



Module 1

Unit 10: Audio description legislation

Core video transcript

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Transcript

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Hello. I'm Nina Reviere, from the University of Antwerp, and in this ADLAB PRO video I will discuss legislation regarding Audio Description. This is Unit 10 in Module 1, General Introduction.

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Legislation is a complex and extensive field. AD regulations exist on the global, European, national and local levels. In addition, regulations on the national and local level sometimes differ from one country or region to the next.

In this video we, therefore, focus on four types of legal requirements:

- Legal requirements on the international level
- Legal requirements on the European level
- Types of legislation on the local level
- Legal requirements concerning authorship and AD

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The most important document on the international level when it comes to accessibility is the United Nations Convention on the Rights of Persons with Disabilities. This UN-convention was the first ever document with an international scope that established legally binding minimum standards regarding the rights of people with disabilities and served as a catalyst for

the development of accessibility services, including accessible media services.

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On the European level, there are two important documents: The European Accessibility Act and the Audiovisual Media Services Directive.

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The European Accessibility ACT primarily wants to improve the functioning of the European market for accessible products and services by removing barriers created by divergent legislation. The Act deals with a very broad range of products and services, including audiovisual media.

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The Audiovisual Media Service Directive governs EU-wide coordination of national legislation on all audiovisual media. The directive contains one article on accessible services, stating that, and I quote “Member States shall encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability”. In other words, the AVMS is non-binding and countries are free to implement these recommendations the way they see fit.

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National and local legislation regarding accessibility and AD tends to vary across countries. If you want to know more about existing legislation in your country, you can take a look at the website of MAPAccess.org: A site that is fully dedicated to media accessibility and includes a so-called Accessometer,

which shows the current status of legislation in the different countries of the world.

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On this website you can see that the international and European legal requirements are implemented locally and regionally in different ways with varying degrees of enforceability. We can broadly distinguish three types of measures:

Firstly, there are laws at the national and/or local levels, applying to both public and private broadcasters. The first European country to implement a law including AD was the UK with the 1996 Broadcasting Act.

A second type of regulation is sector-driven laws, such as specific agreements with Public Broadcasters, which are implemented in many countries in Europe. Examples are Flanders, where AD and audio-subtitling have been included in public broadcaster VRT's yearly management contracts since 2007.

Finally, there are different types of measures that promote AD in areas other than film and television as well. Examples are, again, Flanders, where organisations can obtain funding through the Participation Decree to render an event, such as a theatre performance or sports event, accessible to specific groups including persons with sight loss.

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The above mentioned regulations mandate different volumes of AD: some include actual quota (such as the UK and Poland) others (such as Flanders) only stipulate that AD has to be provided. In some countries, regional laws apply and, as a result, certain regions make a bigger effort than others (e.g.

the Flemish region of Belgium and the state of Bavaria in Germany). This may be one of the reasons why the AD landscape in Europe is still diverse and the offer is fragmented.

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To conclude, I want to point out that it is important for describers to be aware of legal requirements regarding authorship and copyright. Copyright requirements for AD are unclear, but be aware of the fact that an AD producer should acquire permission to describe an audiovisual product from the owner of the copyright to the film, unless the AD will be distributed in a non-commercial context. The AD producer, transfers copyright permission to the audio describer. Describers in their turn, have authorship of their work, and permission should be acquired if producers want to use your AD. Inform about legal requirements in your country or region and make sure these issues are covered in your contracts and agreements!

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