



4.24. PT - Portugal²⁷⁸

4.24.1. Key findings

- There is no self- or co-regulation of linear providers under the Portuguese statute. However, the national media regulatory authority (*Entidade Reguladora para a Comunicação Social* – ERC) is required to consult with stakeholders, representing both audiovisual media service providers and disabled persons’ organisations when developing the regulations to be imposed on service providers.
- The statute creates a gradual and progressive realisation standard and asks the ERC to consider market and technical capabilities when developing regulations.
- In 2021 the public service broadcaster (RTP) had already exceeded the floor set by the regulation on both Channel 1 and 2 as it relates to audio description.
- A compliance report for 2022 is available.²⁷⁹

4.24.2. Legal framework: primary and secondary legislation

National legislation	Summary of the measures
Article 7 (1) AVMSD	
Television and Audiovisual On-Demand Services Law, Article 34-A, paragraph 1 (<i>Lei n.º 27/2007</i> , current wording, <i>Lei da Televisão e dos Serviços Audiovisuais a Pedido</i>) ²⁸⁰	Broadcasters and VOD service providers must make their services continuously and progressively more accessible to persons with special needs.
Article 7 (2) AVMSD	
Law No. 27/2007, Article 34-A, paragraphs 4 and 6	Broadcasters and VOD service providers must provide the ERC with all information necessary for the ERC to ensure compliance and monitor developments.

²⁷⁸ The summary on Portugal incorporates feedback received from Joana Duarte, expert of the Supervision Department of the Portuguese Media Regulatory Authority (ERC), during the checking round with the national regulatory authorities.

²⁷⁹ See: <https://www.flipsnack.com/ercpt/acessibilidade-dos-servi-os-de-programas-televisivos-em-2022/full-view.html>

²⁸⁰ https://www.erc.pt/documentos/legislacaosite/English/law74-2020_eng.pdf



	The ERC will publish media accessibility reports every three years on its website starting in 2022 and will send those reports to the member of the government responsible for forwarding it to the EU Commission.
Article 7 (3) AVMSD	
Law No. 27/2007, Article 34-A, paragraphs 2 and 3	The ERC must set out obligations for broadcasters and VOD service providers in order to gradually improve the accessibility standards as part of a multiyear plan. The measures used to implement these obligations are subtitling, sign language interpretation, audio description, spoken subtitling or “other appropriate techniques”, as well as providing easily understood navigation menus. In order to develop these obligations, the ERC must consult with stakeholders, namely, the National Institute for Rehabilitation, as well as other disabled persons’ organisations, broadcasters, and VOD service providers. They must also take technical and market conditions into account.
Article 7 (4) AVMSD	
Law No. 27/2007, Article 34-A, paragraph 7, line b)	The ERC website will provide an information point, particularly publishing the multiyear plan to increase accessibility, details of monitoring and compliance of audiovisual media service providers, and the triennial reports. It will also receive requests for information and handle complaints, in cooperation with the providers’ customer ombudsman.
Article 7 (5) AVMSD	
Law No. 27/2007, Article 30, paragraph 3	Emergency information will be provided in an accessible manner, particularly with subtitling and verbalisation of essential visual content.

4.24.3. Overview of national rules²⁸¹

Types of accessibility measures	Brief overview of existing rules ²⁸²
Accessibility measures	Yes.

²⁸¹ Decision ERC/2021/317 (OUT-TV), 10 November amended by Decision ERC/2022/261(OUT-TV), 24 August, available at: <https://www.erc.pt/download.php?info=YT0zOntzOjU6ImFjY2FvIjtzOjg6ImRvd25sb2FkljtzOjY6InRpdHVsbyl7cz0ONT0iRGVsaWJlcmEIRTcIRTNvK0VSOyUyRjllwMjllMkYyNjErJTl4T1VULVRWJTl5IjtzOjg6ImZpY2hlaXJvIjtzOjM5OijtZWRpYS9kZWNPc29lcy9vYmplY3RvX29mZmxpbmUvODYyOS5wZGYiO30=> on ERC webpage <https://www.erc.pt/pt/a-erc/noticias/erc-avalia-se-emissoes-televisivas-cumprem-obrigacoes-de-acesso-dos-publicos-com-necessidades-especiais/>



<p>(hearing impairments)</p>	<p>Public service broadcaster (RTP): 60% of accessible programming must be scheduled between 8 a.m. and 12 p.m.</p> <p>Subtitling: <u>Channel 1</u> Recorded programmes: 25 hours/week 2022-2023, 30 hours/week 2024-2025 Live Programmes: 25 hours/week 2022-2023, 30 hours/week 2024-2025 <u>Channel 2</u> Recorded programmes: 25 hours/week 2022-2023, 30 hours/week 2024-2025 Live Programmes: 15 hours/week 2022-2023, 14 hours/week 2024-2025 <u>News and Regional Channels</u> Two hours/week pre-recorded either/or/and four hours live programming (combining the two is permitted to meet the obligation) 2022-2025 Sign language: <u>Channel 1</u> 17 hours/week, including one news service 2022-2023, 20 hours/week 2024-2025 <u>Channel 2</u> 14 hours/week 2022-2023, 20 hours/week 2024-2025 <u>News and Regional Channel</u> 10 hours/week including one news service 2022-2025</p> <p>Free-to-air private broadcaster: 60% of accessible programming must be scheduled between 8 a.m. and 12 p.m.</p> <p>Subtitling: 20 hours/week 2022-2023, 22 hours/week 2024-2025 Sign language: 10 hours/week, including one news service 2022-2023, 12 hours/week 2024-25, also providing such on website at a proportion of one quarter of the screen.</p> <p>Subscription private broadcaster: 60% of accessible programming must be scheduled between 8 a.m. and 12 p.m.</p> <p>Subtitles: 2 hours/week 2022-2025 Sign language: 6 hours/week 2022-2025</p> <p>VOD service providers with revenue >EUR 2 Million are to present plans to the ERC to progressively incorporate accessibility tools in their catalogues, particularly subtitling, sign language and audio description.</p>
<p>Accessibility measures (visual impairments)</p>	<p>Yes.</p> <p>Public service broadcaster (RTP): 60 % of accessible programming must be scheduled between 8 a.m. and 12 p.m.</p> <p>Audio description: <u>Channel 1</u>: 20 hours/trimester 2022-2025 <u>Channel 2</u>: 6 hours/trimester 2022-2025</p> <p>Private broadcaster: 60 % of accessible programming must be scheduled between 8 a.m. and 12 p.m. (free-to-air)</p>



	Audio description: 5 hours/trimester 2022-2025
Accessibility measures developed by self- or co-regulatory process	Yes – only for VOD providers, ²⁸³ although the ERC must consult with stakeholders prior to developing a multi-year regulatory plan.
Reporting to the NRA – frequency	Yes, quarterly for linear services and semi-annually for VOD services.
Designated point of contact for information and complaint	Yes. The ERC website is designated as the point of contact for the provision of information and for receiving complaints.

4.24.4. Law in practice: selected examples²⁸⁴

4.24.4.1. Public service broadcaster: RTP

In 2021 public service broadcast channels RTP1 and RTP2 provided 20 hours/week of subtitled content, and 12 hours/week of sign language interpretation. Audio description is reported at 70 hours per year for RTP1 and 20 per year for RTP2.²⁸⁵ The VOD affiliated with the public broadcaster provides subtitles, sign language interpretation, audio description, spoken subtitles and teletex.²⁸⁶

In 2022²⁸⁷ public service broadcast channels RTP1 and RTP2 provided 25 hour/week of subtitled content and 25 hour/week (RTP1) or 15 hours/week (RTP2) in live television programmes, as well as 17 hours/week of sign language interpretation for RTP1 and 14 hours/week for RTP2. They also have to adopt a dimension of sign language interpreter not less than one fifteenth.

In audio description, the obligations increased to 20 hours/quarterly (RTP1) and 6 hours/quarterly (RTP2).

4.24.4.2. Private broadcasters: SIC and TVI

In 2021, free-to-air private broadcasters SIC and TVI provided 18 hours/week of subtitling, and 8 hours/week of sign language interpretation, as well as 12 hours/year of audio

²⁸³ https://www.cm-tv.pt/SinalizacaoDeEmissao_CMtv.pdf

²⁸⁴ Examples as provided by the national expert.

²⁸⁵ <https://www.flipsnack.com/ercpt/acessibilidade-dos-servi-os-de-programas-televisivos-em-2021/full-view.html>

²⁸⁶ <https://www.rtp.pt/wportal/acessibilidades/>

²⁸⁷ <https://www.erc.pt/pt/estudos/acessibilidades/acessibilidade-dos-servicos-de-programas-televisivos-em-2022/>



description. The SIC affiliated VOD platform OPTO does not provide information about accessibility measures.

In 2022,²⁸⁸ free-to-air private broadcasters SIC and TVI provided 20 hours/week of subtitling and 10/hours/week of sign language interpretation, with a dimension of sign language interpreter not less than one fifteenth. For audio description, the obligation increased to 5 hours/quarter.

The SIC affiliated VOD platform, OPTO and the TVI affiliated VOD platform, TVI Player, already provide information.

4.24.4.3. Private news broadcasters

In 2021 subscription private news broadcasters, Porto Canal, CMTV, SIC Notícias and CNN Portugal all provided three hours per week of sign language interpretation.²⁸⁹

In 2022,²⁹⁰ subscription private news broadcasters, Porto Canal, CMTV, SIC Notícias and CNN Portugal had to provide two hours/week of subtitled content or four hours/week in live television programmes and six hours per week of sign language interpretation, with a dimension of sign language interpreter not less than one fifteenth.

²⁸⁸ Ibid. [9]

²⁸⁹ <https://www.flipsnack.com/ercpt/acessibilidade-dos-servi-os-de-programas-televisivos-em-2021/full-view.html>

²⁹⁰ Ibid. [9]