



4. Country summaries

4.1. AT - Austria⁸⁷

4.1.1. Key findings

- The Austrian approach to accessible audiovisual media services adopts a reasonable accommodation model, where the means of the broadcasters are expressly considered with regard to their obligation to provide accessible programming.
- Austria does not mandate quotas of each type of accessible accommodation, preferring to leave it to the broadcasters to explain which methods were chosen in fulfilling their obligation to continuously increase the volume of accessible content.
- Austria expressly considers the need for simple version broadcasts for persons with intellectual disabilities. The public service broadcaster, the Austrian Broadcasting corporation (“ORF”), is required to have a 2.5% or 4% share of such.
- Austria requires media service providers to consult with disabled persons’ organisations prior to implementing action plans for accessibility.
- The annual increase in targets for accessible measures is less ambitious (increases of 2.5% or 4% per year) but according to annual reports those targets were reached or exceeded by 13/15 reporting providers.
- The most significant improvements were seen with subtitling and sign language for news or political programming.

⁸⁷ The summary on Austria incorporates feedback received from Stefan Rauschenberger, director of the Legal Department at *Rundfunk und Telekom Regulierungs-GmbH* (RTR-GmbH) during the checking round with the national regulatory authorities.



4.1.2. Legal framework: primary and secondary legislation

National legislation	Summary of the measures
Article 7(1) AVMSD	
<p>Paragraph 5 (2) and (2a) Federal Act on the Austrian Broadcasting Corporation (ORF-G) primary legislation</p> <p><i>(Gesamte Rechtsvorschrift für ORF-Gesetz – ORF-G) (applicable to the public service broadcaster)⁸⁸</i></p> <p>Paragraph 30b (1) Federal Act on Audiovisual Media Services (AMD-G)</p> <p><i>(Gesamte Rechtsvorschrift für Audiovisuelle Mediendienste-Gesetze (AMD-G))⁸⁹</i></p>	<p>Progressive implementation (in line with technological development and economic feasibility) of the obligation to make broadcasts accessible for persons with visual, hearing, or intellectual disabilities.</p> <p>Obliges the ORF to provide a simple language news broadcast between 9 a.m. and 9 p.m.</p> <p>Obliges the ORF to progressively increase the availability of accessible content year on year from 31 December 2020.</p> <p>Priorities are for information, arts and culture, and education categories to be increased by 2.5% annually and entertainment by 4% annually. The goal for the ORF is for all language-based content to be accessible by 2030.</p> <p>Progressive implementation (in line with technological development and economic feasibility) of the obligation to make broadcasts accessible on a year-on-year basis starting from 31 December 2020.</p> <p>Exempts media service providers earning less than, or equal to, EUR 500 000 per annum, and purely local or regional television providers.</p>
Article 7 (2) AVMSD	
<p>Paragraph 30b (3) AMD-G</p> <p>Paragraph 5 (2) and (2a) ORF-G</p>	<p>Media service providers must submit annual reports by 31 March. The report must also be published by the media service provider in an accessible format. In this report they must explain what measures they have taken and what plans did not come to fruition. If deemed to be non-compliant, they may be supervised by the national media regulatory authority (<i>KommAustria</i> – RTR).</p> <p>The ORF must report annually on the measures it has taken to increase the volume of accessible content by 31 March. This report must explain what measures it has taken, and if</p>

⁸⁸ Austrian Federal Act on the Broadcasting Corporation available at: https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Erv&Dokumentnummer=ERV_1984_379

⁸⁹ Austrian Federal Act on Audiovisual Media Services available at: https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Erv&Dokumentnummer=ERV_2001_1_84



	necessary justify why the action plan was not implemented as written. The report must also be published in an accessible format. If found to be non-compliant, the ORF may be supervised by RTR.
Article 7 (3) AVMSD	
Paragraph 30b (2) AMD-G	Requires media service providers to consult with disabled persons' organisations representing persons with hearing, visual and intellectual disabilities to ensure the usability and appropriateness of measures prior to drawing up an action plan. Action plans must be submitted to RTR , and must also be published in accessible formats.
Paragraph 5 (2) and (2a) ORF-G	Each year the ORF, after consulting the Audience Council as well as organisations representing people with visual and/or hearing impairments and people with intellectual disabilities, shall draw up an action plan, including a specific three-year timetable for the annual increase in the percentage of accessible broadcasts (excluding live broadcasts) and its online offerings, separated into the categories of information, entertainment, education, arts and culture, and sports. The annual report (paragraph 7) shall state the increase of the share of content made accessible to everyone by means of measures appropriate for the group of persons concerned (in particular subtitles, sign language interpreting, two-channel sound, audio descriptions) in online services and on channels.
Article 7 (4) AVMSD	
Paragraph 20b Federal Act on the establishment of an Austrian Communication Authority ⁹⁰ <i>(Gesamte Rechtsvorschrift für KommAustria-Gesetz)</i>	RTR will act as a centre for providing information to the public on the accessibility of content, as well as a centre for complaints about the inaccessibility of audiovisual media services content. Further, RTR will provide dispute resolution using the guidelines from the Alternative Dispute Settlement Act.
Article 7 (5) AVMSD	
Paragraph 30a AMD-G	Media service providers will provide emergency broadcasting time free of charge. The information communicated will be fully accessible and the state will remunerate the media service provider for any costs incurred in making that information accessible.
Paragraph 5 (6) ORF-G	

⁹⁰ https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Erv&Dokumentnummer=ERV_2001_1_32



4.1.3. Overview of national rules

Types of accessibility measures	Brief overview of existing rules
Accessibility measures (hearing impairments)	<p>Not specifically listed.</p> <p>The alternatives for achieving accessibility can be chosen by providers. Recital 22 points out that the right of persons with disabilities and older people to participate in the social and cultural life of the Union and their integration in this respect are linked to the provision of accessible audiovisual media services. Recital 23 also states that accessibility is ensured, among other things, by sign language, subtitling for the deaf and hard of hearing, spoken captioning, and audio description.⁹¹</p> <p>The ORF must increase accessibility in the information, arts and culture, and educational categories, by 2.5% year on year.</p> <p>In the entertainment category, accessibility must increase by at least 4% year on year.</p> <p>Priority is given to prime-time programming, online services related to linear broadcasters, federal state broadcasts, political programming and children's programming.</p> <p>Each year all media service providers must report on how they have increased their accessibility through measures aimed at the target groups.</p>
Accessibility measures (visual impairments)	<p>Not specifically listed (see above).</p> <p>The ORF must increase accessibility in the information, arts and culture, and educational categories, by 2.5% year on year.</p> <p>In the entertainment category, accessibility must increase by at least 4% year on year.</p> <p>Priority is given to prime-time programming, online services related to linear broadcasters, federal state broadcasts, political programming and children's programming.</p> <p>Each year all media services providers must report on how they have increased their accessibility through measures aimed at the target groups.</p>
Accessibility measures developed by self- or co-regulatory process	<p>Yes – action plans submitted to RTR, along with reports on the success of those action plans. Further action plans are developed in consultation with disabled users.</p>
Reporting to the NRA – frequency	<p>Yes, annual basis.</p>
Designated point of contact for	<p>Yes, KommAustria (supported by RTR-GmbH) is obliged to provide a Service point for complaints and information offers on the subject of accessibility of audiovisual media services. It mediates between the media service providers and the users of the services.⁹²</p>

⁹¹ <https://www.parlament.gv.at/gegenstand/XXVII/I/462>

⁹² <https://beschwerde.rtr.at/startseite.de.html>



information and complaint	
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4.1.4. Law in practice: selected examples⁹³

According to paragraph 19 of the KommAustria Act, RTR shall present the current status of developments in terms of the obligation to increase accessibility measures for each of the media service providers and provide a comparison of the intended target values and the figures actually achieved in their activity report. The reports for 2021 and 2022 can be seen here:

- <https://www.rtr.at/medien/aktuelles/publikationen/Publikationen/Barrierefreiheitsbericht2021.de.html>
- <https://www.rtr.at/medien/aktuelles/publikationen/Publikationen/Barrierefreiheitsbericht2022.de.html>

4.1.4.1. Public service broadcaster: the ORF

According to public information,⁹⁴ the ORF offers around 75% of ORF1 and ORF2 programmes with subtitles.

4.1.4.2. Private media broadcaster: Puls 4

According to its action plan published for the period 2021-2023, private media broadcaster Puls 4, aims to “significantly increase” its accessibility measures. For the calendar year 2023, there should be 5 250 minutes of accessible programming in the entire offering.⁹⁵

4.1.4.3. VOD: Magenta

The VOD service Magenta (T-Mobile Austria GmbH) focuses most on subtitles, as established in its action plan:⁹⁶ all contracts with content suppliers and film studios contain the obligation for Magenta On Demand to offer titles with subtitles within the scope of their possibilities.

⁹³ Examples as selected by the national expert.

⁹⁴ See <https://der.orf.at/kundendienst/service/barrierefrei100.html>, <https://der.orf.at/kundendienst/service/aktionsplan-barrierefreiheit102.pdf>

⁹⁵ See Puls 4's action plan, available at: <https://www.puls4.com/service/nutzungsbedingungen/barrierefreier-content>

⁹⁶ Magenta's action plan available at: https://www.magenta.at/faq/entry/~technische-anfrage-fernsehen-features/~MagentaTV_Barrierefreiheit-master