



4.8. DK - Denmark¹⁴³

4.8.1. Key findings

- Denmark imposes obligations for service providers to progressively increase the proportion of accessible content subject to the limitations of financial ability.
- The public service broadcaster (DR) is tasked with implementing a universal design in content delivery for all programme delivery platforms. It uses four strategic “light lines” to guide this effort.
 - Accessibility as a principle – DR must work in a goal-oriented way; “born accessible” is the object.
 - Digital focus – technology has the most potential for accessibility.
 - High quality over high quantity – the priority is for well made, accessible content.
 - Universal design – accommodations cater to the greatest possible audience.
- All broadcasters are obliged to dialogue with disabled persons’ organisations regarding accessibility efforts, including providing seats on a user council that is involved in planning, prioritising and developing accessibility issues, as well as assessing quality and communicating about DR’s various services.
- The greatest obligations are placed on public service broadcasters.
- Denmark has a dedicated sign language channel.
- The national media regulatory authority, Radio and Television Board (RTB) is empowered to investigate, gather evidence, and impose sanctions on non-compliant broadcasters, the legislation giving them more explicit “teeth” than in many other countries.
- The RTB has issued a guidance document on accessibility for broadcasters providing much of the same information and explanations as the statutory and regulatory documents and having the force of law.¹⁴⁴ It applies to private Danish providers of television and video-on-demand (VOD) services, and instructs them to develop action plans for the ways in which they will make the content they provide more accessible.
- DR services do not prepare action plans but are regulated through their public service contracts and licences according to the rules on public service programme operations.

¹⁴³ The summary on Denmark incorporates feedback received from Søren F. Jensen, senior legal advisor at the Danish Agency for Culture and Palaces during the checking round with the national regulatory authorities.

¹⁴⁴ Available at: [https://slks.dk/omraader/medier/tv/tilgaengelighed in Danish](https://slks.dk/omraader/medier/tv/tilgaengelighed%20in%20Danish).



4.8.2. Legal framework: primary and secondary legislation

National legislation	Summary of the measures
Article 7 (1) AVMSD	
<p>The Radio and Television Broadcasting Act – consolidated 4 September 2020, section 48(2) (primary legislation) (<i>LBK nr 1350 af 04/09/2020 - Lov om ra-dio- og fjernsynsvirksom-hed m.v. - § 48, stk. 2</i>)¹⁴⁵</p>	<p>Act</p> <p>The Minister of Culture is empowered to require television broadcasters and on-demand audiovisual media service providers to use proportional measures to constantly and gradually make their programming more accessible.</p>
<p>Order No. 944 of 18 June 2020 – Order on accessibility of licence- and registration-based programme services for persons with disabilities, section 2 (secondary legislation) (<i>BEK nr 944 af 18. juni 2020 - Bekendtgørelse om tilgængelighed af programvirksomhed på grund-lag af tilladelse og regi-strering for personer med handicap - § 2</i>)¹⁴⁶</p>	<p>Order</p> <p>Private television broadcasters and on-demand audiovisual media services must use proportionate measures to make their programming more accessible. Suggested measures include sign language interpretation, subtitles, spoken subtitles and audio description.</p> <p>DR must “give priority” to removing barriers for people with disabilities that impact their ability to hear, see, read, or understand content, as well as enhancing the quality of accessibility initiatives and services.</p>
<p>DR’s Public Service Contract for 2022-2025, section 4.4 (secondary legislation) (<i>DR’s Public Service-Kontrakt for 2022-2025, afsnit 4.4</i>)¹⁴⁷</p>	<p>The order instructs DR to apply a universal design, in line with the four light lines (see above).</p> <p>DR offers subtitles, sign language interpretation, audio description, spoken subtitles and devices to enable insecure readers to access the news, across all platforms except the sign language channel. Assessment of which accommodation is applied is based on highest impact.</p>
<p>DR’s Public Service Contract for 2022-2025, section 4.4 (secondary legislation) (<i>DR’s Public Service-Kontrakt for 2022-2025, afsnit 4.4</i>)¹⁴⁷</p>	<p>Specific quotas are listed below in 1.1.3.</p> <p>To be licensed, TV 2 DANMARK A/S (TV2) must enter into dialogue with disabled persons’ organisations in order to improve accessibility and establish a users’ council in order to advise TV2.</p> <p>Specific quotas relating to TV 2 are listed below in 1.1.3.</p>
<p>Authorisation for TV 2 DANMARK A/S to perform public service programming 2019-2023, section 2.2 (secondary legislation) (<i>Tilladelse til TV 2 Danmark A/S til at udøve public service-</i></p>	<p>TV2 must initiate other accessibility measures during the term of the regulatory contract, including audio description, and spoken subtitles. These efforts will be assessed by the users’ council and included in the public service report.</p>

¹⁴⁵ <https://www.retsinformation.dk/eli/lta/2020/1350>

¹⁴⁶ <https://www.retsinformation.dk/eli/lta/2020/944>

¹⁴⁷ https://kum.dk/fileadmin/_kum/1_Nyheder_og_presse/2022/Public_service-kontrakt_for_DR_endelig.pdf



<i>programvirksomhed 2019-2023, afsnit 2.2)</i> ¹⁴⁸	
Article 7 (2) AVMSD	
Order No. 944 of 18 June 2020, section 4 Authorisation for TV 2 DANMARK A/S	Providers report to the RTB once every three years on the implementation of the action plans.
Article 7 (3) AVMSD	
Order No. 944 of 18 June 2020, section 3 Authorisation for TV 2 DANMARK A/S The Danish Radio and Television Board's guidance on accessibility (<i>Radio- og tv-nævnets vejledning for tilgængelighed</i>) ¹⁴⁹	All private providers must submit action plans to the RTB in which they set out how they intend to meet their accessibility obligations, along with what measures they intend to implement. These plans must be developed in consultation with the users' council, including representatives from disabled persons' organisations. The RTB will assess whether the action plans are acceptable or need amending.
Article 7 (4) AVMSD	
Order No. 944 of 18 June 2020, sections 5 to 8	The RTB monitors the submission and execution of action plans and prosecutes noncompliance. The RTB handles complaints about accessibility measures put in place. It publishes information and guidelines regarding accessibility and the complaints procedures that are hosted on the website of the Agency for Culture and Palaces. The RTB is empowered to investigate and gather evidence from providers. The RTB is empowered to withdraw a broadcasting licence temporarily or permanently in response to gross or repeated noncompliance with the accessibility rules.
Article 7 (5) AVMSD	
Order No. 975 of 18 June 2020 – Order on the obligation of DR, TV 2 DANMARK A/S and the regional TV 2 companies to broadcast messages of emergency importance (Emergency Messages) section 5 (2) (secondary legislation)	DR, TV 2 Denmark A/S and the regional TV 2 stations shall broadcast emergency response announcements in a manner that makes them accessible to persons with disabilities. The responsible authority will cover the extraordinary costs associated with this.

¹⁴⁸ https://kum.dk/filead-min/_kum/2_Kulturomraa-der/Medier/TV2/TV2_Public_service-til-ladelse_2019-2023_.pdf

¹⁴⁹ <https://slks.dk/omraader/medier/tv/tilgaengelighed>



<p><i>(BEK nr 975 af 18. Juni 2020 – Bekendtgørelse om DR's, TV 2 DANMARK A/S' og de regionale TV 2- virksomheders forpligtelse til at udsende meddelelser af beredskabsmæssig betydning (Beredskabsmeddelelser) § 5, stk. 2)¹⁵⁰</i></p>	
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4.8.3. Overview of national rules

Types of accessibility measures	Brief overview of existing rules
<p>Accessibility measures (hearing impairments)</p>	<p>Yes.</p> <p>Subtitling DR: aiming for 95% of non-live broadcast programming, 70% of live broadcast programming, regardless of the platform, a minimum of 100% of prime-time news broadcasts, elections, and political programming. Improve live subtitling on the sign language channel.</p> <p>TV2: the “vast majority” of programming must be subtitled.</p> <p>Private broadcaster: no specific quotas.</p> <p>Sign language DR: the sign language channel must have at least two news broadcasts on weekdays and one on weekends between 7.30 p.m. and 9 p.m. Additionally, the broadcaster must ensure varied content on the sign language channel as well as a sign language interpreted news programme in simple language. Elections and political programming must be offered with sign language interpretation, as well as transmissions of events of great social interest to the extent possible.</p> <p>TV2: two daily prime-time newscasts provided with subtitles. Variance from this allowed in connection with dialogue with users' council.</p> <p>Private broadcaster: no specific quotas.</p>
<p>Accessibility measures (visual impairments)</p>	<p>Yes.</p> <p>Audio description TV2: Must initiate and extend provision of audio described programming.</p>

¹⁵⁰ <https://www.retsinformation.dk/eli/lta/2020/975>



	<p>Private broadcaster: no specific quotas.</p> <p>Spoken subtitles</p> <p>DR: all DR's channels must offer spoken subtitling.</p> <p>TV2: must initiate and extend provision of audio described programming.</p> <p>Private broadcaster: no specific quotas.</p>
Accessibility measures (other impairments)	<p>No quota specified.</p> <p>The public service broadcaster (DR) must offer a news programme in a simple language version on the sign language channel.</p> <p>While there are no other quotas specifically mentioned, an obligation exists for DR to remove barriers for the benefit of those "with difficulties ... reading and understanding ...".¹⁵¹</p>
Accessibility measures developed by self- or co-regulatory process	<p>Yes, for private broadcasters, they must develop accessibility action plans in consultation with a user's council which includes representatives from disabled persons' organisations.</p>
Reporting to the NRA – frequency	<p>Yes, every three years public broadcasters must submit reports to the RTB.</p>
Designated point of contact for information and complaint	<p>The RTB handles complaints about accessibility measures put in place. It publishes information and guidelines regarding accessibility and the complaints procedures that are hosted on the website of the Agency for Culture and Palaces.</p>

4.8.4. Law in practice: selected examples¹⁵²

4.8.4.1. Public service broadcaster: DR

The public service broadcaster DR offers five accommodations: subtitles, sign language interpretation, audio description, spoken subtitles and devices to enable insecure readers to access the news. These accommodations are meant to remove barriers to hearing, seeing, reading, and understanding DR's public service content. The choice of which accommodations are to be offered in which programmes, and on what platforms, is based on an assessment of what will have highest impact. If TV content is offered with DR's accommodations, it must also be offered on the live stream and on-demand version of that content. This does not apply to the sign language channel as it is not available to live stream but is available on demand.¹⁵³

¹⁵¹ DR Public Service Contract 2022-2025, section 4.4

¹⁵² Examples as provided by the national expert.

¹⁵³ https://kum.dk/fileadmin/_kum/1_Nyheder_og_presse/2022/Public_service-kontrakt_for_DR_endelig.pdf



4.8.4.2. Private broadcaster: DK4

The private broadcaster DK4 provides all foreign language programming with subtitling and is working on increasing the volume of Danish language content with subtitles. It does not offer sign language, spoken subtitles, audio description or any other accessibility measure.¹⁵⁴

4.8.4.3. VOD: YouSee c/o Nuuday

YouSee c/o Nuuday A/S (VOD) YouSee offers subtitling in Danish and English for most of its content. It does not offer sign language, spoken subtitling or audio description, as it is subject to the whim of its suppliers. It plans to explore adding spoken subtitles and audio description by 2024.¹⁵⁵

¹⁵⁴ https://slks.dk/fileadmin/user_upload/SLKS/Omraader/Medier/Radio- og tv-naevnet/Afgoerelser og handlingsplaner_2022_/HAND_DK4

¹⁵⁵ https://slks.dk/fileadmin/user_upload/SLKS/Omraader/Medier/Radio- og tv-naevnet/Afgoerelser og handlingsplaner_2022_/HAND_YouSee