# Targeted consultation on the availability of works other than printed works in formats accessible for persons with disabilities within the internal market

Fields marked with * are mandatory.

# Introduction

## Summary

In 2017, the European Union adopted a [Directive (hereafter, the 'Marrakesh Directive') and a Regulation](#) to implement the [Marrakesh Treaty](#) in EU law. The Marrakesh Treaty was adopted by members of the World Intellectual Property Organisation to facilitate the production and international transfer of specially-adapted books for people with blindness or visual impairments. It did this by establishing a set of limitations and exceptions to copyright law.

The '**Marrakesh Directive**' provides for a mandatory exception to copyright for "**print disabled**" persons as regards their access to printed works (e.g. books, newspapers, magazines, etc.) in accessible formats (e.g. Braille, large print, adapted e-books, etc.). **Article 9 of the Directive** requires the Commission to assess the availability of works and disabilities not covered by the 'Marrakesh Directive' and the potential need to expand the Directive's scope. In its report, the Commission should also take account of developments concerning relevant technology in this field.

With this targeted consultation, the Commission aims at gathering information on the availability of certain copyright protected works, in particular works other than printed works (e.g. films, photos, music, computer programs, video games), to persons with disabilities. The input gathered through this consultation will contribute to the preparation of the Commission report foreseen by Article 9.

## Scope of the consultation

This consultation focuses on the availability of accessible format copies of:

- **works other than printed works for persons with print disabilities**
    - e.g. content such as films, photos or music
- **all types of works (printed works and other content such as films, photos or music) for persons with disabilities other than print disabilities**
    - e.g. hearing, physical and cognitive disabilities

For the purposes of this consultation,

- "Printed works" are books, newspapers, magazines, sheet music, and related illustrations and any other kind of written works. These works are covered by the Marrakesh Directive regardless of the media in which they are made available: digital or analogue, online and offline. Therefore, ebooks and audio forms are also included in this definition.
- "Print disabilities" refer to visual, perceptual, reading and physical impairments, which make it impossible or very difficult for a person to read printed works, compared to a person without such impairment. Such disabilities include visual impairments (including blindness and low vision), cognitive disabilities (including dyslexia) and other disabilities leading to functional limitations, such as making it impossible to hold or manipulate a book.
- "Accessible formats" refer to ways of presenting printed, visual or any other material that persons with disabilities can access (e.g. Braille in the case of blind persons, closed captioning in the case of hearing impairment or cognitive disabilities). Accessible formats can be "born accessible" or "accessible format copies".
- "Born accessible" means that an original work has been created in a way to allow persons with disabilities to access it.
- "Accessible format copy" means a copy of an original work, including works other than printed works, in an alternative manner that gives persons with disabilities access to that work as feasibly and comfortably as a person without impairment or disability.

Article 2 and Recital 7 of the Directive develop these definitions.

## Targeted stakeholders

The questions in this targeted consultation are **addressed to all actors in the EU** involved in the creation, making available, use, exchange and any other relevant activity related to accessible formats of copyright protected works, in particular works other than printed works. This includes persons with disabilities, organisations acting on behalf of persons with disabilities, holders of copyright, technological companies, content producers, distributors, service providers and broadcasters.

# Part 1: General information concerning the respondent

* 1. I am responding as:
  - ⊙ An individual acting in a private capacity
  - ⊙ Holder of copyright (e.g. authors) and / or related rights (e.g. record or film producers, publishers, performers)
  - ◉ A representative of an organisation acting on behalf of / representing the interests of persons with disabilities (including but not limited to an authorised entity within the meaning of Article 2 of the Marrakesh Directive)
  - ⊙ A representative of a commercial entity providing accessible format features and/or services (e.g. subtitles, closed captions, audio description, image and photo descriptions, etc.) or technical solutions (e.g. software and hardware producers) for the benefit of persons with disabilities or a representative organisation serving their needs

- ⊙ A representative of an audiovisual content producer, distributor or sales agent or their representative organisation
- ⊙ A representative of a provider of audiovisual content (e.g. broadcaster, video-on-demand platform, online platform) or their representative organisation
- ⊙ A representative of a cultural heritage and an educational institution (e.g. schools, libraries)
- ⊙ A representative of a public authority
- ⊙ Any other beneficiary of accessible formats
- ⊙ Other (please specify)

**\* 2. First name and Surname:**

Antoine Fobe

**\* 3. Email (this won't be published):**

ebucampaigning@euroblind.org

**\* 4. Organisation name:**

European Blind Union (EBU)

5. Please indicate the specific field(s), which you would like to cover in your reply:

This is important for us to register and interpret your answers to the subsequent questions correctly.

It is possible to select several categories.

- ☑ Print disability (as explained in the introduction)
- ☐ Auditory disability (deafness / hearing impairments)
- ☐ Cognitive, intellectual or specific learning disability (e.g. dyslexia)
- ☐ Physical disability
- ☑ Multiple disabilities (e.g. deafblind, disabilities resulting from cerebral palsy)
- ☐ No specific field(s)
- ☐ Other (please specify)

6. Please indicate your preference for the publication of your response on the Commission's website:

- ◉ **Under the organisation name given**: Your contribution will be published under the organisation name given together with all information contained in your contribution. You declare that none of it is subject to copyright restrictions that prevent publication.
- ⊙ **Anonymously**: Your contribution will be published anonymously (your personal details will not be published) and all information contained in your contribution will be published. You declare that none of it is subject to copyright restrictions that prevent publication.
- ⊙ **Please keep my contribution confidential**: Your contribution will not be published, but will be used internally within the Commission in its analysis of the collected information and data on the availability of copyright protected works other than printed works).

7. Please indicate your country of residence or principal establishment:

- ⊙ AT - Austria
- ⊙ BE - Belgium
- ⊙ BG - Bulgaria

○ HR - Croatia
○ CY - Cyprus
○ CZ - Czechia
○ DK - Denmark
○ EE - Estonia
○ FI - Finland
◉ FR - France
○ DE - Germany
○ EL - Greece
○ HU - Hungary
○ IE - Ireland
○ IT - Italy
○ LV - Latvia
○ LT - Lithuania
○ LU - Luxembourg
○ MT - Malta
○ NL - Netherlands
○ PL - Poland
○ PT - Portugal
○ RO - Romania
○ SK - Slovak Republic
○ SI - Slovenia
○ ES - Spain
○ SE - Sweden

8. Is your organisation registered in the Transparency Register of the European Commission and the European Parliament?
◉ Yes
○ No

Please indicate your organisation's registration number in the Transparency Register:

42378755934-87

☑ I agree with the Privacy Statement

Privacy_statement_targeted_consultation_Targeted_consultation_on_the_availability_of_works_other_than_p
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# Part 2: What types of works and accessible formats are made available to persons with disabilities and how? Are there needs of persons with disabilities to access works, not currently addressed?

The objective of Part 2 is to understand what material is currently made available for persons with disabilities to facilitate their access to copyright protected works and under what conditions. The objective is also to understand whether persons with disabilities would require additional material, not currently made available, to be able to access copyright protected works.

1. Please select the type(s) of copyright protected content that your contribution will refer to:

*This report focuses on the availability of copyright protected works other than printed works for visually impaired persons (e.g. films and other audiovisual content, images, photos, music, video games and computer programmes) and of all types of works for persons with all types of disabilities (auditory, cognitive /intellectual, physical, multiple, other). Please note that printed works are listed here only in relation to types of disabilities other than print disabilities, which are already covered by the Marrakesh Directive. Therefore any reference to audiobooks in the questions should be understood as relating to disabilities other than print disabilities, as the access to audiobooks of persons with print disabilities falls under the scope of the Marrakesh Directive.*

*It is possible to select several categories of works.*

- ☑ Audiobooks (for persons with disabilities other than print disabilities)
- ☑ Printed works, including ebooks, (for persons with disabilities other than print disabilities)
- ☑ Records and other sound recordings (phonograms)
- ☑ Audiovisual works and motion pictures (e.g. films, TV series, television programmes)
- ☑ Images (pictorial and graphical works, photographs)
- ☑ Sculptural and architectural works
- ☑ Videogames
- ☑ Software
- ☐ Other (please specify)

Please specify:

> EBU represents visually impaired persons, i.e. persons with print disabilities, but also deaf-blind persons who have disabilities other than print disabilities -- hence our slecting also the first two options.

## Section 1 – Accessible formats currently available within the EU

The aim of this section is to understand to what extent accessible formats of works are currently available throughout the EU. We would like to inquire as to whether and how persons with any type of disability can access works, in particular those other than printed works (e.g. films and other audiovisual content, images, photos, or music). Finally, we would like to know in what modality of accessible format and under which conditions works are made available, including whether they are born accessible or accessible format copies.

**1. According to your experience or to your knowledge, are the categories of works that you selected currently available to persons with disabilities in accessible formats?**

| | Yes | No | Yes, but with limitations | I don't know / no opinion |
|---|---|---|---|---|
| **Audiobooks** (for persons with disabilities other than print disabilities) | ○ | ○ | ○ | ● |
| **Printed works, including ebooks** (for persons with disabilities other than print disabilities) | ○ | ○ | ○ | ● |
| **Records and other sound recordings** (phonograms) | ○ | ○ | ○ | ● |
| **Audiovisual works and motion pictures** (e.g. films, TV series, television programmes) | ○ | ○ | ● | ○ |
| **Images** (pictorial and graphical works, photographs) | ○ | ○ | ● | ○ |
| **Sculptural and architectural works** | ○ | ○ | ○ | ● |
| **Videogames** | ○ | ○ | ● | ○ |
| **Software** | ○ | ○ | ● | ○ |

Please explain further, if you wish

Please specify in particular the details of any limitations you have encountered

We refer here to the comments made by EDF, our umbrella group, and DBSV, our German member - which we echo here.

Re. images (and possibly sculptural and architectural) works, comment from our French member CFPSAA: There are many print reproductions of paintings in art books, museum catalogues etc. and 3D printing opens a vast area of new possibilities. Yet accessible format reproductions for visually impaired persons remains a problem, allegedly for reasons of author rights. So, while the Marrakesh Treaty covers print works, it remains a grey area in its application whether authorised entities are allowed to produce, distribute or expose pictorial works in accessible formats. For a good socio-cultural inclusion of visually impaired persons, it is essential that they are able to comprehend, even distantly, the codes carried by art works.

Re. limitations, our UK member RNIB indicates: for audiovisual works and motion pictures, limitations such as timings and means by which the material is accessed; for images and sculptural and architectural works, limitations such as various exhibitions in certain locations and at certain times too. General comment: provision is by no means consistent nor comprehensive. Printed materials are not always made available in other reading formats such as braille, large print or digital. While most films released now do have audio description these are not always available at each showing i.e. a person needs to check that the film has AD before they attend. The same would be true for other performances and a number of museum and art exhibitions too.

**2. According to your experience or to your knowledge, please specify in what accessible formats are these works available to persons with disabilities:**

| | **Subtitling / closed captioning** (i.e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information) | (Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance) | **Image and photo descriptions** (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software) | **Tactile paintings, pictures, maps** (i.e. tactile formats use raised surfaces so that visually impaired persons can have a perception of them) | **Voice navigation techniques** | **Easy-to-read text** (for persons with disabilities not covered by the Marrakesh Directives) | **Other** |
|---|---|---|---|---|---|---|---|
| **Audiobooks** (for persons with disabilities other than print disabilities) | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| **Printed works, including ebooks** (for persons with disabilities other than print disabilities) | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Records and other sound recordings** (phonograms) | ☐ | ☑ | ☐ | ☐ | ☑ | ☐ | ☐ |
| **Audiovisual works and motion pictures** (e.g. films, TV series, television programmes) | ☑ | ☑ | ☐ | ☐ | ☐ | ☐ | ☑ |
| **Images** (pictorial and graphical works, photographs) | ☐ | ☑ | ☑ | ☑ | ☐ | ☐ | ☑ |
| **Sculptural and architectural works** | ☐ | ☑ | ☐ | ☑ | ☐ | ☐ | ☐ |
| **Videogames** | ☐ | ☑ | ☐ | ☐ | ☑ | ☐ | ☐ |
| **Software** | ☐ | ☐ | ☐ | ☐ | ☑ | ☐ | ☐ |

Please specify the other accessible formats:

> See DBSV response

**3. According to your experience or to your knowledge, how easy or difficult is it to obtain works in the accessible formats that you selected for persons with disabilities?**

| | Very easy to obtain | Easy to obtain | Difficult to obtain | Very difficult to obtain | I don't know / no opinion | N/A (not applicable) |
|---|---|---|---|---|---|---|
| **Subtitling / closed captioning** (i.e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information) | ○ | ○ | ○ | ○ | ● | ○ |
| (Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance) | ○ | ○ | ○ | ● | ○ | ○ |
| **Image and photo descriptions** (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software) | ○ | ○ | ○ | ○ | ● | ○ |
| **Tactile paintings, pictures, maps** (i.e. tactile formats use raised surfaces so that visually impaired persons can feel them) | ○ | ○ | ○ | ○ | ● | ○ |
| **Voice navigation techniques** | ○ | ○ | ● | ○ | ○ | ○ |
| **Easy-to-read text** (for persons with disabilities not covered by the Marrakesh Directives) | ○ | ○ | ○ | ○ | ● | ○ |
| **Other** | ○ | ○ | ○ | ○ | ○ | ○ |

Please explain further or differentiate, if you wish:

Where we reply "I don't know/no opinion", it is due to divergent feedback from our national member organisations.

We support the comments made here by EDF and DBSV. Regarding audio description and audio subtitling, we refer to our position paper on EU (Creeative Europe/MEDIA) funding to the film industry -- attached. Comments from our UK member RNIB: information in other formats is still inconsistent and too often relies on the service user to make this request rather than being offered. The levels of audio description on video on demand are still too low and there is no expectation of this changing for some years too. On subtitling / closed captioning: very well provisioned on actual Television services. However, much more inconsistent when seeking to watch via an on demand service; on image and photo descriptions and tactile paintings, pictures, maps : there are a number of software providers which would enable a person with sight loss to access these. Importantly some of these are free to access. However, sometimes the complex nature of the image is not able to be described by the text to speech software; on voice navigation techniques: very easy to access assuming the user has a smartphone and the ability to access this and the relevant apps.

**4. According to your experience or to your knowledge, what has been the impact of the COVID-19 pandemic on the availability of the accessible formats that you selected?**

| | It has a positive impact | It has no impact | It has a negative impact | Other | I don't know / no opinion | N/A (not applicable) |
|---|---|---|---|---|---|---|
| **Subtitling / closed captioning** (i.e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information) | ○ | ○ | ○ | ○ | ◉ | ○ |
| (Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance) | ○ | ○ | ○ | ○ | ◉ | ○ |
| **Image and photo descriptions** (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software) | ○ | ○ | ○ | ○ | ◉ | ○ |
| **Tactile paintings, pictures, maps** (i.e. tactile formats use raised surfaces so that visually impaired persons can feel them) | ○ | ○ | ○ | ○ | ◉ | ○ |

| | | | | | | |
|---|---|---|---|---|---|---|
| **Voice navigation techniques** | ○ | ○ | ○ | ○ | ● | ○ |
| **Easy-to-read text** (for persons with disabilities not covered by the Marrakesh Directives) | ○ | ○ | ○ | ○ | ● | ○ |
| **Other** | ○ | ○ | ○ | ○ | ● | ○ |

Please explain further or differentiate, if you wish:

> We support the comments made here by EDF and DBSV.
> Our French member CFPSAA also comments: A wider distribution of audio-described works is necessary; it is currently very limited and only in some portions of the territory. The current sanitary context does not facilitate things, for financial reasons, but also because access to cultural places that provide audio description is impossible or limited.
> And our UK member RNIB: the Coronavirus pandemic of the past year has highlighted a number of key areas with regard to the accessing of information. initially we were concerned that information about the virus and government advice wasn't available in other reading formats. This concern then moved onto the testing process i.e. how accessible is the test, will information about using it be in other reading formats. Then these concerns moved onto the vaccination process and the many access concerns here. Another key area has been the huge demand for audiobooks which RNIB does provide via our Bookshare service. However, other providers will also have experienced higher demand and being commercial they will charge and these books will carry VAT charges too which is not the case for E books.

**5. Are those accessible formats that you selected commercially available (and being born accessible) for disabled persons or are they provided to them by organisations acting on behalf of persons with disabilities (accessible format copies)?**

| | Born accessible | Accessible format copies | Both | None | I don't know /no opinion | N/A (not applicable) |
|---|---|---|---|---|---|---|
| **Subtitling / closed captioning** (i.e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information) | ○ | ○ | ○ | ○ | ● | ○ |
| (Movie) **audio description** (i. e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance) | ○ | ○ | ● | ○ | ○ | ○ |

| | | | | | | |
|---|---|---|---|---|---|---|
| **Image and photo descriptions** (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software) | ○ | ○ | ◉ | ○ | ○ | ○ |
| **Tactile paintings, pictures, maps** (i.e. tactile formats use raised surfaces so that visually impaired persons can feel them) | ○ | ◉ | ○ | ○ | ○ | ○ |
| **Voice navigation techniques** | ○ | ○ | ◉ | ○ | ○ | ○ |
| **Easy-to-read text** (for persons with disabilities not covered by the Marrakesh Directives) | ○ | ○ | ◉ | ○ | ○ | ○ |
| **Other** | ○ | ○ | ○ | ○ | ◉ | ○ |

Please explain further or differentiate, if you wish:

Our replies are for the EU considered as a whole, based on sometimes divergent replies from our members; so for instance, when we reply "both", it does not exclude that only one accessible format or even none is available in a given country.

We fully support the EDF comment: "Accessible content remains a scarcity. So the above answers should not be interpreted as being widely available but rather when they are seldom available they can be either 'born accessible' or in 'accessible format copies'. Ideally content should be 'born accessible' and there should be legal requirements to do so. Where this is not done and accessible copies are required, both right of doing so and sufficient public funding should be provided so that originally inaccessible content can be made accessible."

And we add: it is always so much better when provision is via born accessibility as trying to retro fit accessibility is going to be more expensive and doesn't always meet the full needs of the user nor the expectations of the provider. Information needs to be made available at the same time as print materials and in a variety of formats such as large print, Braille etc.

**6. From the available accessible formats that you selected, what is the proportion between "born accessible" and "accessible format copies"?**

| | Mostly "born accessible" | Mostly "accessible format copy" | More or less the same proportion | I don't know /no opinion | N/A (not applicable) |
|---|---|---|---|---|---|
| | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| **Subtitling / closed captioning** (i.e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information) | ○ | ○ | ○ | ○ | ◉ |
| (Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance) | ○ | ◉ | ○ | ○ | ○ |
| **Image and photo descriptions** (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software) | ○ | ○ | ◉ | ○ | ○ |
| **Tactile paintings, pictures, maps** (i.e. tactile formats use raised surfaces so that visually impaired persons can feel them) | ○ | ○ | ○ | ○ | ◉ |
| **Voice navigation techniques** | ○ | ○ | ◉ | ○ | ○ |
| **Easy-to-read text** (for persons with disabilities not covered by the Marrakesh Directives) | ○ | ○ | ◉ | ○ | ○ |
| **Other** | ○ | ○ | ○ | ◉ | ○ |

Please explain further or differentiate, if you wish:

> Where we respond "same proportion", it is because we get conflicting indications from our national member organisations.
> Comment from our UK member RNIB: the provision of audio description for video on demand is likely to remain behind that of television programming and movies for some years which is frustrating and leads us to ask how much longer should we be expected to wait?

**7. According to your experience or to your knowledge, are works in the accessible formats that you selected provided to end users at a different price than an original work?**

| | No, they are provided for free | No, they are provided at no additional price (no difference in cost for the creation of original works and for those that are "born accessible"/ "accessible format copies") | Yes, they are provided at an additional price, to incorporate the costs incurred during the production of the accessible format | Yes, they are provided at an additional price, going beyond the costs incurred during the production of the accessible format | Yes, they are provided at a reduced price | I don't know/ no opinion | N/A (not applicable) |
|---|---|---|---|---|---|---|---|
| **Subtitling / closed captioning** (i. e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information) | ● | ○ | ○ | ○ | ○ | ○ | ○ |
| (Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance) | ○ | ○ | ○ | ○ | ○ | ● | ○ |
| **Image and photo descriptions** (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software) | ○ | ○ | ○ | ○ | ○ | ● | ○ |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Tactile paintings, pictures, maps** (i.e. tactile formats use raised surfaces so that visually impaired persons can feel them) | ○ | ○ | ○ | ○ | ○ | ● | ○ |
| **Voice navigation techniques** | ○ | ● | ○ | ○ | ○ | ○ | ○ |
| **Easy-to-read text** (for persons with disabilities not covered by the Marrakesh Directives) | ○ | ○ | ○ | ○ | ○ | ● | ○ |
| **Other** | ○ | ○ | ○ | ○ | ○ | ○ | ● |

Please explain further or differentiate, if you wish:

> when we respond "I don't know/no opinion", it is because we get conflicting indications from our national member organisations, mostly between "free" and "no additional price";
> We fully support the following EDF comment: "We are not aware of cases when accessible formats of content, whether born accessible or accessible copies, are made available to persons with disabilities at additional cost because of accessibility. However, it needs to be considered that when organisations of persons with disabilities make accessible copies of inaccessible originals there are cost implications for them. As these are not-for-profit organisations, these costs can be substantial for DPOs, therefore sufficient funding should be allocated to them by States to provide accessibility of content. Ideally, of course there should be legal requirements for content to be born accessible with no additional accessibility-related cost implications for end-users."
> We add: the issue of concern is more around these other formats being made available at the same time and awareness of them being shared too.
> Comment from our UK member RNIB, on tactile paintings, pictures, maps: RNIB provides some of these and when we do it is always free. As far as we are aware when similar are provided by galleries and museums there is no additional cost too.

## Section 2 – Availability of accessible formats within the EU

The aim of this section is to understand how easily accessible formats of works, in both specific modalities of "born accessible" and "accessible format copies", are currently available throughout the EU and how they circulate.

Subsection 1: Questions on "born accessible" content

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**1. What proportion of the works that you produce are born accessible?**

| | Not applicable (no production of this work) | 0% | 10% | 20% | 30% | 40% | 50% | 60% | 70% | 80% | 90% | 100% | I don't know / no opinion |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Audiobooks** (for persons with disabilities other than print disabilities) | ● | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ |
| **Printed works, including ebooks** (for persons with disabilities other than print disabilities) | ● | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ |
| **Records and other sound recordings** (phonograms) | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ● |
| **Audiovisual works and motion pictures** (e.g. films, TV series, television programmes) | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ● |
| **Images** (pictorial and graphical works, photographs) | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ● |
| **Sculptural and architectural works** | ● | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ |
| **Videogames** | ● | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ |
| **Software** | ● | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ |
| **Other** | ● | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ |

**2. Do you incur additional costs for the production of those born accessible works?**

- ○ Yes
- ○ No
- ◉ I don't know / no opinion

**3. According to your experience or to your knowledge, do the born accessible works that you produce circulate to other Member States?**

- ◉ Yes
- ○ No
- ○ I don't know / no opinion

Please explain further, if you wish:

> It should be noted that the content we produce and publish as a DPO is not subject to copyright and is often intended for the purpose of free dissemination.
> RNIB replied "No", and in response to previous question indicated: I don't believe our provision of materials in other formats or the addition of AD on videos adds to costs which haven't already been placed in budget.
> In reply to the question below, RNIB added: RNIB Comment: inevitably the need to produce materials in other formats and to be made fully accessible i.e. with the addition of AD does add to costs. However, these are less than attempting to amend documents which were initially produced in a non-accessible format.

**4. According to your experience or to your knowledge, is the production of born accessible works more or less costly than the production of accessible format copies?**

- ◉ Producing born accessible works is more expensive
- ○ Producing accessible format copies is more expensive
- ○ I don't know / no opinion

**5. According to your experience or to your knowledge, what has been the impact of the COVID-19 pandemic on the production of born accessible works?**

- ○ It has a positive impact
- ◉ It has a negative impact
- ○ It has no impact
- ○ I don't know / no opinion
- ○ Other

Please explain further, if you wish:

> In reality we don't know. However, we suspect the urgency of government and others to share messages has meant more pace and less consideration of the access needs of disabled people in general and people with sight loss in particular. We are concerned too about the longer term consequences of the resulting economic crisis on funding available for making works accessible.

Subsection 2: Questions on "accessible format copies"

**6. According to your experience or to your knowledge, who makes the "accessible format copies" that you selected?**

| | Users | Organisations representing disabled persons | Producers of "accessible format copies" | Subcontractors of producers | Other (please specify) | I don't know / no opinion |
|---|---|---|---|---|---|---|
| **Subtitling / closed captioning** (i.e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information) | ☐ | ☐ | ☑ | ☑ | ☐ | ☐ |
| (Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance) | ☐ | ☑ | ☑ | ☑ | ☐ | ☐ |
| **Image and photo descriptions** (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software) | ☐ | ☑ | ☑ | ☑ | ☑ | ☐ |
| **Tactile paintings, pictures, maps** (i.e. tactile formats use raised surfaces so that visually impaired persons can have a perception of them) | ☐ | ☑ | ☑ | ☐ | ☑ | ☐ |
| **Voice navigation techniques** | ☐ | ☐ | ☑ | ☐ | ☑ | ☐ |
| **Easy-to-read text** (for persons with disabilities not covered by the Marrakesh Directives) | ☐ | ☑ | ☑ | ☐ | ☑ | ☐ |
| **Other** | ☐ | ☐ | ☐ | ☐ | ☐ | ☑ |

Please specify the other persons or organisations that makes the "accesible formatie copies" available that you selected:

> Cultural entities, museums and other provider of the exhibits; schools; specialised entities/producers, IT companies; others with expertise such as freelance disability awareness and accessibility experts

### 7. Do you produce "accessible format copies" of works other than printed works?

- ○ Yes
- ● No

Please explain further, if you wish:

> But some of our national members do - see DBSV and ONCE responses.
> Our UK member RNIB indicates: We provide a talking book service via audio CDs and sticsf. We also provide a Bookshare service which is aimed mostly at children and young people with the intention of making text books accessible via digital medium. We also provide all our videos with AD.

### 8. What is your preferred practice in order to provide access to copyright protected works for disabled persons?

- ○ producing "accessible format copies"
- ● acquiring already commercially available accessible formats

### 9. According to your experience or to your knowledge, what percentage of the original works are subsequently made accessible to disabled persons through "accessible format copies"?

- ○ 0%
- ● 10%
- ○ 20%
- ○ 30%
- ○ 40%
- ○ 50%
- ○ 60%
- ○ 70%
- ○ 80%
- ○ 90%
- ○ 100%
- ○ I don't know / no opinion

### 10. According to your experience or to your knowledge, what is the cost of making an accessible format copy of a work?

| | The cost is high | The cost is reasonable | There is no additional cost (no difference in cost for the creation of original works and for those that are "accessible format copies") | I don't know / no opinion |
|---|---|---|---|---|
| **Subtitling / closed captioning** (i.e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information) | ○ | ○ | ○ | ◉ |
| (Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance) | ○ | ○ | ○ | ◉ |
| **Image and photo descriptions** (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software) | ○ | ○ | ○ | ◉ |
| **Tactile paintings, pictures, maps** (i.e. tactile formats use raised surfaces so that visually impaired persons can have a perception of them) | ○ | ○ | ○ | ◉ |
| **Voice navigation techniques** | ○ | ○ | ○ | ◉ |
| **Easy-to-read text** (for persons with disabilities not covered by the Marrakesh Directives) | ○ | ○ | ○ | ◉ |
| **Other** | ○ | ○ | ○ | ○ |

Please explain further, if you wish:

> We have systematically replied "I don't know/no opinion" due to conflicting feedback from our members, within each category.
> We support the EDF statement: "In the absence of systematic data this is difficult to assess. In general, accessibility by default is less costly than providing it retrospectively. When organisations or other entities do provide accessible copies, sufficient funding should be allocated to them to do this".

**11. According to your experience or to your knowledge, who finances the production of "accessible format copies"?**

☐ Users

☑ Organisations representing disabled persons

☐ Producers of "accessible format copies"
☑ National authorities
☐ Other (please specify)
☐ I don't know/ no opinion

**12. According to your experience or to your knowledge, do "accessible format copies" of works that you have access to/provide access to in your country of residence originate from another Member State?**

◯ Yes
◯ No
◉ I don't know / no opinion

**13. Do you exchange "accessible format copies" of works with persons with disabilities or organisations acting on their behalf in other Member States?**

◉ Yes
◯ No
◯ I don't know / no opinion

Please explain further, if you wish:

> We exchange print and non print works which we produce, but these are not subject to copyright, as most are policy, awareness-raising and capacity building material made publicly and freely available.

**14. According to your experience or to your knowledge, what has been the impact of the COVID-19 pandemic on the production and availability of "accessible format copies"?**

◯ It has a positive impact
◉ It has a negative impact
◯ It has no impact
◯ I don't know / no opinion
◯ Other

Please explain further, if you wish:

> While the pandemic has pushed for wider use of IT-based works, and consequently promoted good practices, it is also true that it has affected funding sources.
> RNIB comment: The Covid pandemic has shown very clearly the importance of providing information in other reading formats. Information about the virus, the testing and the vaccination process was all slow to be available in other formats. RNIB provided a lot of information about the impact of social distancing to both improve awareness of blind and partially sighted people and also sighted people too. We experienced huge demand on our audio book services too again showing how important it is for people to be able to access materials in a format which they are able to fully utilise.

## Section 3 – Accessible formats needed and not currently available within the EU

The aim of this section is to understand whether the persons with disabilities require access to copyright protected works which might currently not catered for within the EU. We would also like to know what technological developments may have a positive impact on the availability of more and different types of accessible formats and what are the producers' plans to increase the availability of adapted works.

**1. According to your experience or to your knowledge, is there a need to have <u>additional</u> accessible formats available for persons with disabilities, that are currently not available?**

- ⦿ Yes
- ⦾ No
- ⦾ I don't know / no opinion

Please explain further, if you wish:

> We support the EDF comment: "There is especially need for accessible audiovisual content, including creative, educational and informative content. This is not sufficiently solved by the EU AVMSD, as it only included traditional broadcast and video on-demand services. The Directive is also quite vague on requirements with no quantitative and qualitative obligations for accessible content. There is also need educational material other than print works, and/or other than for persons with print disabilities."
> We add: there is certainly a need for current provision to be more consistent and comprehensive.

**2. Which types of accessible formats do/would persons with disabilities <u>need in addition to those that are already available</u>?**

- ☑ **Subtitling / closed captioning** (i.e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information)
- ☑ (Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance)
- ☑ **Image and photo descriptions** (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software)
- ☑ **Tactile paintings, pictures, maps** (i.e. tactile formats use raised surfaces so that visually impaired persons can feel them)
- ☑ **Easy-to-read text** (for persons with disabilities not covered by the Marrakesh Directives)
- ☑ **Other** (please specify)

Please specify 'other':

> Formats to make e-books accessible (e.g. ePub3); formats to make software compatible with magnification software and Braille displays.

Please explain further, if you wish:

> We support the EDF comment: "Even when available, accessibility content is still very rare. There are differences depending on where you live in the EU, but all in all accessibility is still seen as an add-on and somewhat a luxury rather than something required by default. Besides the issue of scarcity, there are also quality issues. Therefore, requirements for meeting quality standards should be ensured."
> We add: accessible materials need to be much more widely available. They also need to be available at the same time as the printed version. There is still a much greater need for AD in all settings and particular concern with regard to the increased use of video on demand which has even lower levels of AD provision.

**3. Are there any obstacles that make it difficult for you to have access to accessible formats?**

- ● Yes
- ○ No
- ○ I don't know / no opinion

Please explain further, if you wish:

> We support the EDF comment: "Often the apps and websites to access content aren't accessible themselves. Same is often true for hardware. Even though the European Accessibility Act will solve many of these issues, digital platforms and services still would be free to remain inaccessible, as new proposals for regulating digital platforms and services fail to require accessibility of these services."
> We add: information is increasingly being ade available in a digital format for example via websites and apps. However, it is not always the case that these websites are fully accessible which means at best only some of the info and sometimes none is available for people with sight loss.

**4. What are the main obstacles that make it difficult for you to have access to accessible formats?**

- ☑ Cost
- ☑ Availability in Member State
- ☑ Lack of information
- ☑ Lack of responsiveness by producers
- ☐ Other (please specify)
- ☐ Not applicable
- ☐ I don't know / no opinion

Please explain further, if you wish:

**5. Are there any obstacles that make it difficult for you to provide access to accessible formats?**

- ● Yes
- ○ No
- ○ I don't know / no opinion

Please explain further, if you wish:

**6. What are the main obstacles that make it difficult for you to provide access to accessible formats?**

- ☑ Costs of making accessible format copies
- ☑ Costs or difficulties related to the clearance of rights
- ☐ Lack of demand
- ☐ Lack of information
- ☐ Lack of appropriate distribution channels
- ☑ Lack of funding or government incentives
- ☑ Copyright-related issues

- ☐ Language issues
- ☑ Interoperability issues
- ☑ Absent or ambiguous legal framework (e.g. unclear legislation on exceptions and limitations to copyright, no contractual agreements between rightholders and/or collective management organisations and organisations acting on behalf of persons with disabilities, etc.)
- ☐ Other (please specify)
- ☐ I don't know/ no opinion

Please explain further, if you wish:

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**7. Are you planning to invest in developing additional or/and better accessible formats?**

- ◉ Yes
- ◉ No
- ⦿ I don't know/ no opinion

# Part 3: Possibility to provide final comments and to upload a document

**1. Please provide any other information that you find useful regarding the availability of works in accessible formats for persons with disabilities.**

> EBU is currently engaged in a campaign to push for use of EU funding to the film industry, through the Creative Europe programme, that supports and promotes audio description and audio subtitling. See position paper attached. In that context, we are currently looking into the practices of the film industry at national level, not only due to considerations of EU subsidiarity, but also to prepare possible future action at national level too.

**2. You can upload a document, if you wish:**
**a7ca95a7-6c63-4e5b-83a1-46e458de63a5/EBU_Position_Paper_on_MEDIA_funding_Sept2020__final_.pdf**

**Thank you for your participation to this consultation.**

**Contact**

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