



## 4.7. DE - Germany<sup>136</sup>

### 4.7.1. Key findings

- Germany has implemented a progressive realisation reasonable accommodation model that takes the financial and technical abilities of service providers into account.
- The law addresses not only the accessibility of content but also of design and navigation for audiovisual media services.
- Any provider claiming a disproportionate burden may be subject to additional reporting requirements and may not have availed themselves of public or private financial support to increase accessibility.
- While not specifically mentioned in the law, some broadcasters have implemented “easy language” programming, and made efforts to improve the intelligibility of language.
- The federal system in Germany results in state governance of audiovisual media service providers. Individual states have more specific guidance for service providers.

### 4.7.2. Legal framework: primary and secondary legislation

National legislation	Summary of the measures
<b>Article 7 (1) AVMSD</b>	
Paragraph 7 section 1, paragraph 76, paragraph 99 a sections 1-2, Interstate Media Treaty (primary legislation) (MStV) ( <i>Medienstaatsvertrag konsolidiert 30. Juni 2022</i> ) <sup>137</sup>	Paragraph 7. Broadcasters will include “barrier-free” programming within the scope of their technical and financial ability, and steadily increase the scope of that programming.  Paragraph 76 includes “television-like telemedia” (video-on-demand – VOD) in the scope of the regulation.
Paragraph 7a section 1 Act on the Broadcasting Corporation	Paragraph 99 a section 1. Service providers will ensure user-friendly access, accessible choices and accessible use so long as it does not impose a disproportionate burden, or it does not require a substantial modification of the service providing access that leads to a fundamental change in its nature. If the provider

<sup>136</sup> The summary on Germany incorporates feedback received from Michel Winkels, European affairs adviser of the Media Authority of North Rhine-Westphalia, and Christina Brandt, European affairs adviser at the Joint Management Office of the Media Authorities (*die Medienanstalten*), during the checking round with the national regulatory authorities.

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[https://www.die-medienanstalten.de/fileadmin/user\\_upload/Rechtsgrundlagen/Gesetze\\_Staatsvertraege/Medienstaatsvertrag\\_MStV.pdf](https://www.die-medienanstalten.de/fileadmin/user_upload/Rechtsgrundlagen/Gesetze_Staatsvertraege/Medienstaatsvertrag_MStV.pdf)



<p>under Federal Law “<i>Deutsche Welle</i>”, consolidated 14 September 2021 (DWG)  (Gesetz über die Rundfunkanstalt des Bundesrechts “<i>Deutsche Welle</i>”)<sup>138</sup></p>	<p>receives public or private funding to improve accessibility it may not invoke disproportionate burden.  Paragraph 99 a section 2. Service providers conduct their own assessment of whether the provision of accessibility functions requires a fundamental change or imposes a disproportionate burden.  Paragraph 99 a section 2 S.1. If found to be non-compliant, providers will take corrective measures. <i>Deutsche Welle</i> (DW – one public service broadcaster) will make content continuously and progressively more accessible subject to its technical and financial ability.</p>
<p><b>Article 7 (2) AVMSD</b></p>	
<p>Paragraph 7 section 2, paragraph 76, paragraph 99 a sections 2-4 MStV  Paragraph 7a section 2 DWG</p>	<p>Broadcasters of national commercial television services, and VOD services will report on measures taken and future measures contemplated and submit these to the competent state media authority.  The public service broadcasters (ARD, ZDF as well as Deutschland Radio) will report on measures taken and future measures contemplated to their respective regulatory bodies at least every three years.  DW must submit a report on measures taken and future measures contemplated to the Broadcasting Council every three years beginning 1 November 2022.</p>
<p><b>Article 7 (3) AVMSD</b></p>	
<p>Paragraph 7 section 2, paragraph 76, paragraph 99 a sections 2-4 MStV  Paragraph 7a section 2 DWG</p>	<p>See above.  All providers will keep records of these reports for a period of five years and present those reports at the request of the regulatory body. Additionally, providers may be required produce new reports at the request of the regulatory body or in the event of non-compliance.</p>
<p><b>Article 7 (4) AVMSD</b></p>	
	<p>Not transposed – however it has been directly implemented. The <i>Rundfunkkommission Der Länder</i> (Commission of the State Broadcaster) requested that public service broadcasters and state media authorities implement a central online point of contact. <i>Die medienanstalten</i> (the 14 state media authorities working in concert) set up a central point of contact for providing information and receiving complaints. The resulting <i>Zentrale Anlaufstelle für Barrierefreie Angebote</i> (ZABA) is a central point of contact for information and complaints.</p>
<p><b>Article 7 (5) AVMSD</b></p>	
	<p>Not transposed.</p>

<sup>138</sup> <https://www.gesetze-im-internet.de/dwg/DWG.pdf>



### 4.7.3. Overview of national rules

Types of accessibility measures	Brief overview of existing rules
Accessibility measures (hearing impairments)	Not specifically mentioned. The content should be “barrier-free” within the bounds of the technical and financial constraints of the audiovisual media service provider.
Accessibility measures (visual impairments)	Not specifically mentioned. The content should be “barrier-free” within the bounds of the technical and financial constraints of the audiovisual media service provider.
Accessibility measures developed by self- or co-regulatory process	Yes, audiovisual media service providers, including VOD, must submit reports with plans for increasing accessibility to the appropriate regulatory body every three years.
Reporting to the NRA – frequency	Yes, every three years.
Designated point of contact for information and complaint	Yes, ZABA is a central point of contact for information and complaints and represents 14 state authorities.

### 4.7.4. Law in practice: selected examples<sup>139</sup>

#### 4.7.4.1. Public service broadcaster: Zweites Deutsches Fernsehen (ZDF)

The public service broadcaster ZDF provided subtitles in 91.5% of its programming broadcast on television in 2021. Its on-demand platform provided subtitling in 88% of TV fiction films, 76% of fiction series, 43% of documentaries and 26% of the news in 2020. It has also implemented sign language on the on-demand platform for all programmes of high societal relevance, audio description as well as a “clear language” initiative to improve intelligibility, and an “easy language” initiative.<sup>140</sup>

#### 4.7.4.2. Private broadcaster: ProSieben

Private broadcaster ProSieben reports providing subtitles, audio description, sign language and easy language.<sup>141</sup>

<sup>139</sup> Examples as provided by the national expert.

<sup>140</sup> See <https://www.zdf.de/barrierefreiheit-im-zdf>, <https://www.zdf.de/assets/grundlagen-selbstverpflichtungserklaerung-2021-100~original>

<sup>141</sup> <https://video.prosieben.de/service/barrierefrei>



#### 4.7.4.3. VOD: Disney+

In practice, German users will be given various options regarding accessibility measures, such as audio description, closed captioning, colour contrast, keyboard navigation, responsive design, and text-to-speech services.<sup>142</sup>

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<sup>142</sup> [https://help.disneyplus.com/csp?id=csp\\_article\\_content&sys\\_kb\\_id=60d525ebdbec0d860f3each139619f2#:~:text=Bildschirmlesefunktionen%20\(Text%20to%20Speech\)%20unterst%C3%BCtzen%20Personen%2C%20die%20gesamten%20Website%20und%20App%20anzubieten](https://help.disneyplus.com/csp?id=csp_article_content&sys_kb_id=60d525ebdbec0d860f3each139619f2#:~:text=Bildschirmlesefunktionen%20(Text%20to%20Speech)%20unterst%C3%BCtzen%20Personen%2C%20die%20gesamten%20Website%20und%20App%20anzubieten)