. Access should be simple and all broadcasters should use same platform (as example of 888 used by all channels for subtitling in UK).

For relevant information on EFHOH view regarding subtitling please see our 'State of subtitling in EU – Report 2011' which can be found on our website.

http://www.efhoh.org/mp/db/file_library/x/IMG/30890/file/StateofsubtitlinginEU23March2011.pdf

Additionally we have attached to this response our latest survey on subtitling access in 2011.

For EFHOH

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