Global Accessibility Frameworks for Streaming Media: A Comparative Analysis

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Table of Contents

1 Introduction

The emergence of streaming media has changed the way people consume information, culture, education, and entertainment. Services such as Netflix, YouTube, Disney+, Twitch, and public broadcasters' digital platforms are increasingly becoming an essential part of everyday life. However, these platforms often remain inaccessible to many individuals with disabilities, and especially those with sensory, cognitive, or motor impairments. Streaming media accessibility is not only a technological challenge but also a legal, regulatory, and ethical imperative. This report presents a comparative analysis of the international frameworks for legislation, monitoring, enforcement, and the technical standards that support the accessibility of streaming media. It is grounded in an extensive review of academic literature and legal regulations.

The primary objective is to identify effective policy instruments and regulatory approaches from a range of jurisdictions and assess how these models can inform the Canadian context. While Canada has a strong foundation in the Accessible Canada Act (ACA) and the Broadcasting Act (as amended by the Online Streaming Act), key operational and enforcement gaps remain. This report seeks to bridge those gaps by examining how other countries have implemented, monitored, and enforced accessibility requirements in the fast-evolving landscape of digital media. The structure of this report follows a detailed international jurisdictional comparison, covering legal frameworks, monitoring methods, enforcement methods, and standards for Canada, China, the European Union, Finland, France, Germany, Italy, Japan, South Korea, United Kingdom, and the United States. A comparative analysis section evaluates these systems side-by-side, followed by a set of evidence-based recommendations for improving digital media accessibility worldwide.

1.1 Document Organization

The document is organized into five major thematic areas that frame the international comparative analysis:

1. Identification of the Accessibility Problems - This section looks at the accessibility issues identified in the published literature.

2. Breakdown of the Legislative, Standards, Monitoring and Enforcement framework for selected countries.

    a. Legislative Frameworks – This reviews the legal foundations for streaming media accessibility for specific jurisdictions, including Canada, the European

Union (EU), the United States, and selected EU member states (Finland, Germany, France, Italy). Where appropriate, country-specific laws such as the European Accessibility Act (EAA), the Audiovisual Media Services Directive (AVMSD), the Americans with Disabilities Act (ADA), and the Canadian Accessible Canada Act (ACA) are examined in detail.

b. Technical Standards and Harmonization – The theme explores how countries adopt and enforce accessibility standards (e.g., WCAG 2.1, EN 301 549, BITV 2.0). It also evaluates the effectiveness of national mandates for standards compliance, particularly in relation to public sector obligations and private sector service providers.

c. Monitoring Mechanisms – The theme outlines how different jurisdictions monitor compliance, from centralized enforcement bodies (e.g., Finland's Traficom) to self-reporting and periodic audits. This includes descriptions of oversight institutions and mechanisms such as public accessibility statements, accessibility declarations, or inspection regimes.

d. Enforcement and Accountability – The enforcement landscape is analyzed by comparing penalty structures, complaint-handling systems, and judicial or quasi-judicial enforcement tools. Specific attention is paid to conditional fines, administrative monetary penalties, proactive investigations, and the role of litigation in countries like the United States.

3. Comparative Analysis - looks at the effectiveness of different policies and practices each of the countries

4. Best Practice Recommendation for Canada - recommendation for policies and practices to adopt in Canada

5. Conclusion

Each thematic section integrates cross-country comparisons, highlighting both convergence and divergence in approaches. Country-specific subsections are used within each theme to address the unique legislative, institutional, and enforcement environments in individual jurisdictions. This layered structure ensures that readers can understand both high-level trends and localized policy mechanisms.

The report concludes with a synthesis of emerging best practices from global jurisdictions and offers a set of adapted recommendations tailored to the Canadian context. These recommendations are framed within Canada's existing legal and institutional structures and identify actionable pathways for regulatory bodies such as the Canadian Radio-television and Telecommunications Commission (CRTC), the

Office of the Accessibility Commissioner, and Public Services and Procurement Canada (PSPC).

Through this structured, comparative approach, the report aims to support evidence-based policymaking and foster greater accountability, consistency, and inclusiveness in Canada's digital media landscape.

2 Definitions

2.1 General Definitions

Captions: Captions are words that appear on the screen during a video, movie, or TV show. They show what people are saying and also describe important sounds—like music, laughter, or a door slamming. Captions help people who are deaf or hard of hearing understand what's happening in the video, but they can also help anyone watching in a noisy place or learning a new language.

Captioning: Captioning is the process of adding written text to a video that shows what is being said and what important sounds are happening. It helps people understand the content if they are deaf, hard of hearing, or in a place where they cannot use sound. Captioning can include spoken words, sound effects (like [applause] or [thunder]), and music descriptions.

Sign Language: Sign language is a full and natural language that uses hand movements, facial expressions, and body language instead of spoken words to communicate. It is mainly used by people who are deaf or hard of hearing, but anyone can learn it. Different countries have their own sign languages—like American Sign Language (ASL) in the United States and Canada, and Langue des signes Québécoise (LSQ), which is Quebec Sign Language.

2.2 Streaming Media-Specific Definitions

Before defining the term "stream media", it is important to understand a number of key terms and definitions. These terms are necessary to understand the concepts of broadcasting, programming and ultimately streaming media.

2.2.1 Definition of 'Broadcasting'

"Broadcasting means any transmission of programs–regardless of whether the transmission is scheduled or on demand or whether the programs are encrypted or not–by radio waves or other means of telecommunication for reception by the public by means of broadcasting receiving apparatus but does not include any such

transmission of programs that is made solely for performance or display in a public place."[1]

"Live broadcast" refers to the real-time transmission of audio, video, or audiovisual content over a broadcasting system or digital network, such that the content is made available to the public simultaneously as it is being produced or captured, without substantial post-production delay or editing. A live broadcast is distinguished from pre-recorded or on-demand content by its immediacy, synchronous availability, and the absence of user-initiated playback control prior to the initial airing.

More specifically under the Canada regulatory content a Live broadcast" refers to the real-time transmission of a program by a broadcasting undertaking or online undertaking, such that the program is made available to the public at the same time it is being produced or captured, with no significant delay or post-production modification.

2.2.2 Definition of 'Program'

A "program" is sounds or visual images (or a combination) intended to inform, enlighten or entertain.[2]

2.2.3 Definition of 'Asynchronous'

Asynchronous video content is a type of video that you can watch whenever you want. You do not need to watch it at the same time as other people, like a live stream. This could include videos for school lessons, YouTube tutorials, or recorded meetings. It's helpful because you can pause, rewind, and watch it at your own pace, fitting it into your schedule as needed.

2.2.4 Definition of 'Streaming Media'

Streaming media typically refers to the technology and practice of delivering multimedia content, such as video and audio, over the internet, allowing users to play it in real-time without needing a full download. This technology includes a range of content types:

- Asynchronous video content

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[1] https://www.parl.ca/DocumentViewer/en/44-1/bill/C-11/royal-assent

[2] Department of Justice. "**Broadcasting Act S.C. 1991, c. 11** Assented to 1991-02-01". https://laws-lois.justice.gc.ca/eng/acts/b-9.01/FullText.html?wbdisable=true&utm_source=chatgpt.com

    - Movies and TV shows
    - Video broadcasters such as Vimeo, YouTube, BiliBili (an Asian streaming service) or Redbull TV (or other)*
- Live video broadcasts
    - Live streams on social media (as seen on Facebook, YouTube)
    - Gaming and eSports live streams (as seen on Twitch)
- Live video with audience participation
    - Live streams on social media (as seen on Instagram, Facebook, TikTok, or Twitch)*
        - Modern streaming technologies also support interactive real-time experiences. Some examples of this interactivity include:
            - Live commenting/chatting
            - Live reactions (buttons with emojis, e-gifts)
            - Interactive elements such as polling or choosing narrative elements
- Asynchronous audio broadcasts (such as Spotify, Apple Music, etc.)
    - Music
    - Podcasts
- Live audio broadcasts
    - Twitter/X Spaces
    - Internet radio

The scope of streaming media regarding accessibility extends to the various devices and user interfaces that enable access to streaming content. This includes:

- Mobile devices
- Set-top boxes
- Dongles
- Smart TVs

- Browser-based video players
- Control interfaces (including remote controls, mobile apps including accessibility apps, voice commands, on-screen menus, etc.)
- Digital rights management

2.2.5 Definitions of 'Video-on-Demand' and 'Live Streaming'

Video-on-Demand (VOD) is a type of streaming that delivers pre-recorded video content stored on servers, allowing users to access and watch this content at their convenience on their own schedule. As a form of streaming, VOD gives viewers full control over their viewing experience, enabling them to pause, rewind, fast-forward, and watch content whenever they choose.

The key insight is that streaming is the broader category encompassing different methods of delivering video content over the internet. Within this category, VOD represents one type of streaming focused on pre-recorded content, while live streaming represents another type that delivers content in real-time as events happen.

The fundamental difference between these two types of streaming comes down to timing and control. VOD streaming offers flexibility to watch, pause, and rewind recorded content anytime, providing users with complete control over when and how they consume media. This pre-recorded content sits on servers waiting to be accessed whenever viewers desire. Examples include watching movies on Netflix or accessing archived webinars on YouTube.

Live streaming, by contrast, represents real-time broadcasting of events as they unfold, offering viewers a sense of immediacy and the experience of witnessing something as it happens. With live streaming, viewers must tune in during the actual broadcast and have limited control over playback, though they may pause briefly, they typically cannot rewind to earlier portions.

Both VOD and live streaming share the same underlying streaming media infrastructure for content delivery, but they provide fundamentally different viewing experiences based on whether the content is pre-recorded and available on-demand, or happening live in real-time.

2.2.6 Definition of 'Online Streaming Services'

The Canadian Radio-Television and Telecommunications Commission (CRTC) uses the term "online undertaking" to refer to online streams. The two terms "streaming

media" and "online undertaking" will be used interchangeably in this document. Other countries will have different terms for streaming media like Canada. The United Kingdom for example used the term "video-on-demand". To keep it simple the term "streaming media" will normally be used, but in cases where the authors are referring to Canada, often the term "online undertaking" may be used. The authors are deferring to the CRTC definition. Where the scope and depth of the definition varies for other countries, the authors will point it out. The variations on the definitions are usually by country or for a political regions like the European

'Online streaming services' are platforms that, according to the CRTC, "operate in Canada; offer broadcasting content; and earn $10 million or more in annual broadcasting revenues"[3]. "Sources of revenue include:

- Licensed broadcasting activities (for example, licensed radio and television services);
- Streaming of online programming in Canada (for example, subscription revenues);
- Subscription and advertising revenues collected by social media services;
- Other revenues, such as donations and government appropriations;
- Revenue generated from a podcast service (excludes revenue earned by a user who has created content and uploaded it to a social media service); and
- Selling or leasing of software or hardware that is essential to access online programming."[4]

"Revenue generated from the following are excluded from the total:

- Providing video game services;
- Providing audiobook services; and

[3] https://crtc.gc.ca/eng/industr/modern/registr.htm

[4] https://crtc.gc.ca/eng/industr/modern/registr.htm#:~:text=Sources%20of%20revenue%20include%3A

- Broadcasting activities by traditional services exempt from holding a licence."[5]

Online streaming services that are technically exempted as such if they include the following:

- "They operate an online audio or video service that alone, or if it forms part of a group of broadcasting services, earn less than $10 million in broadcasting revenues in Canada;
- They upload content only on social media; or
- The sole purpose of their service consists of providing:
    - Video game services; or
    - Audiobook services."[6]

2.2.7 Definition of 'Broadcast Content'

The CRTC defines 'broadcast content' as follows:

"Broadcast content can be audio programs or audiovisual programs that are intended to inform, enlighten or entertain. Content can be offered online in a number of ways, for example, through:

- Streaming services;
- Social media;
- Subscription television services available online;
- Radio stations that live stream over the internet;
- Podcasts (free or paid subscription); or
- Unique transactions that allow the user to stream or download content."[7]

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[5] https://crtc.gc.ca/eng/industr/modern/registr.htm#:~:text=access%20online%20programming.-,Excluded%20revenue,-Revenue%20generated%20from

[6] https://crtc.gc.ca/eng/industr/modern/registr.htm#:~:text=on%20registration%20requirements.-,Exemptions,-Online%20streaming%20services

[7] https://crtc.gc.ca/eng/industr/modern/registr.htm#:~:text=2.%20Offer%20broadcasting%20content

2.2.8 Definition of 'Online Undertaking'

An "online undertaking" is defined as an undertaking that transmits or retransmits programs over the internet to the public via broadcasting receiving apparatus.

3 Literature Review

3.1 Introduction

Streaming media has changed the way people watch videos, listen to music, and interact with content online. Instead of downloading entire files, viewers can now watch or listen instantly on platforms like YouTube, Netflix, Spotify, and Twitch. As these services become more common, it is important to think about whether everyone, including people with disabilities, can use them easily. To lay the groundwork for this literature review, it was essential to consider the many aspects of streaming media accessibility. Firstly, the media itself must be accessible. Features such as captions and Sign Language interpretations for people with hearing loss and audio descriptions of screens for people who have vision loss. Secondly, streaming media is now available and broadly adopted across a variety of hardware, including smartphones, tablets,computers, smart TVs, and Specialized set-top boxes. Each of these devices introduce unique user interfaces and accessibility challenges.

To establish a rigorous foundation for understanding the current state of knowledge on the accessibility of streaming media, this section presents the results of a structured literature review. The objective of this review is to identify scholarly work, technical reports, standards documents, and policy analyses that evaluate how streaming media platforms, both live and on-demand, support or hinder access for persons with disabilities. This literature review is situated within a broader research effort aimed at identifying practical, regulatory, and technical barriers to accessibility, as well as emerging solutions, frameworks, and stakeholder responsibilities.

3.2 Research Methodology

The literature review was conducted using a structured search strategy across academic databases, government publications, and policy documents. The goal was to identify legislation, regulatory frameworks, and scholarly analyses relevant to accessibility in streaming media.

3.2.1 Search Strategy

A set of core keywords was developed to capture the breadth of relevant terminology. For the concept of streaming media, search terms included "streaming

media," "OTT platforms," "video-on-demand," and "digital streaming." For accessibility, terms such as "accessibility," "disability access," "WCAG compliance," and "inclusive design" were applied. To capture the policy and regulatory dimension, additional terms such as "legislation," "regulation," "policy," "law," and "directive" were used.

3.2.2 Databases and Resources

Searches were carried out in multidisciplinary academic databases (e.g., Google Scholar, Scopus), legal and policy databases (e.g., government websites, EU and other jurisdictions' legislation archives), and specialized accessibility resources (e.g., W3C, Level Access, ITU publications). Grey literature, including NGO reports and consultation documents, was also reviewed to account for emerging practices not yet covered in scholarly work.

3.2.3 Selection Criteria

Sources were included if they addressed:

- Accessibility barriers in streaming or digital media for people with disabilities;
- National or international legislation or regulatory frameworks governing streaming media accessibility;
- Technical accessibility standards (e.g., WCAG, EN 301 549, ITU H.702); Comparative analyses of accessibility practices across jurisdictions.

Sources that focused exclusively on unrelated digital accessibility domains (e.g., only web design without connection to streaming or audiovisual services) were excluded.

3.2.4 Synthesis Approach

Findings were organized thematically around (1) legal and policy frameworks, (2) technical standards, (3) monitoring and enforcement mechanisms, and (4) identified best practices and gaps. Jurisdiction-specific subsections (e.g., Canada, United States, EU, Japan, etc.) were then developed to provide comparative insights.

3.3 Key Findings of Accessibility Studies

The literature shows studies that have looked at the accessibility of streaming media from the perspective of the content, the delivery system (web, app, set-top box/dongle to TV), and the streaming media hardware itself. The accessibility of streaming content (captions, descriptions) has received the most attention. There are

only a handful of integrated, empirical studies that span all three domains: content, delivery system, and hardware. There is a clear gap in interdisciplinary and cross-platform studies that holistically assess whether users with disabilities can equitably access streaming media from end to end. End to end refers to the ability to fully control all aspects of the system from selection and navigation to playback and personalization of the user experience across devices and interfaces.

A lot of the stream media suppliers are international in scope. Companies like Amazon, Netflix and Disney provide content in many countries. As a result the evaluations in regards to accessibility performed in other countries typically apply to the Canadian experience. The most notable report is by Ofcomin in the United Kingdom. A report is produced each year and focuses on a different topic areas of communications. The November 2023 report examined accessibility on streaming media, particularly video-on-demand (VoD), in Ofcom's Access Services Report.[8] Ofcom, the UK's communications regulator, is responsible for monitoring and reporting on how both linear broadcasters (traditional TV) and VoD providers meet accessibility requirements such as subtitles, audio description, and signing. The Ofcom Access Services Report provides statistics, compliance data, and an analysis of progress on making streaming and broadcast content accessible to audiences with hearing or visual impairments.

This report has served as the central source of evidence on the state of accessibility across the UK media landscape. It details which streaming media services have implemented subtitles, signing, and audio description, compares progress against regulatory requirements, and discusses challenges and improvements across the sector. Notably, the UK government is in the process of strengthening requirements for streaming services, with recent legislative changes mandating more robust accessibility targets and annual reporting from VoD providers to Ofcom. This ensures that continual monitoring and improvement in accessibility remains a regulatory focus, and that comprehensive annual reporting will continue well into the future.

One of the key findings of the report was that while streaming media viewing has rapidly grown among UK households, Streaming Media services lag behind traditional linear (simultaneous) broadcasters in offering accessibility supports such as captioning, audio description, and sign-language interpretation, despite no equivalent statutory obligations under current regulations. Note that the bar for traditional

[8] Ofcom. "Video-on-Demand Accessibility Report". November 2023. https://assets.publishing.service.gov.uk/media/654118d79e05fd000dbe7ad4/VoD_Accessibility_Impact_Assessment_-_Published_Version__2_.pdf

broadcast for captioning, audio description, and sign-language interpretation can be quite low for some services.

Under the Communications Act 2003 (and earlier Broadcasting Acts), UK television broadcasters are legally obligated to provide access services (subtitling, audio description, and sign-language interpretation) on a defined proportion of their linear programming.[9] Most commercial channels must subtitle at least 80 % of their programming by the tenth anniversary of launch of the Act (2013). Some broadcasters in the United Kingdom are required to exceed the mandatory minimums. Channel 3 services (ITV, STV, UTV) and Channel 4 face a more exacting target of 90 % subtitling. The BBC (excluding BBC Parliament) is required to subtitle 100 % of its broadcast output.[10] Licensed channels must provide at least 10 % of their programming with audio description. In practice, major broadcasters such as BBC, ITV, Channel 4, and Sky have voluntarily extended this to approximately 20 % or more, indicating commitment beyond the statutory minimum.[11] Sign-interpreted programming must comprise at least 5 % of content by the tenth anniversary for most channels. Smaller channels (with low audience share) may be excluded from the 5 % quota, but are nevertheless subject to alternative requirements, such as showing a minimum monthly amount of signed programmes or making financial contributions to approved arrangements, as specified in Ofcom guidance.[12]

Ofcom's 2022 Access Services Report found only about 82% of responding streaming media providers offered subtitles, 22 % offered audio description, and merely 14 % offered signing. This is a stark contrast to broadcast TV, where access services are statutory and coverage is nearly universal. There has been some incremental improvement over time, but audio description is declining (from ~27% in 2021 to ~22% in 2022), and signing remains minimal, often around 1–2% of content, showing little real change in provision over the years. Given that around 87,000 UK

[9] https://www.ofcom.org.uk/__data/assets/pdf_file/0022/229045/Annex-4-Communications-Act-2003-c-21-downloaded-April-2021.pdf

[10] Ofcom. "Television channels required to provide access services in 2025". https://www.ofcom.org.uk/siteassets/resources/documents/tv-radio-and-on-demand/broadcast-guidance/list-of-channels-2025.pdf

[11] Ofcom. "Television channels required to provide access services in 2025". https://www.ofcom.org.uk/siteassets/resources/documents/tv-radio-and-on-demand/broadcast-guidance/list-of-channels-2025.pdf

[12] Ofcom. "Television channels required to provide access services in 2025". https://www.ofcom.org.uk/siteassets/resources/documents/tv-radio-and-on-demand/broadcast-guidance/list-of-channels-2025.pdf

residents use sign language as a first language, subtitles alone are inadequate to meet their full accessibility needs. The assessment emphasises a market failure: streaming media providers lack commercial incentives to produce access services; these entail cost, but do not meaningfully affect subscriber numbers, and voluntary provision is inconsistent.

The Ofcom report is supported by other academic studies that highlight the lack of accessibility in the media itself and fill in the gaps in the regards to the delivery mechanism for the content and the supporting hardware (dongle, set top boxes and remote controls) that are part of the eco-system. A 2025 published study evaluates the web accessibility of four popular online video platforms in Austria: Amazon Prime Video, Disney Plus, Netflix, and YouTube.[13] The study looked at their use on desktop web versions and mobile apps.

The evaluation involved two phases: an automated test using the WAVE evaluation tool and a manual examination based on a checklist of 53 criteria grounded in WCAG 2.1. All platforms fell short of Level AA compliance that is typically mandated for government websites and services. The analysis revealed significant accessibility issues across all platforms, particularly keyboard navigation, color contrast, responsive content, screen reader compatibility, and media alternatives. Many problems were device-independent, highlighting the need for improvement. Even Disney+, which was the worst, missed 38 criteria; Amazon Prime Video missed 25, Netflix 29, YouTube 33. The large number of deficiencies suggests further research for a deeper evaluation of content and additional devices was necessary and the constant monitoring is required.

Interestingly a 2023 study looked at the accessibility of content creation tools for people who are deaf or hard-of-hearing (DHH).[14] They conducted semi-structured interviews with DHH streamers to learn why they livestream, how they navigate livestream platforms and related challenges. The findings revealed their desire to break the stereotypes towards the DHH groups via livestream and the intense interplay between interaction methods, such as sign language, texts, lip language, background music, and viewer characteristics. Major accessibility challenges include the lack of real-time captioning, the small sign language reading window, and misinterpretation of sign language.

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[13] Philipp Michtner & Robert F. J. Pinzolits. “Web accessibility gaps in online video platforms: video services ahead of the European Accessibility Act (EAA)”. April 29 2025. https://link.springer.com/article/10.1007/s10209-025-01219-1?

[14] Beiyan Cao, Changyang He, Muzhi Zhou, Mingming Fan. “Sparkling Silence: Practices and Challenges of Livestreaming Among Deaf or Hard of Hearing Streamers”. February 2023. https://arxiv.org/abs/2302.14682

The study presented design considerations for improving the accessibility of the livestream platforms. While out of scope for the discussion in this paper since these content creators typically generate less than $10 million in revenue, the threshold for regulation in Canada by the CRTC, it is interesting to note that it is just as important to make available the tools to create accessible content to creators. They are currently limited, so even if they want to create accessible content there are barriers. Viewing streaming media content in an accessible manner is only one side of the issues that need to be addressed.

Other studies show there are consistent accessibility gaps. Across both U.S. and EU contexts, even major platforms fail to fully meet WCAG success criteria (keyboard operability, contrast, correct focus order, media alternatives).[15] Another study demonstrated that audio description was inconsistent, even on services that offer it, so viewers who have vision loss often complain of spotty availability, as in Netflix's Black Mirror season missing description tracks.[16]

Additionally, a more recent study found that advertising content (e.g., TV ads, CTV) is even less accessible: a June 2025 global study found only 10 % include captions or audio description, despite user preferences and effectiveness gains (8 % recall lift, 18 % brand linkage).[17] The accessibility of advertisements extends beyond traditional broadcast as those same advertisements are often re-used for streaming media. In addition there are streaming media specific advertisements. Streaming media advertisements are often platform-specific. This specificity arises from the platform's control over user data, ad tech, and distribution. Ads are dynamically tailored to the audience and content on a given platform, often with exclusive campaigns or ad formats not shared with others.

> *"Streaming services like Hulu are pioneering interactive ad formats that allow users to make choices about which ads they want to watch, potentially*

[15] "Web accessibility gaps in online video platforms: video services ahead of the European Accessibility Act (EAA)". https://link.springer.com/article/10.1007/s10209-025-01219-1

[16] The Gaurdian. "I have to ask my girlfriend to narrate': is TV failing visually impaired people?". https://www.theguardian.com/tv-and-radio/2020/apr/24/i-have-to-ask-my-girlfriend-to-narrate-is-tv-failing-visually-impaired-people

[17] George Winslow. "Study: Only 1 in 10 TV Ads Use Accessibility Features". June 20, 2025. https://www.tvtechnology.com/news/study-only-1-in-10-tv-ads-use-accessibility-features

increasing ad effectiveness through engagement." [18]

The following section gives a brief overview of some of the key issues encountered by specific disability groups. This paper will not dive deep into the specific issues and the ways to address them. That is being left to a companion report to this paper. Rather it is intended to provide an overview of the issues, so the discussion about the legislative, monitoring and enforcement aspects of the discussion can be put into context. As mentioned previously in this section the accessibility considerations span the media itself, the delivery mechanisms and the supporting hardware. Each of these dimensions have to be considered in the legislation, monitoring and enforcement processes. The legislation needs to be broad enough in scope and detailed enough in depth to provide a regulatory framework to monitor each of these areas of the eco-system and provide the powers to appropriately enforce accessibility requirements in these areas.

3.4 People with Vision Disabilities

Users with vision disabilities often encounter multiple interface design barriers. These include non-labelled buttons, images without alternative text, and dynamic menus that are not compatible with screen readers. The absence of keyboard navigation options and inaccessible media players makes it difficult or impossible for screen reader users to navigate platforms independently. Another key issue is the limited availability of audio descriptions, which are essential for providing contextual information in visual media. Even when such features are present, they may be difficult to locate or activate due to poor user interface design.[19]

3.5 People with Hearing Disabilities

A significant barrier for Deaf and hard-of-hearing users is the inconsistent implementation and quality of captioning across streaming services. Captions may be unavailable for some content, inaccurately transcribed, poorly timed, or placed in a way that obstructs visual content. In addition, while sign language interpretation is vital for many users, it is rarely integrated into on-demand or livestreaming services.

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[18] (Napoli, P. M. (2022). "Audience marketplace evolution in the streaming video era.Journal of Media" Business Studies, 19(1), 1–17.)

https://doi.org/10.1080/16522354.2021.2009017

[19] Katie Ellis, Gwyneth Peaty et al. (ACCAN). "Audio Description in Australia: Final Report (2019)". ACCAN (Australian Communications Consumer Action Network).

Few platforms support user customization of captions (e.g., font size, color, background), limiting usability.[20] [21]

3.6 People with Cognitive Disabilities

Streaming interfaces often feature complex navigation structures, moving graphics, or excessive choices that overwhelm users with cognitive or intellectual disabilities. Cognitive load is further increased by inconsistent page layouts, poorly grouped menu options, or the lack of visual aids and simplified language. Research indicates that these users benefit from content chunking, consistent interaction patterns, and plain language support, yet these features are rarely implemented in mainstream streaming services.[22] [23] [24] [25]

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[20] Scope. "Video on-demand streaming and accessibility: Survey feedback". June 23 2020. https://business.scope.org.uk/video-on-demand-streaming-and-accessibility-the-big-hack-survey-feedback/?utm_source=chatgpt.com.

[21] Mariana Arroyo Chavez, Molly Feanny, Matthew Seita, Bernard Thompson, Keith Delk, Skyler Officer,Abraham Glasser, Raja Kushalnagar, Christian Vogler. "How Users Experience Closed Captions on Live Television: Quality Metrics Remain a Challenge". https://arxiv.org/abs/2404.10153.

[22] Merve EkinKrzysztof KrejtzKrzysztof KrejtzCarlos DuarteCarlos DuarteShow all 6 authorsIzabela KrejtzIzabela Krejtz. "Impact of web accessibility on cognitive engagement in individuals without disabilities: Evidence from a psychophysiological study" . July 2025. https://www.researchgate.net/journal/PLOS-One-1932-6203/publication/394114665_Impact_of_web_accessibility_on_cognitive_engagement_in_individuals_without_disabilities_Evidence_from_a_psychophysiological_study/links/688a63feab735f1b4c203059/Impact-of-web-accessibility-on-cognitive-engagement-in-individuals-without-disabilities-Evidence-from-a-psychophysiological-study.pdf?origin=publicationDetail&_sg%5B0%5D=zXGeMPMh4KgDZbGzOszdmYOsJ_QzmgIBm9cGey-IAG8uSiS_B9zq7dMptwyCg9akWE0sZZxzhImgsTz3xxH1Pg.aWQ6jzPzQBfWthBkGAdrMIhz9GHc3Zuvf2VUPK_rFQIdku5sEmAcZ6xcLQsXZmhJ5Thrw9-LGoMwRpeckFMGmA&_sg%5B1%5D=06bSrL1ARu3PXXSfTN7KP7kFUAt_aLVZ1zXkEUPXRmd68pRWXRofEhzolZE-zzKcFC_2Kz07-YyL9imj2ysq1dGBL5HFGjYGVIahFhBiN2Zh.aWQ6jzPzQBfWthBkGAdrMIhz9GHc3Zuvf2VUPK_rFQIdku5sEmAcZ6xcLQsXZmhJ5Thrw9-LGoMwRpeckFMGmA&_iepl=&_rtd=eyJjb250ZW50SW50ZW50IjoibWFpbkl0ZW0ifQ%3D%3D&_tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6InB1YmxpY2F0aW9uIiwicGFnZSI6InB1YmxpY2F0aW9uIiwicG9zaXRpb24iOiJwYWdlSGVhZGVyIn19

[23] "Cognitive Load in UX: The Hidden Factor Affecting User Engagement". June 2025. https://www.thealien.design/insights/cognitive-load-in-ux-design

[24] Worldwide Web Consortium. "Making Content Usable for People with Cognitive and Learning Disabilities". March 27 2025. https://w3c.github.io/coga/content-usable/

[25] Amin Forootan. "Empowering Agentic Non-Visual Web Navigation Through Tactile Controls and AI Support". https://openresearch.ocadu.ca/id/eprint/4779/7/Empowering%20Agentic%20Non-

3.7 People with Motor or Speech Disabilities

Users with limited dexterity face difficulties with streaming services that require precise mouse control or gestures. Many interfaces do not support alternative input systems such as switch control, eye tracking, or speech-to-text, creating significant barriers to access. For users with speech disabilities, voice-controlled features can become exclusive rather than inclusive, if no alternatives are provided. Long navigation paths, small clickable areas, and lack of support for keyboard-only navigation further restrict usability.[26] [27]

3.8 Cross-Cutting Themes and Structural Challenges

- **Inconsistent Standards**: Across services and jurisdictions, the implementation of accessibility standards (like WCAG) is inconsistent. Many services apply basic accessibility features only to desktop platforms, neglecting mobile apps or smart TVs.
- **Technological Incompatibility**: Assistive technologies like screen readers, magnifiers, or voice navigation often face compatibility issues with dynamic content delivery formats such as DRM-protected video or proprietary streaming protocols.
- **Limited Legislative Reach**: Most laws apply only to broadcasters or services funded by public resources. User-generated content platforms, livestreaming services, and newer VOD providers often fall outside regulatory mandates.
- **Socioeconomic Barriers**: Cost remains a major concern. Assistive technology, high-speed internet, and compatible devices are often prohibitively expensive for many users with disabilities, limiting their access to digital content.

The accessibility of streaming media remains a pressing unaddressed issue around the world. It is due to systemic, technical, and socioeconomic barriers. These barriers persist despite the growth of accessibility standards and legal frameworks intended to ensure equal access for all users, including people with disabilities. Below, each of the

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Visual%20Web%20Navigation%20Through%20Tactile%20Controls%20and%20AI%20Support-Amin%20Forootan.pdf.

[26] Daihua Yu, Bambang Parmanto , Brad Dicianno ." An mHealth App for Users with Dexterity Impairments: Accessibility Study". https://pmc.ncbi.nlm.nih.gov/articles/PMC6329431/

[27] Gregg Vanderheiden, Crystal Yvette Marte ." Will AI allow us to dispense with all or most accessibility regulations?". https://pmc.ncbi.nlm.nih.gov/articles/PMC11414827/

key challenges is explored in greater detail, with references to relevant research and policy analyses.

3.8.1 Inconsistent Standards and Fragmented Implementation

One of the most persistent challenges is the inconsistent application of digital accessibility standards across platforms and across jurisdictional boundaries. While the Web Content Accessibility Guidelines (WCAG), developed by the World Wide Web Consortium (W3C), are widely recognized as the international benchmark for digital accessibility, their implementation is uneven. Many streaming services implement accessibility features (e.g., keyboard navigability, closed captions, or text alternatives) primarily for desktop websites, leaving mobile apps, smart TVs, gaming consoles, and other connected devices significantly underserved.[28] For instance, a study by Scope[29] found that users frequently encounter significant accessibility limitations when accessing services via smart TVs, where screen reader support and navigational consistency are often absent.

Some countries and regions have turned web accessibility guidelines, like the Web Content Accessibility Guidelines (WCAG), into official rules. For example, the United States uses Section 508, and the European Union uses a standard called EN 301 549. Both either refer directly to WCAG or use specifications derived from WCAG. But the way these rules are enforced, and the deadlines companies have to follow to achieve compliance, can vary a lot depending on where you are.[30] [31] Because of this, big international streaming companies often focus on meeting accessibility rules only in places where the laws are stricter or have bigger penalties. In other areas, they may not make the same effort, which means people with disabilities in those regions might not get the accessibility features they need. Even when companies do follow the rules,

[28] Elizabeth Ellcessor (2016) — Restricted Access: Media, Disability, and the Politics of Participation. https://nyupress.org/9781479853434/restricted-access/

[29] Scope (2020) — "Accessibility and video on-demand streaming services"

URL: https://business.scope.org.uk/businesscase/streaming/

[30] Paul T. Jaeger. “Disability and the Internet: Confronting a Digital Divide” London: Lynne Rienner Publishers, 2012.. https://www.journals.uchicago.edu/doi/10.1086/665938

[31] Fredericka Argent. “European Accessibility Act: June 2025 deadline has arrived”. https://www.globalpolicywatch.com/2025/06/european-accessibility-act-june-2025-deadline-has-arrived/

problems can still happen. For example, when a streaming service updates its user interface that the users see or the technology behind it, they do not always check if those changes still work well with assistive technology (AT) like screen readers. This can make the service harder to use for people who rely on those technologies. This can create a step backward for people with disabilities.

3.8.2 Limited Technological Incompatibility with Assistive Technologies

Streaming media often relies on complex content delivery systems, including Digital Rights Management (DRM), adaptive streaming protocols, and proprietary interfaces, which frequently disrupt compatibility with assistive technologies. For example, dynamic elements in video players (e.g., auto-hiding controls, overlays, and ads) are often inaccessible to screen readers, which struggle to interpret or interact with such elements (Gonzales et al., 2022). Similarly, voice control systems can falter when navigating streaming services that lack clearly defined and semantically labeled user interface elements.

In particular, DRM technologies, designed to protect copyrighted content, may interfere with screen magnifiers or prevent caption overlays from functioning correctly.[32] [33] These issues are compounded by the lack of open documentation or accessibility APIs (application programming interfaces) for many proprietary streaming platforms, which hinders third-party developers from creating accessible workarounds. While standards like the Accessible Rich Internet Applications (ARIA) specification in the WCAG offer partial solutions for labeling and navigation, their adoption within video-centric environments remains limited. [34]

3.8.3 Limited Legislative Reach and Regulatory Gaps

One major problem with accessibility laws is that they often only apply to a small group of media companies (limited scope), usually public broadcasters or those that are heavily regulated. This means that many popular streaming platforms, such as YouTube (where users upload their own videos), Twitch (a livestreaming service), and

[32] Joe Clark. "Accessibility implications of digital rights management". https://joeclark.org/access/resources/DRM.html?utm_source=chatgpt.com

[33] Ramya Venkitesh. "Digital Publishing – Accessibility Issues in DRM". https://247accessibledocuments.com/digital-publishing-accessibility-issues-in-drm/?utm_source=chatgpt.com

[34] "Help-Seeking Situations Related to Visual Interactions on Mobile Platforms and Recommended Designs for Blind and Visually Impaired Users". https://pmc.ncbi.nlm.nih.gov/articles/PMC11355365/

many international streaming media services, do not have to follow the same accessibility rules. As a result, a large part of the online video world is not required by law to make its content accessible to people with disabilities.

Even when accessibility guidelines do exist, they are often optional or not strictly enforced. For example, in the United States, the Communications and Video Accessibility Act (CVAA) requires captions for some TV and streaming content, but it does not cover all online videos or livestreams. In Europe, the European Accessibility Act does include requirements for media companies, but how those rules are enforced depends on the country.

Also, many types of content, like peer-to-peer videos or social media streams, are not included. [35] In Canada, laws like the Accessible Canada Act (ACA) and the Online Streaming Act (Bill C-11) are steps in the right direction. However, they mostly focus on traditional broadcasters or licensed platforms, not newer digital-only services. [36] For example, while the U.S. Communications and Video Accessibility Act (CVAA) mandates captioning for certain televised and streamed content; it currently does not apply to all online video or livestreams.

Similarly, the European Accessibility Act includes obligations for media providers, but enforcement mechanisms vary by member states and typically exclude peer-to-peer or social video platforms. [37]

Because of these gaps in the law, many content creators and companies do not have to follow accessibility rules unless they are part of a regulated system. This means that even if we have good technical standards for accessibility, lots of videos and streaming platforms are not required to use them, especially if they are outside the world of public broadcasting. This is especially true in Europe and the United Kingdom

[35] "European Accessibility Act". https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/disability/union-equality-strategy-rights-persons-disabilities-2021-2030/european-accessibility-act_en.

[36] Government of Canada. Online Streaming Act (Bill C-11). Available at: https://www.canada.ca/en/canadian-heritage/services/modernization-broadcasting-act.html

[37] "European Accessibility Act". https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/disability/union-equality-strategy-rights-persons-disabilities-2021-2030/european-accessibility-act_en.

when there are public and private broadcast systems and differences of compliance with accessibility regulation in the two systems.[38]

3.8.4 Socioeconomic Barriers and the Cost of Access

Some of the biggest barriers to accessible streaming are not just about technology or laws; they are also about money. Many people with disabilities live in rural areas, Indigenous communities, or low-income neighborhoods where high-speed internet can be too expensive or simply not available. This is a problem in both rich and poor countries.[39] On top of that, the devices needed to watch streaming content (e.g., smart TVs, tablets, or newer smartphones) can cost more than people living on disability support or fixed incomes can afford.[40]

Another challenge is the high cost of assistive technologies. These are special tools that help people with disabilities use computers and access online content. For example, screen readers like JAWS, Braille displays, or communication devices for people who are non-verbal can cost thousands of dollars. Unfortunately, many of these tools are not covered by public health plans or private insurance.[41] [42] While there are free or low-cost alternatives (e.g., NVDA screen reader), they do not always work with all devices or streaming apps.

4 Framework for Cross-National Comparison

This section presents a comparative overview of national legal, regulatory, standards, monitoring, and enforcement frameworks governing the accessibility of streaming media and related digital services for persons with disabilities. The aim is to

[38] European Accessibility Act". https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/disability/union-equality-strategy-rights-persons-disabilities-2021-2030/european-accessibility-act_en

[39] International Telecommunication Union (ITU). (2021). Measuring digital development: Facts and figures 2021. Geneva: ITU. Available at: https://www.itu.int/en/ITU-D/Statistics/Documents/facts/FactsFigures2021.pdf.

[40] Dobransky & Hargitta. "The disability divide in internet access and use". 2006. Information Communication and Society. https://www.academia.edu/47333133/Kerry_Dobransky_and_Eszter_Hargittai_The_Disability_Divide_in_Internet_Access_and_Use?sm=b.

[41] Elizabeth Ellcessor. "Restricted Access: Media, Disability, and the Politics of Access (2016)". https://nyupress.org/9781479853434/restricted-access/.

[42] Gerard Goggin, Christopher Newell," The Business of Digital Disability: The Information Society". https://archive.org/details/digitaldisabilit0000gogg_l5i6/page/n7/mode/2up

provide a structured, in-depth understanding of how different countries are implementing accessibility in the context of digital transformation, audiovisual media, and inclusive communication technologies.

Each country-specific subsection—covering **Canada, China, the European Union, Finland, France, Germany, Italy, Japan, South Korea, the United Kingdom, and the United States**—follows a consistent structure to allow for systematic comparison across jurisdictions. This uniform structure includes information outlined in the following subsections.

4.1 Legislative Frameworks

Each section in this report starts by explaining the most important laws and rules that form the legal basis for making digital content accessible to people with disabilities in that country. These laws often follow international agreements, such as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which encourages all countries to remove barriers and promote equal access for people with disabilities. In some regions, like the European Union, countries also follow shared rules such as the Web Accessibility Directive and the European Accessibility Act. These set minimum standards that each EU country must follow to make websites, apps, and online services more accessible. When countries adopt these rules into their own national systems, they may adjust them slightly to fit their local laws. These local versions are also explained in each section.

The report also points out any specific rules that apply to areas like audiovisual content, video-on-demand (VOD), and streaming media services, so, for example, platforms like Netflix, YouTube, or Disney+. These services may have extra responsibilities, such as providing captions, audio descriptions, or making sure their apps work with assistive technologies like screen readers. By looking at both international agreements and national rules, each section helps show how different countries are working to make digital content more accessible to everyone.

4.2 Accessibility Standards and Technical Requirements

The next part of the report explains the technical rules that tell companies and governments how to make digital content accessible. These rules are called standards. Standards are required to provide a framework to measure compliance. Specifically for this report, it provides a way to measure the accessibility of streaming media. Some of the most important standards for streaming media include WCAG 2.1 and EN 301 549 (a European standard for making digital tools accessible).

Some countries also create their own local versions of these standards. These standards are often added into national laws so that organizations are legally required to follow them. In this section, the report shows how each country uses these standards in its own legal system. The standards give detailed instructions for making sure audiovisual content (e.g., streaming videos or online TV) is accessible to people with different kinds of disabilities. For example, they may require:

- Alternative formats, like providing a written transcript for a video
- Captions or subtitles for people who are deaf or hard of hearing
- Sign language interpretation
- Synchronizing audio and visual content, so that captions or audio descriptions match the action on screen
- Making sure the platform works with assistive technologies, like screen readers for people who are blind or have low vision

4.3 Monitoring and Oversight Mechanisms

Each country section in the report also looks at how the government checks whether organizations are following accessibility regulations. This part is called the monitoring framework, which basically means the system is set up to make sure rules are being followed. It explains which government bodies or agencies (e.g., a department or a regulator) are in charge of checking on accessibility. It also describes what these organizations are supposed to do, how they do their work, and who they work with, both inside their country and sometimes with international partners. The report pays close attention to how often these checks happen, how the government gets input from the public or from people with disabilities, and whether there are clear ways for people to give feedback or report problems. It also describes what kind of reports the government or agencies have to write, especially if they are part of a larger group, like the European Union, where they might need to send updates to the European Commission. This section helps explain how different countries make sure their accessibility laws are actually working, not just written on paper.

4.4 Enforcement Framework and Legal Remedies

The fourth component discusses how accessibility obligations are enforced in practice. This includes available sanctions for non-compliance (e.g., fines, conditional orders, corrective action deadlines), appeals processes, and the roles of courts or administrative tribunals. Countries may vary in their approach, from cooperative and

advisory models to more punitive enforcement regimes, so these sections clarify how enforcement measures are scaled, triggered, and reviewed.

4.5 Identified Best Practices and Gaps

Each country section concludes with a synthesis of observed strengths and challenges. Best practices may include the adoption of harmonized standards, transparent user feedback systems, clear accessibility statements, or robust enforcement tools. Conversely, challenges may include fragmented legislation, weak enforcement, insufficient guidance for small enterprises, or exclusions for certain types of content or providers (e.g., live streaming or legacy media). These concluding insights inform cross-national comparisons and potential policy recommendations.

4.5.1 Process for Identifying Accessibility Best Practices and Gaps

When the authors talk about accessibility in streaming media, the challenge is figuring out which countries are doing things well and where they still fall short. To do this, the authors are using a minimalistic way of looking at their laws, rules, and systems. The authors are taking this approach as they do not have ready access to end use reports from people affected by the system. Often these reports are confidential in nature so they are usually difficult if not impossible to access.

For this report, a country shows **best practice** when three things come together. First, the laws are clear and binding. That means streaming platforms, whether they show live events, movies, or user videos, have to follow specific accessibility rules, not just “try their best.” Second, those laws point to real technical standards, like WCAG or EN 301 549, that make sure websites, apps, and devices can work with assistive technologies like screen readers or captions. Third, there are real consequences if companies do not comply. Countries that can issue fines, suspend licenses, or require public accessibility plans are usually stronger at making change happen.

But it is not just about having rules on paper. **Best practice** also means that governments check regularly if companies are following through. This can be done with audits, user feedback, or publishing accessibility reports. Another sign of leadership is when a country sets measurable targets, such as requiring captions to be accurate to a certain percentage or making sure audio description is available for most shows. Finally, strong systems cover the whole ecosystem: the content, the players (apps or websites), and the devices (smart TVs, remotes, or set-top boxes).

On the flip side, a **gap** exists whenever one of these areas is missing. For example, a country may have accessibility laws but only apply them to government websites,

leaving out private streaming services. Others may rely on voluntary guidelines instead of enforceable rules. Some countries do not require live captions for events, or do not cover user-generated content like livestreams on social media. In other cases, the problem is not the law but the lack of enforcement—rules exist, but regulators do not audit or issue penalties, so companies can ignore them.

To figure out if a country is leading or lagging, we look at the whole picture: strong laws, detailed technical standards, active monitoring, meaningful enforcement, clear targets, and broad coverage of the streaming ecosystem. If all of these are in place, it is a best practice. If some are missing, that is where we can spot the gaps.

5 Country-Specific Accessibility Frameworks

5.1 Canada

This part of the report provides a more detailed examination of Canada's accessibility ecosystem than is offered for other countries. This is purposeful. Later in the report, the authors will examine best practices from other parts of the world (such as the United States, the European Union, or Japan) and compare them to how the legal and regulatory frameworks work in Canada. To do that properly, we first need to understand how Canada's own system (legislative, regulatory, standards, monitoring, and enforcement structures) works when it comes to making sure media and digital content for streaming media are accessible to people with disabilities.

Canada has its own laws, such as the Accessible Canada Act (ACA) and the Online Streaming Act (Bill C-11), that set rules for accessibility. It also has different organizations, like the CRTC (Canadian Radio-television and Telecommunications Commission), that help make sure these rules are followed. In Canada, both the federal government and the provinces can have different responsibilities, which can make things more complex.

Similarly, while international best practices can offer valuable insights, their direct adoption in Canada is not always straightforward. Some practices may align well with existing structures, while others may face institutional, legal, or operational challenges. In certain cases, significant adaptation or policy reform may be necessary to make those practices viable within Canada's ecosystem. By exploring the Canadian context in depth, we lay the groundwork for a more meaningful and realistic comparison with international models, ensuring that recommendations are both ambitious and achievable.

5.1.1 Legal Framework

5.1.1.1 Accessible Canada Act (ACA)

In Canada, two main laws work together to make streaming media more accessible for people with disabilities: the Accessible Canada Act (ACA) and the Online Streaming Act (Bill C-11) (passed in 2023 as an amendment to the Broadcasting Act.) These statutes form the foundation of Canada's approach to digital accessibility in broadcasting and online media, articulating both the overarching policy goals and the regulatory mechanisms needed to ensure compliance. When viewed together, the ACA and Bill C-11 establish a legal framework that not only promotes accessibility but also enforces it through structured oversight and potential financial penalties.

The Accessible Canada Act was designed with a clear objective: to create a barrier-free Canada by 2040. Its scope is broad, applying to all organizations that fall under federal jurisdiction (government agencies and departments, crown corporations and private organizations in federally regulated industries) . The federally regulated sectors include banking, telecommunications, transportation, and, crucially, broadcasting and digital media. The ACA mandates that regulated entities identify, remove, and prevent barriers that impede the full participation of persons with disabilities. These barriers may be physical, technological, informational, or systemic. Under the ACA, organizations are required to publish accessibility plans outlining how they will address barriers across their services and operations. These plans must be updated at least every three years, and organizations are also required to publish progress reports and establish public feedback mechanisms. Compliance is monitored by the Accessibility Commissioner, who has the authority to enforce the Act's requirements. While

The Act provides strong enforcement tools and broad policy objectives, its successful implementation will depend on how the CRTC operationalizes these powers through consultation, regulation, and enforcement, particularly as it balances accessibility with innovation, market realities, and freedom of expression in the digital media ecosystem.

5.1.1.2 Online Streaming Act

The passage of the Online Streaming Act (Bill C-11) in 2023 significantly reshaped the Broadcasting Act, originally passed in 1968, to reflect the realities of a media landscape dominated by online platforms. For the first time, global streaming services such as Netflix, YouTube, and Disney+ are formally recognized under Canadian broadcasting regulation. These platforms are categorized as "online undertakings", defined as services that transmit or retransmit programs over the internet for public

reception. While these services are not required to obtain traditional broadcasting licences, they are now subject to the regulatory authority of the CRTC. Under the Act the CRTC, which is the government agency that oversees television, radio, and streaming platforms, is now responsible for making sure these accessibility rules are followed. In Section 9.1(1)(k) of the law, the CRTC is given the power to:

- Identify problems that make it hard for people with disabilities to access content,
- Set rules that prevent those problems from happening,
- And require companies to fix any barriers that already exist.

These rules apply not just to regular TV and radio stations, but also to online services like Netflix, YouTube, and Disney+.

A core principle introduced in the amended Section 3(1)(p) of the Broadcasting Act is that the broadcasting system must be explicitly "accessible without barriers to persons with disabilities".[43] This is reinforced by Section 3(1)(p.1), which explicitly identifies features such as closed captioning and audio description as examples of the types of accommodations necessary to meet accessibility obligations. The Act emphasizes the importance of inclusivity not only in the consumption of content, but also in its production, highlighting the need for opportunities for persons with disabilities to create and contribute to Canadian media.

The legislative amendments provide the CRTC with a robust set of enforcement tools. Under Section 9.1, the CRTC may issue Conditions of Service that apply to online undertakings. These conditions may include rules regarding the discoverability of Canadian content, the availability of accessible programming, and the submission of operational data. The CRTC is also authorized under Section 10 to develop regulations that further define obligations related to the promotion of Canadian culture, bilingualism, Indigenous content, and accessibility.

Importantly, the CRTC is now empowered to issue Administrative Monetary Penalties (AMPs) to organizations that fail to meet their obligations under either the ACA or the Broadcasting Act. These penalties are significant: up to $10 million for a corporation's first violation and up to $15 million for subsequent offences. Violations may include the failure to meet accessibility obligations, refusal to submit required data, or non-compliance with any regulatory order. These enforcement powers

[43] Bill C-11: An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts

underscore the federal government's intent to ensure that accessibility is not merely aspirational, but a condition of participation in Canada's broadcasting system.

Yet, while Bill C-11 articulates strong policy objectives and enforcement mechanisms, it stops short of setting precise technical standards or accessibility quotas. The Act does not, for instance, specify how much content must be captioned, nor does it mandate the adoption of particular technologies. Instead, it establishes a principles-based framework, allowing the CRTC to determine specific requirements through consultation and regulatory proceedings. This approach is both a strength and a limitation. On one hand, it allows for flexibility and responsiveness as technologies and user needs evolve. On the other hand, it may lead to inconsistencies in how accessibility is implemented unless there is strong guidance from the CRTC and continued input from people with disabilities.

The ACA was updated to match new accessibility rules from Bill C-11. Under the changes, organizations must include in their accessibility plans any accessibility requirements set by the Broadcasting Act. The law also makes clear that these requirements can be enforced under the ACA. This connects the two laws, making sure they work together and holding the CRTC responsible both as a regulator and as an organization that must follow the ACA.

Through this connection, the CRTC becomes subject to ACA obligations, and its administration of the Broadcasting Act (particularly under Bill C-11) must align with the accessibility principles and enforcement mechanism to meet accessibility requirements, to contribute to Canadian content, or to submit required operational data. Despite the extensive regulatory power established under Bill C-11, the Act does not prescribe exact quotas or thresholds for many requirements. Rather, it establishes a high-level, principles-based framework, leaving specific implementation details to be determined by the CRTC through public consultations and regulatory proceedings. This includes decisions regarding the amount of financial support that must be directed toward Canadian content or accessibility tools, such as captioning and sign language interpretation, though the exact treatment of accessibility-related expenditures remains under discussion.

While the legal framework is comprehensive, certain exemptions remain. For example, most user-generated content on social media platforms is excluded from regulation unless it meets specific commercial criteria. The CRTC is also explicitly prohibited from mandating the use of algorithms or influencing how content is recommended to users. Additionally, content distributed by educational, cultural, or heritage institutions (e.g., schools, libraries, and museums) is largely exempt.

The combined force of the ACA and the Online Streaming Act signals a significant shift in how accessibility is treated within Canada's digital media ecosystem. These laws collectively affirm that accessible media is not optional, but a legal and social obligation. They empower regulatory bodies like the CRTC to oversee and enforce compliance, while also requiring public accountability through consultation, reporting, and penalties where necessary. As implementation unfolds, the success of these measures will depend not only on legislative strength but also on the quality of ongoing dialogue between regulators, content providers, and the disability community. Accessibility in streaming media is thus not merely a technical issue, but a reflection of Canada's broader commitment to equity, participation, and digital inclusion.

5.1.1.3 Relation between the Online Streaming Act and the Broadcasting Act

The passage of the Online Streaming Act introduced significant amendments to the Broadcasting Act, marking a pivotal step toward integrating accessibility into the core of Canadian broadcasting policy. One of the most notable changes is the explicit recognition that the broadcasting system must serve the needs of all Canadians, including individuals with disabilities. This inclusion is reflected in the revised policy objectives outlined in Section 3(1), which now affirm that programming should be "accessible without barriers to persons with disabilities." The legislation reinforces this mandate by providing concrete examples (e.g., closed captioning and described video) as essential tools for improving access for individuals with visual or auditory impairments (Section 3(1)(p.1)). These updates establish a legal foundation for accessible media as a public policy obligation, not merely an aspirational goal. In tandem, Section 5(2) of the Broadcasting Act, which sets out the guiding principles for regulation, was amended to reflect this shift. Specifically, paragraph 5(2)(e.1) now requires the CRTC to regulate the broadcasting system in a manner that "facilitates the provision of programs that are accessible without barriers to persons with disabilities". This addition places accessibility on equal footing with other longstanding priorities such as support for programming in both official languages and Indigenous languages.

To ensure coherence across Canada's federal accessibility framework, the Online Streaming Act also made consequential amendments to the ACA. These amendments explicitly tie the ACA's requirements for regulated entities (e.g., broadcasters and online streaming services) back to conditions imposed under the amended Section 9.1 of the Broadcasting Act. For instance, paragraph 42(1)(b) of the ACA now states that accessibility plans must account for any accessibility-related conditions imposed under the Broadcasting Act. Similarly, paragraph 118(3)(a) acknowledges that such conditions fall within the ACA's enforcement framework. This integration ensures that

accessibility conditions imposed by the CRTC under the Broadcasting Act are not siloed from broader accessibility planning and reporting obligations. Instead, they become an embedded part of regulated entities' duties under the ACA. This means that broadcasters and streaming media providers must now reflect these conditions in their accessibility plans, which are required to be updated at regular intervals and informed by consultation with persons with disabilities. Moreover, regulated entities must report on their progress and notify both the Accessibility Commissioner and the CRTC upon publication of these reports, further aligning the oversight functions of these bodies.

Crucially, the legislative framework also strengthens enforcement. The Online Streaming Act clarifies that violations of certain provisions of either the Broadcasting Act or the ACA, particularly those related to accessibility planning, reporting, or compliance with CRTC-imposed conditions, may result in administrative monetary penalties (AMPs). These enforcement mechanisms are supported by the regulatory powers granted to both the CRTC and the Accessibility Commissioner, ensuring that accessibility obligations are backed by meaningful consequences for non-compliance. The Online Streaming Act has helped to solidify accessibility as a central principle within Canada's broadcasting and digital media landscape. By embedding accessibility into both the Broadcasting Act and the Accessible Canada Act, and by ensuring these frameworks interact through shared responsibilities and enforcement mechanisms, the legislation supports a more inclusive media environment. It positions accessibility not as an optional feature, but as a legislated requirement, central to the rights of persons with disabilities and fundamental to the future of Canadian broadcasting.

5.1.1.4 Accessibility for Ontarians with Disabilities Act (AODA)

One other piece of legislation which will be covered is the Accessibility for Ontarians with Disabilities Act. It only has regional scope: within the province of Ontario. It typically would be considered out of scope for most stream media broadcasters which are only not being regulated at the federal level in Canada. The Accessibility for Ontarians with Disabilities Act, commonly known as the AODA, is a law passed by the Ontario government in 2005 with a bold and important goal: to make Ontario fully accessible for people with disabilities by the year 2025. It was the first law of its kind in Canada, aiming not just to prevent discrimination, but to proactively identify, remove, and prevent barriers that make it harder for people with disabilities to participate equally in society.

The AODA defines a barrier as anything that might limit a person's ability to access goods, services, employment, or public spaces. These barriers can take many forms, from physical ones like stairs without ramps, to digital ones like websites that cannot

be used with screen readers, communication issues like videos without captions, and even attitudinal barriers such as harmful stereotypes or assumptions.

To achieve its goal, the AODA requires organizations in Ontario (located or operating in Ontario), whether they are public sector bodies like school boards or municipalities, or private businesses and non-profits, to follow certain accessibility standards. These are grouped into five main areas: customer service, employment, information and communications, transportation, and the design of public spaces. Each standard outlines specific steps organizations must take to make their environments and services more inclusive.

Importantly, the AODA applies not just to government bodies, but to any organization operating in Ontario that has at least one employee. However, some requirements, like making websites accessible or filing formal accessibility compliance reports, only kick in once an organization has 20 or 50 employees.

Over time, deadlines were set for when different parts of the law would take effect. For example, by January 1, 2021, larger organizations were expected to make their public websites and online content compliant with WCAG 2.0 Level AA, an internationally recognized web accessibility standard. The ultimate deadline for Ontario to become fully accessible is January 1, 2025.

Streaming media is not explicitly mentioned by name in the AODA or its regulations, but the accessibility of streaming content is clearly implied and required under the Information and Communications Standard within the Integrated Accessibility Standards Regulation (IASR), which is part of the AODA. References are made in the AODA to public-facing websites and web content must conform to WCAG 2.0 Level AA, by specific deadlines (Jan 1, 2021 for large organizations). The WCAG requirements apply to web content, and WCAG 2.0 AA includes success criteria specifically for:

- Pre-recorded video and audio (captions, transcripts, audio description)
- Live video (captions, where possible)

Therefore, any streaming video or audio content that is posted online (e.g., webinars, promotional videos, livestreams) is covered by these obligations by virtue of being web content. Ontario's official guidance on AODA compliance consistently references: "All public websites and web content, including audio and video, posted

after January 1, 2012, must meet WCAG 2.0 Level AA".[44] Note that this interpretation only applies to streaming media content delivered through a website.

Unfortunately, recent reviews and reports have made it clear that the province is not on track to meet this target. While many organizations have made real efforts to comply, progress has been slow, and enforcement of the law has been weak. Advocacy groups have expressed concern that without stronger government leadership, Ontario will fall short of its promise to people with disabilities. Still, the AODA remains one of the most ambitious accessibility laws in Canada. Its vision is a society where everyone, regardless of ability, can access the same services, opportunities, and spaces. It challenges organizations not just to comply with minimum rules, but to embrace accessibility as a core part of how they serve the public. Due to its regional nature, the delay in enforcement and its narrow scope (only streaming media delivered through websites) it will not be discussed in more detail in this document. It is mentioned here to highlight the fact that many jurisdictions, and not just the federal government, may be involved in accessibility legislation, monitoring, and enforcement.

5.1.2 Regulatory Framework

Canada's approach to regulating streaming media accessibility is rooted in a combination of modernized broadcasting law and broad accessibility legislation, carried out through a network of federal agencies. At the heart of this regulatory framework is the CRTC, an independent tribunal of up to 13 members that has historically acted to protect Canadian cultural interests. With the passage of the Online Streaming Act, the CRTC's mandate was expanded to include online streaming services such as Netflix, Disney+, and Spotify, bringing these platforms under its authority for the first time. The Broadcasting Act now explicitly requires that the Canadian broadcasting system provide programming that is accessible without barriers to persons with disabilities. This includes closed captioning and described video services, and it directs the CRTC to ensure that accessibility is incorporated into regulatory policies and conditions. The CRTC has the authority to make orders imposing requirements on broadcasters, including online undertakings, to ensure that programs are accessible, identifying and removing barriers wherever necessary.

The ACA, designed to achieve a barrier-free Canada by 2040, complements this framework by giving the CRTC additional tools to enforce accessibility. Under the ACA, a barrier is defined broadly as anything that hinders full participation in society, whether physical, technological, or policy-based, and disability is similarly defined to

[44] Government of Ontario. "When Public Websites Are Not Accessible". When public websites are not accessible | ontario.ca

include a wide range of physical, sensory, cognitive, or communication impairments. All regulated broadcasting entities must create and publish accessibility plans that describe how they identify, remove, and prevent barriers, and they must establish mechanisms for receiving feedback from users regarding the implementation of these plans. They are also required to publish progress reports detailing the actions taken to address barriers and summarizing the feedback received, all prepared in consultation with persons with disabilities. These measures ensure that accessibility is not a one-off effort but an ongoing process subject to public visibility and accountability.

The CRTC has a suite of enforcement powers to ensure compliance. It can investigate potential violations, hold hearings, issue mandatory orders requiring organizations to follow accessibility rules, and impose administrative monetary penalties on those who fail to meet their obligations. Corporations that repeatedly contravene the ACA can face fines up to fifteen million dollars. The purpose of these penalties is not punishment but to provide a strong incentive for organizations to comply with accessibility requirements. The CRTC operates within a broader ecosystem: the federal government can issue binding policy directions, such as instructing the Commission to prioritize accessibility in the broadcasting system and engage with equity-seeking groups to support inclusive programming. The ACA also mandates coordination between the CRTC and other federal bodies, including the Accessibility Commissioner, the Canadian Human Rights Commission, and the Canadian Transportation Agency, to ensure that accessibility complaints and regulatory actions are handled efficiently and consistently across sectors.

One practical illustration of this regulatory framework is the National Public Alerting System, which ensures that emergency alerts reach Canadians in an accessible manner. Specifications require alerts to include an audible attention signal and a corresponding vibration pattern on mobile devices, as well as visual standards for television, including full-screen alerts with white text on a solid red background. Alerts issued in both official languages must be presented in full regardless of location, demonstrating how accessibility rules are applied in real-world, safety-critical contexts.

Beyond programming, the accessibility of hardware such as set-top boxes, dongles, and remote controls is regulated through specialized technical mandates administered by other federal agencies. Innovation, Science and Economic Development Canada (ISED) oversees technical certification to ensure devices do not cause harmful interference, that wireless components meet certification standards, and that hearing aid compatibility requirements are met. Natural Resources Canada (NRCan) manages energy efficiency regulations for electronic products, including televisions and power supplies, though set-top boxes are not specifically listed.

Together, these agencies ensure that the physical devices Canadians use to access streaming content meet technical standards, while the CRTC focuses on the content and services themselves. In this way, Canada's regulatory framework for streaming media accessibility combines legislative authority, enforcement powers, and technical oversight, creating a system designed to make both media and the devices used to access it fully inclusive for all Canadians.

5.1.3 Standards for Streaming Media Accessibility

Canada has begun a comprehensive regulatory transformation to bring streaming media under federal oversight through the Online Streaming Act (Bill C-11). However, while this legislation provides the authority to regulate streaming platforms, it does not itself impose concrete standards, especially in the area of accessibility. Instead, it mandates the CRTC to develop such standards through an iterative, consultative process.

As of 2025, the CRTC is indeed in the early phases of this process. It has conducted public consultations, issued position statements, and begun shaping the regulatory obligations that will eventually apply to streaming platforms. Yet, no finalized accessibility standards specific to streaming media—such as mandatory closed captioning for live or on-demand content, user interface design standards, or real-time emergency alert obligations—have been formally enacted or enforced. Thus, while there is a growing legislative and institutional framework, Canada does not yet have codified, enforceable standards that govern the accessibility or general operational obligations of streaming media.

The regulatory structure is evolving, but for now, streaming platforms operate in a regulatory grey zone, awaiting the outcome of ongoing CRTC policy development. In the absence of standards that define accessibility in stream media in all parts of the eco-system (media, delivery system, and hardware) it is difficult to measure compliance. What currently can be measured right now is the percent of the content available that has closed captioning, audio description, and the availability of content in both official languages (English and French) as well as Indigenous languages.

5.1.4 Compliance Monitoring Framework

5.1.4.1 Legislative Foundations and Policy Authority

The legislation defines what policies can be developed under the regulatory framework. The legislative framework beside setting high level objectives assign powers to specific agencies and government departments to develop appropriate policies, develop mechanisms to monitor the implementation of those policies and,

in some cases, provides an enforcement method to ensure compliance with those policies. This section will talk about the monitoring process in Canada.

5.1.4.2 Why Monitoring Matters for Accessibility

Accessibility is not just about technical fixes or interface design; it is a fundamental right that allows individuals to participate equally in digital spaces. In this context, monitoring plays a vital role. It is the mechanism through which governments and regulators verify whether streaming services are meeting their accessibility obligations, and where they are falling short.

Monitoring is important for several reasons. First, it provides accountability. Accessibility laws and standards are only effective if there is a way to ensure they are being followed. Without monitoring, legal requirements may be ignored, and barriers may remain invisible to regulators and the public. Second, monitoring enables transparency by requiring companies to disclose what they are doing to improve accessibility. This transparency empowers people with disabilities to hold platforms accountable and provides valuable feedback to policymakers. Finally, monitoring encourages continuous improvement. By requiring regular updates, public reporting, and the inclusion of user feedback, monitoring frameworks help push accessibility beyond a one-time checklist and toward a more inclusive and adaptive digital culture.

5.1.4.3 Monitoring Accessibility in Canada

The following section explores how streaming media accessibility is monitored in Canada. It begins by examining the legal foundation for monitoring, including the ACA and the Online Streaming Act (Bill C-11). These laws create the regulatory authority for oversight, led primarily by the CRTC. Next, the section will explain the two main regulatory instruments that operationalize these laws—SOR/2021-241 (the Accessible Canada Regulations) and SOR/2021-160 (the CRTC Accessibility Reporting Regulations). These regulations define how organizations must report their accessibility efforts and ensure that streaming platforms are not only compliant but also responsive to the needs of people with disabilities. The discussion will also outline the core components of the monitoring process, including self-reporting requirements, public feedback systems, consultation obligations, and the use of accessibility standards. In the following section the authors will highlight how these tools work together to create a coherent and enforceable monitoring system that is essential to achieving meaningful digital inclusion in Canada's evolving media landscape.

5.1.4.4 Accessible Canada Act (ACA)

The ACA, enacted in 2019, provides the overarching federal framework for accessibility across a wide range of sectors, including broadcasting and telecommunications. Under the ACA, all federally regulated entities are required to develop and publish accessibility plans, establish mechanisms for receiving and addressing public feedback, and produce annual progress reports. These requirements are not optional; they are legally binding obligations that organizations must fulfill in order to demonstrate continuous improvement in removing accessibility barriers. In this context, any platform under federal jurisdiction that distributes streaming content — such as digital broadcasters, telecom providers, or media conglomerates — falls within the ACA's purview

5.1.4.5 Online Streaming Act

Building on the ACA, the Online Streaming Act (Bill C-11), which amended the Broadcasting Act in 2023, extends regulatory authority over digital streaming services such as Netflix, YouTube, Amazon Prime Video, and other online platforms. This legislation mandates that such services contribute to the cultural and linguistic diversity of Canada, which explicitly includes accessibility for persons with disabilities. The CRTC, as the enforcement body for both the Broadcasting Act and Bill C-11, is empowered to establish binding conditions for digital media undertakings. These include requirements related to closed captioning, audio description, and the availability of content in both official languages and Indigenous languages. Through licensing conditions, compliance orders, and performance reporting, the CRTC monitors whether streaming platforms are upholding their accessibility obligations.

5.1.4.6 Practical Monitoring Process

In practical terms, the monitoring of accessibility for streaming media occurs through several interrelated processes. First, organizations subject to the ACA or CRTC regulation are required to self-report on their compliance. This involves publishing publicly available accessibility plans and reporting on progress in achieving stated goals. Second, the CRTC may impose reporting requirements or specific accessibility targets as part of its oversight powers. These are reinforced by the possibility of investigations and administrative penalties for non-compliance. Third, organizations must provide public feedback mechanisms through which individuals, and particularly people with disabilities, can submit complaints or suggestions about accessibility barriers they encounter. This system is essential for surfacing real-world challenges that might not be evident through technical audits alone.

5.1.4.7 Accessibility Standards in Monitoring

A critical component of the monitoring process is the application of recognized accessibility standards. While which standards should be adopted in Canada for streaming media is still being explored, as will be seen later in this document, other countries have adopted WCAG 2.0 Level AA standard for some aspects of streaming media. This standard has already been adopted in Canada and referenced in federal and provincial accessibility frameworks, including the Accessibility for Ontarians with Disabilities Act (AODA) in regards to website accessibility. It has not yet been officially applied to streaming media. Although the AODA does not mention streaming media explicitly, it mandates that all public websites and content published after January 1, 2012, must conform to WCAG 2.0 Level AA. WCAG includes specific success criteria that directly apply to streaming content, such as:

- *1.2.1: Captions for prerecorded video,*
- *1.2.2: Captions for live video,*
- *1.2.3: Audio descriptions for video,*
- *1.2.5: Extended audio descriptions for complex visual content.*

In addition to WCAG, Canada can adopt EN 301 549, a European Union standard for ICT accessibility that provides further technical criteria for accessible digital platforms, including streaming media applications, players, and device interfaces. This standard enhances the comprehensiveness of monitoring by covering hardware and software beyond just web interfaces.Finally, while much of the monitoring responsibility falls on regulated entities and government bodies such as the CRTC, the use of third-party accessibility audits is also a common practice. These independent evaluations assess the usability of streaming platforms by people with disabilities and ensure that accessibility is not treated as a checkbox exercise but as an integrated feature of service delivery.

5.1.4.8 Limitations of the ACA

In regards to monitoring, the ACA has limitations as it only applies specifically to entities that fall under federal jurisdiction. This includes Parliamentary bodies such as the Senate, the House of Commons, and the Parliamentary Protective Service; all federal government departments and agencies; and a range of Crown corporations, such as Canada Post and VIA Rail. Importantly, the Act also extends to selected private sector organizations that operate in federally regulated industries, such as banking (e.g., RBC, TD), telecommunications (e.g., Rogers, Bell), broadcasting (e.g., CBC, Netflix

when registered under the Broadcasting Act), transportation (e.g., Air Canada), and certain postal, courier, mining, and grain-handling companies.

5.1.4.9 Accessibility Plans and Progress Reports

Under the ACA, these regulated entities, which include entities that provide streaming media, are required to take concrete, measurable steps toward achieving accessibility in their operations. One of the central obligations is the development and publication of an accessibility plan. According to Section 7 of the ACA, each organization must prepare an initial accessibility plan within a timeline set by regulation. This plan must describe how the organization will identify, remove, and prevent barriers across its policies, programs, services, and practices. These plans must be updated and republished at least once every three years, ensuring continuous progress and accountability.

For broadcasting undertakings, which include streaming media companies, the requirements are even more specific. Accessibility plans must address not only general obligations under the ACA but also conditions imposed under Section 9.1 of the Broadcasting Act. These include provisions related to the identification and removal of barriers, as well as measures to prevent new ones. Additional reporting obligations apply under Sections 9(4) and 10(1) of the Broadcasting Act, which may include compliance with regulatory orders and conditions relating to accessible content and service delivery. The ACA further requires regulated entities to establish a feedback process as outlined in Section 43(1). This process must allow persons with disabilities and other stakeholders to provide input on how the accessibility plan is being implemented, and to report any ongoing barriers they encounter. The organization is expected not only to receive this feedback but to act on it in a meaningful way. In addition to the feedback mechanism, organizations are mandated to publish progress reports that describe the actions taken to fulfill their accessibility commitments. Under Section 44(1), these reports must be prepared in accordance with the ACA and the accompanying regulations.

Furthermore, the Act requires that both the Accessibility Commissioner and the CRTC be formally notified of the publication of each progress report, as detailed in Sections 44(2) and 44(3).

5.1.4.10 Consultation and Stakeholder Engagement

Crucially, the ACA also emphasizes the importance of consultation with persons with disabilities in the development of both accessibility plans and progress reports. Section 44(3) explicitly states that regulated entities must engage in meaningful consultation and, under Section 44(4), must report on how this consultation was

carried out. This requirement reinforces the principle that accessibility policies should be developed with people with disabilities, not merely for them.

For broadcasting organizations specifically, the ACA places a further duty to notify the CRTC when they publish accessibility plans, feedback processes, or progress reports. The CRTC has the authority to issue regulations that determine the format, timeline, and methods for these submissions, ensuring consistency and transparency across the broadcasting sector. The ACA provides a legally binding framework that holds federally regulated entities, including broadcasters, accountable for advancing accessibility. Through required planning, public reporting, and stakeholder engagement, the Act promotes an evolving and participatory model of accessibility governance. The inclusion of specific references to the Broadcasting Act, notably Sections 9.1, 9(4), and 10(1), demonstrates a clear integration of accessibility mandates into Canada's media regulation framework. With a target date of 2040 for achieving a barrier-free Canada, the ACA sets both a timeline and a policy direction for systemic change in how public and private institutions serve individuals with disabilities.

5.1.5 Compliance Enforcement Framework

In Canada, two main government bodies make sure that streaming services are accessible to people with disabilities: the CRTC and the Accessibility Commissioner. These organizations work together to make sure that companies follow the laws set out in the Accessible Canada Act and the Online Streaming Act. Each one has a different role, and together they help make Canada's media more inclusive.

The CRTC is the agency that regulates television, radio, and online streaming services. It has the power to create rules, check if companies are following them, and take action if they are not. The Accessibility Commissioner, on the other hand, focuses on accessibility across all areas under federal control, not just media. When it comes to streaming, the CRTC does most of the monitoring and enforcement because streaming services are part of the broadcasting sector. That means if a streaming platform like Netflix or YouTube operates in Canada, it usually deals with the CRTC, not the Accessibility Commissioner, when it comes to accessibility rules.

For example, if a streaming company updates its accessibility plan, it must publish the plan online and notify the CRTC within 48 hours. This requirement comes from the Accessible Canada Regulations (SOR/2021-241, Section 9). These companies must also explain how they asked people with disabilities for feedback and show how they used that feedback to improve their services. This ensures that real users are helping shape accessibility policies—not just corporate staff or government officials.

The process of enforcement is built on **clear laws**, **strong penalties**, **transparent reporting**, and **public involvement**. First, the CRTC sets the rules using laws like the ACA and the Online Streaming Act. Then, it checks if companies are following those rules through reporting and consultations. If companies do not comply, they face large fines. Because the rules are not always very detailed (for example, there is no set number of hours that must be captioned), it is up to the CRTC to decide what counts as good enough. This is why **public input and clear reporting** are so important. They help make sure companies stay on track and people with disabilities get fair access to content.

To make sure that streaming companies follow Canada's accessibility laws, the CRTC uses several tools. These tools are meant to make sure that people with disabilities are not left out when it comes to watching videos, shows, or using online platforms.

5.1.5.1 Administrative Monetary Penalties (AMPs)

One of the strongest tools the CRTC has is the power to issue financial penalties, called Administrative Monetary Penalties (AMPs). These are fines that companies must pay if they break the accessibility rules. For example, if a company fails to follow accessibility requirements, the CRTC can fine it up to **$10 million for the first violation, and up to $15 million for each violation after that,** as stated in Section 94 of the ACA. These fines are not criminal charges, but they are serious enough to make companies pay attention and improve.

5.1.5.2 Conditions of Service

The CRTC can also create specific rules for each streaming company. These are called Conditions of Service, and they tell a company what it must do to make its content accessible. For instance, the CRTC can require that:

- A certain percentage of shows or videos have closed captions, which are important for people who are Deaf or hard of hearing.
- Some content includes audio description, which is a voice that describes what is happening on screen, helping people who are blind or have low vision.
- The company must write and share accessibility reports, showing what they have done to improve and when.

These conditions help make sure companies take real steps, not just talk about accessibility.

5.1.5.3 Reporting Requirements

Streaming platforms are also required to publish their accessibility plans and updates online. These plans explain what the company will do to improve accessibility and how they are doing so over time. According to Accessible Canada Regulations (SOR/2021-241, Section 9), companies must inform the CRTC within 48 hours of publishing an updated plan. These plans must be in accessible formats, like large print, Braille, or screen reader–friendly PDFs, so that people with disabilities can actually use and understand them.

5.1.5.4 Public Consultations

Another way the CRTC makes sure the rules are fair is through public consultations. These are open forums (like online surveys or meetings) where people with disabilities, advocates, and the public can give feedback. They can explain what problems they face when using streaming platforms and suggest changes that would help. This feedback is important because it helps the CRTC decide what rules to create and how to improve existing ones.

5.1.5.5 Appeals Pathways for Accessibility Non-Compliance

Canada's appeals process for accessibility non-compliance in the streaming sector operates through a complex framework that depends on the specific authority taking enforcement action. This system creates three distinct pathways for addressing violations and appeals, each with different procedures, standards of review, and final authorities.

5.1.5.5.1 Pathway 1: CRTC Enforcement Under the Broadcasting Act

The primary enforcement pathway operates through the CRTC under the Broadcasting Act. The CRTC serves as the principal regulator for broadcasting undertakings, including online streaming services, and the Online Streaming Act amended the Broadcasting Act to grant the CRTC authority to enforce accessibility requirements through Administrative Monetary Penalties. This process applies to contraventions of CRTC orders, regulations, and specific provisions of the Accessible Canada Act, particularly sections 42 to 44, which mandate accessibility plans, feedback processes, and progress reports for broadcasters.

When the CRTC pursues enforcement action, the appeals process follows a structured sequence. A person designated by the CRTC may issue a notice of violation if they believe a contravention has occurred, identifying both the specific violation and the proposed penalty. Rather than paying the penalty immediately, the entity that

received the notice may make representations to the CRTC concerning either the violation itself or the proposed penalty amount. After considering any representations submitted, the CRTC decides on a balance of probabilities whether the violation was committed. If the CRTC finds that a violation occurred, it may impose the penalty set out in the original notice, impose a lesser penalty, or impose no penalty at all.

Entities dissatisfied with the CRTC's decision may appeal to the Federal Court of Appeal, though this represents a limited right rather than an automatic appeal process. The appeal requires leave, or permission, from the Court and must be based on a question of law or a question of jurisdiction. The notice of a CRTC decision on a violation explicitly informs the entity of this right to appeal, ensuring due process protections are clearly communicated.

5.1.5.5.2 Pathway 2: Accessibility Commissioner under the ACA

The second enforcement pathway operates through the Accessibility Commissioner under the Accessible Canada Act. For certain accessibility requirements that fall outside the CRTC's direct mandate under the Broadcasting Act, particularly accessibility obligations under sections 47 to 49 of the ACA, the Accessibility Commissioner serves as the enforcement body. The appeals process for the Commissioner's enforcement actions operates internally within the Commissioner's office rather than through external judicial review.

When the Accessibility Commissioner issues a compliance order to an entity, that entity may request a review of the order by the Accessibility Commissioner. The request must be submitted in writing and must state the specific grounds for the review. Upon conducting the review, the Accessibility Commissioner must confirm, amend, revoke, or cancel the original order and provide the entity with both the decision and supporting reasons. The ACA does not specify any further right of appeal from this internal review decision.

For Administrative Monetary Penalties issued by the Accessibility Commissioner, entities have the option to request a review rather than paying the penalty immediately. This review may address either the acts or omissions that constitute the violation or the amount of the penalty imposed. The Accessibility Commissioner conducts this review and determines on a balance of probabilities whether the violation was committed and whether the penalty was correctly calculated. The Commissioner then issues a decision that either ends the proceedings or confirms or corrects the penalty amount, creating a final liability for the entity to pay.

Entities facing penalties from the Accessibility Commissioner have an alternative option to requesting a review through compliance agreements. The entity may

request to enter into a compliance agreement with the Commissioner, which may include terms for reducing the penalty amount. However, once a debt related to a penalty becomes final, it is not subject to review or legal challenge except to the extent and in the manner provided by sections 81 to 84 of the ACA.

5.1.5.5.3 Pathway 3: Individual Complaints and Tribunal Review

The third pathway addresses individual complaints of harm under the ACA and involves external judicial review through a specialized tribunal. If an individual has suffered harm or been adversely affected by a streaming service's contravention of regulations made under the Accessible Canada Act, they may access a different appeals process that ultimately involves an external adjudicative body.

This process begins when an individual files a complaint with the Accessibility Commissioner, who then conducts an investigation into the allegations. At the conclusion of the investigation, the Commissioner will either dismiss the complaint as unsubstantiated or find it substantiated and issue an order for remedies. These remedies can include compensation for the complainant to address the harm they experienced.

Either the complainant or the regulated entity may appeal the Commissioner's decision or order to the Canadian Human Rights Tribunal. This appeal process operates under broader standards than appeals from CRTC decisions to the Federal Court of Appeal. Appeals to the Canadian Human Rights Tribunal can be made on any ground involving a question of law, a question of fact, or a question of mixed law and fact. The appeal is based on the record from the Commissioner's investigation, though the Tribunal retains authority to hear new evidence if necessary to reach a fair determination.

The decision of the Canadian Human Rights Tribunal represents the final authority in this process and cannot be questioned or reviewed in any court, providing certainty and finality to the resolution process.

5.1.6 Other Laws, Policies, or Standards That May Appear Applicable

“Other Laws, Policies and Standards” will be addressed in the “Recommendations” section.

5.2 China

In China, the main law that supports people with disabilities when it comes to accessing streaming media and other information is called the Barrier-free Environment Creation Law of the People's Republic of China. This law officially came into effect on September 1, 2023. This law aims to strengthen the creation of barrier-free environments to support persons with disabilities and elderly persons equally, fully, and easily participating in and being included in public life, and in acquiring, using, and exchanging information.[45]

The purpose of this law is to make sure that people with disabilities and also older adults can take part in everyday life just like everyone else. It focuses on making sure they can easily get around in public spaces and, just as importantly, get access to and share information. That includes things like watching videos online, reading news, using websites and apps, or attending events that are streamed live. This law supports the idea that everyone should have the same opportunity to enjoy digital content, including streaming services. It doesn't just focus on physical spaces like sidewalks or buildings; it also covers digital environments, like websites and streaming platforms, where people get their information and entertainment.

5.2.1 Legal Framework

China's Barrier-free Environment Creation Law marks a significant advancement in the country's efforts to ensure equitable access to media and digital content for persons with disabilities. The law applies to:

- People's governments at or above the county level
- Departments such as housing, transport, health, education, culture, and civil affairs
- Publicly funded infrastructure, like government-built websites, apps, service platforms
- State-run broadcasters and media outlets

If a company operates in a sector with public regulation or receives state funding, it is mandated to comply. The requirement applies more directly to entities providing public information services or receiving government support, as clarified in

[45] Standing Committee of the National People's Congress. (2023). "Barrier-free Environment Creation Law of the People's Republic of China". Accessed from: http://www.csrcare.com/Law/LawShowEn?id=230263

implementation guidelines from the Ministry of Industry and Information Technology (MIIT).

Private companies are not required, but are highly encouraged to adopt the national barrier-free standards voluntarily. Private companies are not currently subject to strict enforcement under the law; this includes:

- Streaming platforms
- News and media websites
- Online education platforms
- Social media and communication tools

While enforcement is limited for purely private entities, as mentioned above those in regulated or subsidized sectors may face compliance checks, and future regulations (e.g., MIIT's ongoing accessibility initiatives) could tighten oversight. Additionally, the law's broad language allows local governments to impose stricter rules, which could affect private platforms.

This legislation establishes a structured framework for making public broadcasting, online videos, and digital platforms more inclusive, with particular attention to the needs of individuals who are deaf, hard of hearing, blind, or have low vision. One of the law's key provisions mandates that television stations funded by public money must include simultaneous subtitles in their broadcasts.[46] This requirement is not simply technical; it is foundational to enabling real-time comprehension of televised content by viewers who are deaf or hard of hearing. In addition, the law specifies that, where operational conditions permit, these stations must offer at least one daily news broadcast accompanied by sign language interpretation.[47] This daily requirement is framed as an initial step toward a longer-term objective: expanding the range and volume of accessible programming across all public media channels.

However, the law's reach extends well beyond traditional television. Recognizing the increasing importance of digital media, the legislation also encourages the inclusion of subtitles, audio description, and sign language interpretation in online

[46] Standing Committee of the National People's Congress. (2023). "Barrier-free Environment Creation Law of the People's Republic of China". Accessed from: https://npcobserver.com/wp-content/uploads/2023/04/Barrier-Free-Environments-Development-Law-2nd-Draft.pdf

[47] Standing Committee of the National People's Congress. (2023). "Barrier-free Environment Creation Law of the People's Republic of China". Accessed from: https://npcobserver.com/wp-content/uploads/2023/04/Barrier-Free-Environments-Development-Law-2nd-Draft.pdf

video content and publicly distributed films.[48] [49] These accessibility features are vital for ensuring that individuals with sensory disabilities can meaningfully engage with digital culture and public discourse. Although these digital requirements are not universally mandatory, the law sets a strong policy direction which underscores the government's intent to foster digital inclusion as a national priority.

Moreover, the law imposes concrete responsibilities on digital platforms and applications developed with public funds.[50] [51] These platforms, ranging from government websites to service apps, are required to progressively conform to barrier-free design standards and national information accessibility standards. [52] This means that such platforms must be designed to be perceivable, operable, and understandable for users relying on assistive technologies, such as screen readers or alternative input devices. The inclusion of these technical obligations reflects an understanding that accessibility is not merely a matter of legal compliance but of technological compatibility and design foresight.

Notably, the law also addresses the role of the private sector, although in a more aspirational manner. It encourages commercial websites and mobile applications, particularly those involved in news media, social networking, and online education, to voluntarily align with national accessibility standards. While this encouragement does not carry the binding force of law, it indicates a broader policy preference: one that envisions a digital environment in which inclusivity becomes standard practice across both public and private domains.

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[48] Standing Committee of the National People's Congress. (2023). "Barrier-free Environment Creation Law of the People's Republic of China". Accessed from: https://npcobserver.com/wp-content/uploads/2023/04/Barrier-Free-Environments-Development-Law-2nd-Draft.pdf

[49] Standing Committee of the National People's Congress. (2023). "Barrier-free Environment Creation Law of the People's Republic of China". Accessed from: https://npcobserver.com/wp-content/uploads/2023/04/Barrier-Free-Environments-Development-Law-2nd-Draft.pdf.

[50] Standing Committee of the National People's Congress. (2023). "Barrier-free Environment Creation Law of the People's Republic of China". Accessed from: https://npcobserver.com/wp-content/uploads/2023/04/Barrier-Free-Environments-Development-Law-2nd-Draft.pdf.

[51] Standing Committee of the National People's Congress. (2023). "Barrier-free Environment Creation Law of the People's Republic of China". Accessed from: https://npcobserver.com/wp-content/uploads/2023/04/Barrier-Free-Environments-Development-Law-2nd-Draft.pdf.

[52] Standing Committee of the National People's Congress. (2023). "Barrier-free Environment Creation Law of the People's Republic of China". Accessed from: https://npcobserver.com/wp-content/uploads/2023/04/Barrier-Free-Environments-Development-Law-2nd-Draft.pdf

Taken together, the Barrier-free Environment Creation Law represents a multi-dimensional policy approach that combines enforceable mandates with normative guidance. It seeks not only to guarantee access to publicly funded media and digital services but also to inspire a wider cultural shift toward inclusive design. By blending legal obligations with aspirational goals, the law moves China closer to fulfilling international human rights commitments around disability and digital accessibility. It frames access to information and communication technologies not as a privilege, but as a universal right and an essential condition for full social participation in the digital age.

5.2.2 Standards for Streaming Media Accessibility

In China, there are official standards that help make websites and online content easier to use for people with disabilities. These standards are especially important when we think about streaming media, which includes things like watching videos online or using digital platforms that play audio and video content.

One important standard is called GB/T 37668-2019, officially titled "Information Technology—Requirements and Testing Methods for Accessibility of Web Content." This standard was introduced in August 2019 and became a recommended national standard in March 2020.[53] It was developed by two well-known organizations: the China Disabled Persons' Federation (CDPF) and Zhejiang University.[54] However, the standard was officially issued under the supervision of the National Technical Committee on Information Technology Standardization (SAC/TC 28), with additional input from other organizations, such as the MIIT and industry partners. What makes this standard notable is that it is based on the Web Content Accessibility Guidelines (WCAG) 2.0 and 2.1, which are global rules created by the World Wide Web Consortium (W3C).[55] WCAG is used around the world to make websites easier to access for people with different types of disabilities, such as people who are blind,

53 Ran, R. (2020). "Updated Chinese Accessibility Standard Will Help China Build a Barrier-free Information Environment". Accessed from: https://www.w3.org/blog/2020/updated-chinese-accessibility-standard/

54 Ran, R. (2020). "Updated Chinese Accessibility Standard Will Help China Build a Barrier-free Information Environment". Accessed from: https://www.w3.org/blog/2020/updated-chinese-accessibility-standard/

55 Ran, R. (2020). "Updated Chinese Accessibility Standard Will Help China Build a Barrier-free Information Environment". Accessed from: https://www.w3.org/blog/2020/updated-chinese-accessibility-standard/

deaf, have learning or memory difficulties, or who use assistive technologies like screen readers.[56]

Another important Chinese standard is called YD/T 1761-2012, or "Technical Requirements for Web Accessibility". This one was created by the Ministry of Industry and Information Technology and has been in effect since December 28, 2012.[57] It updated an earlier version from 2008.[58] This standard focuses on how to design websites that are more inclusive. It talks about how users can see and understand the content, how they can interact with it, and how the site can work with both current and future assistive technologies.[59] It is useful for people building or managing websites who want to make sure their content works well for all users.[60]

While the government has not said that YD/T 1761-2012 must be followed by everyone, it is still very important.[61] The law does not explicitly name YD/T 1761-2012, but it broadly requires compliance with "national accessibility standards", which can include YD/T 1761-2012 for telecommunications-related platforms. According to China's Barrier-free Environment Creation Law (which became law in 2023), all websites and apps created with public money must gradually start following national accessibility standards and barrier-free web design rules. That means standards like

56 Ran, R. (2020). "Updated Chinese Accessibility Standard Will Help China Build a Barrier-free Information Environment". Accessed from: https://www.w3.org/blog/2020/updated-chinese-accessibility-standard/

57 Standardization Administration of China. (2019). "Information technology requirements and testing methods for accessibility of web content (GB/T 37668-2019)". Chinese Standardization Administration. Accessed from: https://www.chinesestandard.net/PDF.aspx/YDT1761-2012

58 Standardization Administration of China. (2019). "Information technology requirements and testing methods for accessibility of web content (GB/T 37668-2019)". Chinese Standardization Administration. Accessed from: https://www.chinesestandard.net/PDF.aspx/YDT1761-2012

59 Standardization Administration of China. (2019). "Information technology requirements and testing methods for accessibility of web content (GB/T 37668-2019)". Chinese Standardization Administration. Accessed from: https://www.chinesestandard.net/PDF.aspx/YDT1761-2012

60 Standardization Administration of China. (2019). "Information technology requirements and testing methods for accessibility of web content (GB/T 37668-2019)". Chinese Standardization Administration. Accessed from: https://www.chinesestandard.net/PDF.aspx/YDT1761-2012

61 Standing Committee of the National People's Congress. (2023). "Barrier-free Environment Creation Law of the People's Republic of China". Accessed from: http://www.csrcare.com/Law/LawShowEn?id=230263

GB/T 37668-2019 and YD/T 1761-2012 are required for government-run websites, and strongly encouraged for others.[62]

In simple terms, these standards help make sure that people with disabilities can use online content (e.g., streaming media)just like everyone else. They guide developers and companies on how to design websites and video platforms that are accessible, clear, and easy to use. And while not every company has to follow these rules yet, the Chinese government is moving toward making them a bigger part of how digital services are delivered, especially when public funding is involved.

It should be noted that the standard mentioned above typically apply only to web based delivery of streaming media or to the user interface elements of a streaming media delivered on a TV, tablet or mobile App. These standards do not cover any of the hardware elements like the dongle, set top box remote control. This is a significant gap, especially considering that hardware plays a crucial role in accessibility for blind, low-vision, and motor-impaired users. For example:

- A remote with tactile buttons or voice input
- A dongle with audio feedback
- A set-top box with screen reader compatibility

These hardware features would require separate accessibility standards—typically under ICT hardware regulations, which China does not currently centralize under GB/T 37668 or YD/T 1761. No centralized ICT hardware accessibility standards exist for set-top boxes, remotes, or dongles under GB/T 37668-2019 or YD/T 1761-2012.

5.2.3 Compliance Monitoring Framework

China's Barrier-free Environment Creation Law, which came into effect in 2023, does not just set rules to improve accessibility for people with disabilities, but also puts in place a detailed system to monitor and enforce those rules. This means the law does not just say, "Make things accessible". It also creates a way to check whether that is actually happening. The law includes explicit provisions for oversight and compliance:

62 Standing Committee of the National People's Congress. (2023). "Barrier-free Environment Creation Law of the People's Republic of China". Accessed from: http://www.csrcare.com/Law/LawShowEn?id=230263

- Article 5 assigns responsibilities to people's governments at the county level and above to plan, implement, and supervise barrier-free environment creation. This includes monitoring compliance with accessibility standards across sectors like housing, transport, health, education, and media.
- Article 47 mandates that relevant departments (e.g., MIIT, Ministry of Housing and Urban-Rural Development) conduct regular inspections and evaluations to ensure compliance with accessibility requirements, particularly for public infrastructure and digital platforms.
- Article 48 establishes penalties for non-compliance, such as fines or corrective orders for entities failing to meet accessibility standards, ensuring enforceable consequences.
- Article 49 encourages public participation in oversight, allowing individuals and organizations (e.g., CDPF) to report violations, which strengthens enforcement through community involvement.

These mechanisms create a structured system to verify implementation, as confirmed by state media (e.g., Xinhua) and CDPF reports, which highlight the law's emphasis on accountability.

At the heart of this framework is the role of local governments at or above the county level, who are charged with the coordination and oversight of accessibility initiatives. These local governments are not expected to act alone; instead, the law explicitly assigns responsibilities to a wide array of departments, such as those managing housing and urban development, civil affairs, industry and information technology, transportation, education, culture, health, and tourism. Each department is tasked with improving accessibility within its own domain. For instance, while the health department might focus on making hospitals barrier-free, the transportation department would be responsible for ensuring that buses, subways, and other public systems are accessible to persons with mobility or sensory impairments. It is important to not overstate the requirement for local governments to address streaming media accessibility, though it can extend its mandate to include that eco-system.

To make sure that progress is actually occurring, the law requires both supervision and inspection, including joint inspections across departments. These inspections are not ad hoc; they are built into a formal system that includes two central mechanisms: a target responsibility system and an evaluation system. The target responsibility system assigns each level of government clear goals and duties related to creating

barrier-free environments. The evaluation system ensures that progress is tracked in a consistent and transparent way.

Importantly, the law recommends that these evaluations must not be conducted internally by the same departments responsible for implementing the accessibility measures. Instead, evaluations should be carried out by independent third-party institutions, allowing for more objective oversight. The results of these evaluations are not confidential; they must be publicly disclosed, allowing citizens, advocacy groups, and researchers to see how well accessibility goals are being met in different parts of the country. The law encourages objective oversight, and the 14th Five-Year Plan mentions third-party involvement in assessments (e.g., by professional organizations or accessibility experts). However, the law itself does not explicitly mandate that all evaluations be conducted by third parties; some inspections may involve government bodies (Article 47). Public disclosure of results is supported by Article 49 and related policies, which require transparency in reporting progress. While third-party evaluations are part of pilot programs (e.g., Shenzhen's Barrier-Free City initiatives), the text's claim of a universal mandate may slightly overstate the requirement. Nonetheless, the emphasis on objectivity and transparency is accurate in spirit.

Transparency is further reinforced by the requirement for an information disclosure system. Government bodies are required to publish regular updates on the progress of barrier-free initiatives. These updates include information about whether technical standards are being followed, and they allow for comparisons across regions, highlighting which areas are excelling and which may require additional support or policy adjustment.

Crucially, the law does not limit responsibility to government agencies. It also encourages public participation. Members of the public, social organizations, and the news media are all invited to provide feedback, report accessibility issues, and suggest improvements. When such complaints or suggestions are made, the relevant government departments are legally obligated to respond in a timely and responsible manner.

Taken together, these provisions make the Barrier-free Environment Creation Law one of the most comprehensive accessibility monitoring systems in China's legal framework. It moves beyond symbolic support for people with disabilities and establishes clear systems of responsibility, oversight, transparency, and public engagement. Through this integrated and participatory model, the law aims to transform accessibility from an abstract ideal into a concrete, enforceable, and measurable policy goal, ensuring that the vision of a barrier-free society becomes a shared and ongoing national project.

5.2.4 Compliance Enforcement Framework

One of the law's key components is its legal liability framework, which holds a broad range of organizations accountable if they fail to meet their responsibilities regarding barrier-free information access. This includes internet information service providers, radio and television broadcasters, publishing entities, and other stakeholders engaged in information dissemination. These entities are expected to remove barriers that prevent individuals with disabilities from accessing content, and they are required to incorporate features such as subtitles, sign language interpretation, and audio descriptions where appropriate.

If an organization is found to be in violation of these obligations, the law authorizes the relevant government departments to take corrective action. These include departments responsible for internet information, industry and information technology, telecommunications, radio and television, and press and publication. These agencies are empowered to issue formal orders instructing the non-compliant entity to rectify the identified shortcomings within a specified period. [63]

Should the organization fail to implement corrective measures within the designated timeframe, the law provides for the issuance of a "critical circular" (or public reprimand).[64] This circular serves as an official warning, publicly documenting the entity's failure to comply with the law and signaling the possibility of further legal or administrative consequences. While the law does not specify a universal numerical timeframe in the text of Article 66, implementing regulations and administrative guidelines (e.g., from the 14th Five-Year Plan for Barrier-Free Environment Construction) standardize this as 30 days for digital and media compliance orders. This is consistent across related policies, such as those for internet audiovisual services, to balance enforcement with feasibility for platforms. Although this initial enforcement mechanism may not involve direct financial penalties, the reputational damage caused by public exposure can be significant, especially for entities that rely on public trust or operate within regulated industries.

This enforcement framework is designed not merely as a punitive mechanism, but as a compliance tool intended to guide organizations toward improving accessibility.

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[63] Standing Committee of the National People's Congress. (2023). "Barrier-free Environment Creation Law of the People's Republic of China". Accessed from: https://npcobserver.com/wp-content/uploads/2023/04/Barrier-Free-Environments-Development-Law-2nd-Draft.pdf

[64] Standing Committee of the National People's Congress. (2023). "Barrier-free Environment Creation Law of the People's Republic of China". Accessed from: https://npcobserver.com/wp-content/uploads/2023/04/Barrier-Free-Environments-Development-Law-2nd-Draft.pdf

It reflects a shift from aspirational goals to enforceable standards, marking a notable evolution in how digital and media accessibility is approached in China. Moreover, it demonstrates a broader policy intent to integrate accessibility obligations across both public and private sectors, particularly for entities that serve the public interest or receive government funding.

The Barrier-free Environment Creation Law establishes a structured enforcement pathway for accessibility compliance in China's media and information sectors. By empowering regulatory bodies to mandate corrective action and publicly identify non-compliant entities, the law transforms accessibility from a recommended practice into a mandatory standard, reinforcing the principle that access to information is a right, not a privilege.

5.2.5 Other Laws, Policies, and Standards that May Appear Applicable

There are no applicable comments under this section for this country.

5.3 European Union

In order to promote accessibility, the EU has built a multi-layered system of laws and standards. That means the system does not rely on just one rule or regulation. Instead, it brings together different parts, like international agreements, EU-wide laws (called directives), and specific technical rules, so that everything works together smoothly. The first layer of this system comes from commitments to various international agreements, conventions and standards. Next, the EU has its own laws that help put those international promises into action.

5.3.1 Legal Framework

Listed below are the core legal instruments and standards that work together to promote accessibility in the EU for streaming media and VOD services. The first layer of the system is composed of the United Nations Convention the Rights of Persons with Disabilities. For the next layer, the EU has its own laws that help put those international promises into action. These are called directives, and they set rules that all EU member countries must follow, though each country can decide how to apply them. One key directive is the European Accessibility Act (Directive 2019/882). This law requires companies to make many digital services (e.g., streaming platforms, online stores, and e-books) accessible to people with disabilities by the year 2025. So if someone is blind or deaf, they should still be able to use these platforms easily with screen readers, captions, or other assistive features.

Another important law is the Audiovisual Media Services Directive (AVMSD). This was last updated in 2018 and it applies to both traditional television and streaming services. It encourages video platforms to provide features like captions, sign language interpretation, and audio descriptions, especially for news and entertainment programming. It also says that EU countries should regularly report on what they are doing to improve accessibility in media.

5.3.1.1 The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) is a landmark international human rights treaty adopted by the UN General Assembly in December 2006.[65] Its purpose is to promote, protect, and ensure full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Both Canada and the EU are State Parties to this convention, which obliges them to take appropriate measures to ensure access for persons with disabilities to information and communication technologies and systems on an equal basis with others.[66] [67] [68] [69] The UNCRPD explicitly puts access to communications on an equal level with the built environment and

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65 United Nations. "Convention on the Rights of Persons with Disabilities". December 12, 2006. https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities

66 Department of Justice Canada. 2019. "Accessible Canada Act (SC 2019, c. 10)". Accessed from https://laws-lois.justice.gc.ca/eng/acts/a-0.6/.

67 Ellis, K., & Kent, M. 2015. "Accessible television: The new frontier in disability media studies brings together industry innovation, government legislation and online activism". Accessed from https://researchportal.murdoch.edu.au/esploro/outputs/journalArticle/Accessible-television-The-new-frontier-in/991005541319407891.

68 Official Journal of the European Union. 2016, December 2. "Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance). Accessed from https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng.

69 Official Journal of the European Union. 2019, June 7. "Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882.

makes provisions for new or emerging technologies.[70] This convention forms the foundational principle for much of the EU's accessibility legislation.[71] [72]

5.3.1.2 The Audiovisual Media Services Directive (AVMSD) (Directive 2010/13/EU, as amended)

The Audiovisual Media Services Directive (AVMSD), formally Directive 2010/13/EU (as amended), is a key piece of European Union law governing audiovisual media services across EU member states. This directive coordinates provisions across Member States concerning audiovisual media services, including both traditional broadcasting and on-demand services[73]. The AVMSD recognizes that the right of persons with disabilities to participate in social and cultural life is linked to accessible audiovisual media services[74]. It encourages Member States to ensure that media service providers under their jurisdiction gradually make their services accessible to people with a visual or hearing disability.[75] However, there is no specified timeline for

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70 Ellis, K., & Kent, M. 2015. "Accessible television: The new frontier in disability media studies brings together industry innovation, government legislation and online activism". Accessed from https://researchportal.murdoch.edu.au/esploro/outputs/journalArticle/Accessible-television-The-new-frontier-in/9

71 Official Journal of the European Union. 2019, June 7. "Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882.

72 Ellis, K., & Kent, M. 2015. "Accessible television: The new frontier in disability media studies brings together industry innovation, government legislation and online activism". Accessed from https://researchportal.murdoch.edu.au/esploro/outputs/journalArticle/Accessible-television-The-new-frontier-in/991005541319407891.

73 Official Journal of the European Union. 2010, April 15. "Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Codified version) (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/eli/dir/2010/13/oj/eng.

74 Official Journal of the European Union. 2010, April 15. "Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Codified version) (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/eli/dir/2010/13/oj/eng.

75 Official Journal of the European Union. 2010, April 15. "Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Codified version) (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/eli/dir/2010/13/oj/eng.

implementation at this time. This is a serious limitation, as it means there is no fixed time by which stakeholders have to comply with accessibility requirements. The means to achieve this accessibility should include, but are not limited to, sign language, subtitling, audio-description, and easily understandable menu navigation.

For on-demand audiovisual media services, the AVMSD promotes the production of and access to European works where practicable and by appropriate means, which could include the share and/or prominence of European works in the catalogue, or attractive presentation in electronic programme guides.[76] Member States are encouraged to re-examine the application of these provisions regularly, taking into account financial contributions, share of European works in catalogues, and actual consumption.[77]

5.3.1.3 The European Accessibility Act (EAA) (Directive (EU) 2019/882)

The European Accessibility Act (EAA) is a European Union directive (Directive 2019/882) designed to improve accessibility for persons with disabilities and elderly people by requiring that certain key products and services be accessible across the EU. The act reflects the EU's commitment to the United Nations Convention on the Rights of Persons with Disabilities and aims to harmonize varying accessibility standards among EU member states. Before the EAA, accessibility rules for products and services varied significantly across EU countries, creating barriers for people with disabilities and adding complexity for businesses operating across borders. The EAA was introduced to set common accessibility requirements, fostering both the free movement of accessible goods/services and equal participation for people with disabilities in society.

The EAA identifies the products and services that play a significant role in daily life and are susceptible to fragmented rules across countries, including:

- **Products**: computers and operating systems; smartphones, tablets, e-readers; TV equipment related to digital TV services (e.g., smart TVs); and

[76] Official Journal of the European Union. 2010, April 15. "Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Codified version) (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/eli/dir/2010/13/oj/eng.

[77] Official Journal of the European Union. 2010, April 15. "Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Codified version) (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/eli/dir/2010/13/oj/eng.

ATMs, payment terminals, ticketing and check-in machines, and interactive self-service terminals.

- **Services**: electronic communications and telephony; banking and financial services (e.g., ATMs, online banking); access to audiovisual media services (TV channels, streaming platforms); air, bus, rail, and water passenger transport (information, tickets, websites, apps); and e-books and e-commerce (online stores).

This directive aims to harmonize accessibility requirements for a wide range of products and services across the EU, including some digital services.[78] It covers "services providing access to audiovisual media services", which are defined as services transmitted by electronic communications networks used to identify, select, receive information on, and view audiovisual media services and any provided features like subtitles, audio description, spoken subtitles, and sign language interpretation.[79] **This definition explicitly includes electronic programme guides (EPGs).**[80]

The EAA promotes a "universal design" or "design for all" approach to accessibility, aiming for systematic removal and prevention of barriers, while still allowing for assistive devices where needed.[81] It specifies that products and services complying with its accessibility requirements should not be impeded from free movement within the Union.[82]

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78 Official Journal of the European Union. 2019, June 7. "Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services ti(Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882.

79 Official Journal of the European Union. 2019, June 7. "Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882.

80 Official Journal of the European Union. 2019, June 7. "Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882.

81 Official Journal of the European Union. 2019, June 7. "Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882.

82 Official Journal of the European Union. 2019, June 7. "Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882.

5.3.1.4 The Web Accessibility Directive (WAD) (Directive (EU) 2016/2102)

This directive focuses specifically on the accessibility requirements for the websites and mobile applications of public sector bodies.[83] It aims to ensure that these digital platforms are more accessible to users, particularly persons with disabilities.[84] The directive covers multimedia content (e.g., audio, video) on public sector websites. The directive applies broadly to web content, including multimedia, with some exemptions (e.g., live time-based media). Note that this directive applies only to website and mobile applications in the public sector and not the private sector.

5.3.2 Standards for Streaming Media Accessibility

Ensuring accessible streaming media is part of a digital policy across the European Union, driven by comprehensive legislation such as the European Accessibility Act (EAA) and the Web Accessibility Directive (WAD). The EAA applies to a broad range of services, including streaming platforms like Netflix or YouTube, and requires them to meet accessibility standards to serve users with visual, auditory, motor, or cognitive disabilities. The WAD primarily targets public sector bodies, but its influence extends to private platforms through the adoption of WCAG standards and the broader push for digital inclusivity across the EU.

These regulations require streaming platforms and audiovisual media services to implement standardized accessibility features so that people with a range of disabilities can fully access content. To provide clarity and enforceability, EU directives consistently reference established international guidelines. Most notably, they reference WCAG, which define foundational principles such as perceivability, operability, understandability, and robustness for digital accessibility.

For the European context, compliance is further specified through the EN 301 549 standard, which details functional accessibility requirements for ICT products and services, including specific mandates for web content and mobile applications. This standard encompasses not only media features like closed captions, subtitles, and audio descriptions, but also requirements for user controls, interface navigation, and compatibility with assistive technologies.

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83 Official Journal of the European Union. 2016, December 2. “Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance). Accessed from https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng.

84 Official Journal of the European Union. 2016, December 2. “Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance). Accessed from https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng.

Media features: Requirements for closed captions, subtitles, and audio descriptions are explicitly included to ensure that audiovisual content is accessible to users with hearing or visual impairments.

User controls and interface navigation: The standard mandates that user interfaces be operable and navigable, including for users relying on assistive technologies (e.g., screen readers, keyboard navigation).

Compatibility with assistive technologies: EN 301 549 requires ICT products to work seamlessly with assistive devices, ensuring that features like text-to-speech or alternative input methods are supported.

Together, these frameworks establish a harmonized set of technical criteria that streaming media services must meet, ensuring both regulatory compliance and a more inclusive digital environment for millions of users across the EU. EU directives often refer to established international standards to define specific technical accessibility requirements.

5.3.2.1 Web Content Accessibility Guidelines (WCAG)

The WAD mandates using WCAG as a de facto international standard for testing web content for accessibility.[85] [86] [87] [88] WCAG specifies four core principles of

[85] Jensen, M. 2022, November 14. “Breaking Down Four Landmark Web Accessibility Lawsuits”. Accessed from https://www.audioeye.com/post/four-landmark-web-accessibility-lawsuits/.

[86] Official Journal of the European Union. 2016, December 2. “Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance). Accessed from https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng.

[87] Ellis, K., Kent, M., Locke, K., & Clocherty, C. 2017. "Access for everyone? Australia’s ‘streaming wars’ and consumers with disabilities." Accessed from https://www.tandfonline.com/doi/abs/10.1080/10304312.2017.1370076.

[88] He, M. 2024, May. “The Streaming Content Usage of Young Visually Impaired People in Public Service Media: The Perspective of Digital Accessibility”. Accessed from https://trepo.tuni.fi/bitstream/handle/10024/157356/HeMengying.pdf?sequence=5.

accessibility: perceivable, operable, understandable, and robust.[89] These principles are translated into testable success criteria.[90]

5.3.2.2 EN 301 549

In Europe, one of the most important tools for making digital content accessible to everyone, including people with disabilities, is a standard called EN 301 549. This standard plays a big role in making sure that websites, apps, devices, and online services are usable by as many people as possible, no matter their abilities. EN 301 549 covers both web and non-web ICT, including hardware (e.g., ATMs, smartphones) and software, making it broader than just digital content.

EN 301 549 is especially important because it is the main standard used across the EU to show that something meets legal accessibility requirements. It is directly connected to two major European laws: the European Accessibility Act (EAA) and the Web Accessibility Directive (WAD). Under these laws, if a company or organization shows that their products or services meet EN 301 549, they are legally considered accessible. The EAA requires compliance with EN 301 549 for covered services by June 28, 2025, which applies to private sector entities like streaming platforms and e-commerce. In other words, this standard acts like a shortcut to legal approval. That is why many countries like Germany, France, and Italy refer to EN 301 549 in their own national laws when deciding whether something is accessible or not.

The EN 301 549 specifies functional accessibility requirements for Information and Communication Technology (ICT) products and services, including web content, and is intended for use in public procurement within the European Union [91] [92]. The WAD relies on clauses 9, 10, and 11 of this standard for presuming conformity with its

89 Official Journal of the European Union. 2016, December 2. "Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance). Accessed from https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng.

90 Official Journal of the European Union. 2016, December 2. "Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance). Accessed from https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng.

91 Official Journal of the European Union. 2016, December 2. "Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance). Accessed from https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng.

92 ETSI. 2021. "Accessibility requirements for ICT products and services". Accessed from https://www.etsi.org/deliver/etsi_en/301500_301599/301549/03.02.01_60/en_301549v030201p.pdf.

accessibility requirements for websites and mobile applications[93] [94]. It also mentions specific requirements related to caption processing technology, audio description technology, and user controls for captions and audio description[95].

EN 301 549 also includes specifications for the design of the user interfaces for remote controls, dongles, and set top boxes:

- **Caption processing technology**: Clause 6.2 of EN 301 549 specifies requirements for real-time and prerecorded captions, ensuring they are accurate, synchronized, and accessible.
- **Audio description technology**: Clause 6.3 addresses requirements for audio descriptions, ensuring that visual content is described for users with visual impairments.
- **User controls for captions and audio description**: Clause 7.1 requires that media players provide accessible controls for enabling and customizing captions and audio descriptions, ensuring usability for people with disabilities. These requirements are critical for audiovisual media services, including streaming platforms, to ensure compliance with EU accessibility laws.

In addition, EN 301 549 provides the following additional features:

- Unlike WCAG, which mainly covers web content, EN 301 549 covers hardware, software, and support services. This allows enforcement bodies to evaluate the full streaming media ecosystem, including dongles, set-top boxes, user interfaces, and remote controls, using a single unified set of criteria.

- Regulators use EN 301 549 as a standardized audit tool for conducting market surveillance and proactive reviews. As each member state enforces the EAA, they rely on the standard to ensure consistent evaluations and penalties across countries.

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93 Official Journal of the European Union. 2016, December 2. "Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance). Accessed from https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng.

94 ETSI. 2021. "Accessibility requirements for ICT products and services". Accessed from https://www.etsi.org/deliver/etsi_en/301500_301599/301549/03.02.01_60/en_301549v030201p.pdf.

95 ETSI. 2021. "Accessibility requirements for ICT products and services". Accessed from https://www.etsi.org/deliver/etsi_en/301500_301599/301549/03.02.01_60/en_301549v030201p.pdf.

- If enforcement bodies detect non-compliance, they cite specific EN 301 549 provisions when requiring corrective action, imposing fines, or removing inaccessible products/services from the market. The standard's detailed criteria make it possible to clearly identify and document violations.
- EN 301 549's influence extends to public accountability. It requires technical specifications and accessibility information to be included in products' accessibility statements, which enforcement agencies review as part of their oversight.

EN 301 549 transforms the EAA's high-level legal obligations into detailed, enforceable requirements, enabling national authorities to audit, monitor, and enforce media accessibility through a common, recognized framework. This ensures that enforcement is not arbitrary but instead based on shared, measurable standards across the EU.

5.3.3 Compliance Monitoring Framework

The monitoring of compliance varies depending on the specific directive.

5.3.3.1 Web Accessibility Directive

Member States are required to **periodically monitor the compliance of websites and mobile applications of public sector bodies** with the accessibility requirements, based on a harmonised methodology established by the European Commission.[96] This methodology is designed to be transparent, transferable, comparable, reproducible, and easy to use.[97] Member States must also report periodically on the outcome of this monitoring.[98]

[96] Official Journal of the European Union. 2016, December 2. "Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance). Accessed from https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng.

[97] Official Journal of the European Union. 2016, December 2. "Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance). Accessed from https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng.

[98] Official Journal of the European Union. 2016, December 2. "Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance). Accessed from https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng.

5.3.3.2 Audiovisual Media Services Directive (AVMSD)

The AVMSD requires regular re-examination of the application of provisions related to the promotion of European works by audiovisual media services, with Member States taking into account financial contributions, catalogue share, and actual consumption of European works.[99] It also mandates that Member States ensure, by appropriate means within their legislation, that media service providers under their jurisdiction effectively comply with the directive's provisions.[100]

This re-examination process represents a notable regulatory practice of adaptive governance that merits broader adoption. The European Commission must submit a report on the AVMSD's application to the European Parliament every three years, creating a systematic cycle of review, consultation, and adaptation. This approach recognizes that media regulations cannot remain static in a rapidly evolving technological and market environment.

The re-examination mechanism operates through systematic data collection, requiring Member States to analyze quantitative metrics including financial contributions to European content production, the actual percentage of European works in service catalogs, and real consumption patterns by audiences. This data-driven approach moves beyond simple quota compliance to measure genuine cultural impact and market dynamics. The process includes mandatory consultation with industry players, cultural organizations, and civil society groups, ensuring that regulatory updates reflect real-world experiences and emerging challenges rather than purely theoretical frameworks.

Based on these periodic assessments, the European Commission can propose legislative updates, adjust implementation guidelines, or modify enforcement approaches to address technological developments, changing viewing habits, and new business models in the audiovisual sector. This practice of built-in regulatory review cycles serves as a model for maintaining policy effectiveness in dynamic sectors.

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99 Official Journal of the European Union. 2010, April 15. "Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Codified version) (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/eli/dir/2010/13/oj/eng.

100 Official Journal of the European Union. 2010, April 15. "Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Codified version) (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/eli/dir/2010/13/oj/eng.

Similar adaptive mechanisms exist in accessibility regulation, where laws like the American CVAA mandate regular updates to keep pace with technological advances. The AVMSD's re-examination process demonstrates how media policy can remain responsive to industry evolution while maintaining its core cultural objectives, offering a template for other jurisdictions seeking to balance regulatory stability with necessary adaptation to technological and market changes.

5.3.4 Compliance Enforcement Framework

Enforcement mechanisms in the EU's accessibility framework typically involve a mix of national measures, regulatory encouragement, and legal recourse. The specifics of Finland, France, Germany and Italy will be discussed below in the document. There are specific sections for each country. Each country has their own interpretation and implementation of the EU frameworks.

5.3.4.1 General Approach (AVMSD)

Member States are responsible for ensuring that media service providers under their jurisdiction comply with national laws that implement the AVMSD.[101] The directive encourages Member States to use co-regulation and/or self-regulatory regimes, which should be broadly accepted by stakeholders and provide for effective enforcement.[102]

[101] Official Journal of the European Union. 2010, April 15. "Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Codified version) (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/eli/dir/2010/13/oj/eng.

[102] Official Journal of the European Union. 2010, April 15. "Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Codified version) (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/eli/dir/2010/13/oj/eng.

5.3.4.2 Web Accessibility Directive (WAD)

The WAD provides a right to have recourse to an **adequate and effective procedure to ensure compliance.**[103] [104] This includes the right to submit complaints to any existing national authority competent to adjudicate those complaints.[105] Public sector bodies are also required to set up a feedback mechanism for users to notify them of accessibility failures and request information.[106]

5.3.4.3 European Accessibility Act (EAA)

Member States are required to ensure that adequate and effective means exist to ensure compliance with the EAA and should establish appropriate control mechanisms, such as *a posteriori* control by market surveillance authorities.[107] "A posteriori control by market surveillance authorities" means that after a product or service (like a streaming platform or a smart TV) is available to the public, special government teams check it to make sure it meets accessibility rules, like having captions or audio descriptions for people with disabilities. If it does not, they can demand fixes or impose penalties, like fines. Penalties for non-compliance should be adequate and proportionate.[108]

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[103] Official Journal of the European Union. 2019, June 7. "Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882.

[104] Official Journal of the European Union. 2016, December 2. "Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance). Accessed from https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng.

[105] Official Journal of the European Union. 2016, December 2. "Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance). Accessed from https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng.

[106] Official Journal of the European Union. 2016, December 2. "Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance). Accessed from https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng.

[107] Official Journal of the European Union. 2019, June 7. "Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882.

[108] Official Journal of the European Union. 2019, June 7. "Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882.

5.3.4.4 Appeals Process for Accessibility Non-Compliance

The appeals process for findings of non-compliance or fines related to streaming media accessibility in the European Union operates as a function of national law within each Member State, guided by a comprehensive framework of European Union directives. Unlike other jurisdictions with centralized regulatory bodies, the European Union does not maintain a single EU-level body that hears appeals from companies facing accessibility violations. Instead, the European Union establishes requirements and obligates Member States to enforce them while providing appropriate legal recourse through their national systems.

The process operates primarily under the governance of two key directives that create the legal foundation for accessibility enforcement across the European Union. The Audiovisual Media Services Directive and the more recent and comprehensive European Accessibility Act establish the regulatory framework that Member States must implement through their domestic legal systems.

5.3.4.4.1 The EU Legal Framework

The European Union establishes a harmonized framework requiring Member States to implement and enforce accessibility rules, meaning that a streaming service's obligations and the subsequent appeals process are determined by the national laws of the Member State that has jurisdiction over the service, typically based on where the service provider is established.

The Audiovisual Media Services Directive sets the overall policy framework for audiovisual media services across the European Union. Article 7 of the directive requires Member States to encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with visual or hearing disabilities. More broadly, Article 4(6) mandates that Member States must ensure, through their own legislation, that media service providers effectively comply with the directive's provisions. The directive requires each Member State to establish its own system of enforcement and sanctions, meaning that appeals processes for findings of non-compliance operate through the administrative and judicial system of the specific Member State that has jurisdiction over the service provider.

The European Accessibility Act provides more specific and comprehensive requirements in this regulatory context. This directive establishes mandatory accessibility requirements for certain products and services, including services providing access to audiovisual media services. The directive directly covers the websites, mobile applications, electronic program guides, and related media players that consumers use to access streaming content, creating enforceable obligations that

extend beyond the more general encouragement language found in other European Union legislation.

5.3.4.4.2 The Enforcement and Appeals Process under the EAA Framework

The European Accessibility Act outlines a clear structure for enforcement and remedy that Member States implement through their national legal systems, creating a decentralized but coordinated approach to accessibility compliance across the European Union.

Each Member State must designate national authorities responsible for checking the compliance of services with the European Accessibility Act's requirements. These national authorities bear responsibility for following up on complaints and verifying that corrective action has been taken when violations are identified. When a streaming service is found to be non-compliant with accessibility requirements, the national authority issues findings or fines according to national law. Member States are required to establish rules on penalties that are effective, proportionate, and dissuasive, ensuring that enforcement mechanisms create meaningful incentives for compliance.

Streaming media providers that receive findings of non-compliance or fines from national authorities have the right to appeal those decisions within the legal system of the country that issued the enforcement action. Article 29 of the European Accessibility Act explicitly requires Member States to ensure that adequate and effective means exist to ensure compliance, including provisions for consumers or representative associations to take action under national law before courts or competent administrative bodies. This same right of judicial and administrative review applies to service providers that have been sanctioned, ensuring due process protections across all Member States.

The specific appeals process, including which court or administrative tribunal to appeal to, the deadlines for filing appeals, and the procedural rules governing the review, is defined by the national laws of the individual Member State where the enforcement action was taken. This means that while the substantive accessibility requirements remain harmonized across the European Union, the procedural aspects of challenging enforcement actions vary according to each country's legal traditions and administrative structures.

Streaming services can argue that complying with an accessibility requirement is not required if it would result in a fundamental alteration of the service or impose a disproportionate burden on the provider. Economic operators must document their assessment of this burden, providing evidence and analysis to support claims that

accessibility requirements create unreasonable compliance costs or technical challenges. National authorities are responsible for checking whether this assessment is valid and whether the claimed burden truly meets the legal standards for exemption. A decision by an authority that a company's disproportionate burden claim is invalid would also be subject to appeal through the national courts, ensuring that exemption determinations receive appropriate legal scrutiny.

The European Commission plays a specific but limited role in this appeals framework through what the sources describe as a Union safeguard procedure. This mechanism resolves disagreements between Member States or addresses situations where the European Commission believes a measure taken by a single Member State is contrary to European Union law. The procedure involves the Commission evaluating national measures to determine whether they are justified under European Union law. This serves as a tool to ensure harmonized application of the law across the single market rather than functioning as a direct appeals process for private companies challenging fines issued by national authorities.

If a streaming media provider is found to be non-compliant with accessibility rules in the European Union, the finding and any associated fine will be issued by a national regulatory authority operating under that Member State's implementation of European Union directives. The provider's recourse is to appeal that decision through the national administrative and judicial system of the Member State that has jurisdiction over the service. The specific procedures, timelines, and courts involved will differ from one European Union country to another, reflecting the diversity of legal systems across the Member States while maintaining common substantive accessibility standards established by European Union law.

5.3.5 Other Laws, Policies, or Standards That May Appear Applicable

In analyzing the European Union’s complex regulatory landscape for digital accessibility, especially as it pertains to streaming media and video-on-demand (VOD) services, it is essential to distinguish between relevant and non-applicable legal instruments. Several EU directives incorporate accessibility provisions, but not all are applicable to audiovisual content or its delivery platforms. Misinterpretations often arise when directives designed for other sectors or entities are incorrectly assumed to apply to public broadcasters or digital media providers. This section unpacks three commonly referenced EU frameworks: the Web Accessibility Directive (WAD), the European Accessibility Act (EAA), and other sector-specific directives. It also clarifies the legal boundaries that limit their applicability to streaming services.

5.3.5.1 Web Accessibility Directive (WAD) and Public Service Broadcasters

Directive (EU) 2016/2102, known as the Web Accessibility Directive (WAD), mandates that websites and mobile applications of public sector bodies be accessible to persons with disabilities in accordance with harmonized European standards. The WAD establishes minimum requirements for perceivability, operability, understandability, and robustness of public digital content, typically interpreted through the lens of the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA (European Union, 2016).

However, WAD explicitly excludes from its scope "public service broadcasters and their subsidiaries",[109] unless their digital platforms fulfill broader public sector functions beyond broadcasting (Article 1(3)(c), WAD). This exemption is significant. While public service broadcasters are often publicly funded or chartered, their digital streaming services are not automatically subject to WAD obligations. As a result, unless a broadcaster performs additional non-media public functions, its websites and mobile applications are not legally required to comply with the accessibility requirements laid out in the directive.

This limitation has direct implications for the accessibility of streaming platforms operated by public broadcasters such as France Télévisions, RAI, or ARD. These services, while widely consumed and influential in public discourse, fall outside the remit of the WAD and may only be subject to accessibility obligations under other legal frameworks, if at all.

Similarly, private VOD providers (e.g., commercial streaming apps) are not covered by the WAD, which is limited to public sector bodies unless Member States extend it voluntarily (Article 2). Misapplying the WAD to private digital media could lead to incorrect compliance assumptions.

5.3.5.2 European Accessibility Act (EAA) and Audiovisual Media Services Content

Directive (EU) 2019/882, the European Accessibility Act (EAA), represents a major milestone in EU accessibility legislation. The EAA establishes harmonized accessibility requirements for a range of consumer products and services (including ATMs, e-commerce, banking, and certain digital interfaces) within the internal market (European Union, 2019).

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[109] Official Journal of the European Union. 2016, December 2. "Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance). Accessed from https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng.

Among the services covered by the EAA are those that provide access to audiovisual media services, such as electronic programme guides (EPGs), connected TV interfaces, and searchable media catalogs. These provisions aim to ensure that persons with disabilities can effectively locate, navigate, and launch audiovisual content across digital platforms.

However, it is crucial to note that the EAA does not directly address the accessibility of the audiovisual media content itself.[110] For instance, it does not require that streamed films or television programs include captions, sign language interpretation, or audio description. The regulation of such content-specific accessibility measures falls under the scope of the Audiovisual Media Services Directive (AVMSD), as amended (Directive 2010/13/EU; European Union, 2010; 2018).[111] The AVMSD's accessibility requirements are not uniformly mandatory across all Member States. Article 7 of the AVMSD encourages accessibility but allows flexibility in how Member States implement and enforce these measures, leading to variations in practice.

The EAA's relevance is thus confined to the accessibility of access services (interfaces, navigation, and content discovery tools) not the content presented through them. This legal delineation underscores the need for media regulators, accessibility advocates, and service providers to recognize the separate, complementary roles played by the EAA and AVMSD in governing the accessibility of audiovisual environments.

5.3.5.3 Other Sector-Specific Directives

Beyond the WAD and EAA, the EU legislative framework contains several other sector-specific directives that incorporate accessibility provisions. Examples include Regulation (EU) No 181/2011 on the rights of passengers in bus and coach transport and the Payment Services Directive (EU) 2015/2366 in the financial sector.[112]

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110 Official Journal of the European Union. 2019, June 7. "Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882.

111 Official Journal of the European Union. 2019, June 7. "Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882.

112 Official Journal of the European Union. 2019, June 7. "Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882.

While these frameworks enhance accessibility within their respective domains, they do not extend their reach to audiovisual or streaming media services. Their regulatory scopes are carefully bounded, targeting distinct service types such as transportation, banking, or telecommunications[113]. Inclusion of these directives in broader discussions about accessibility may reflect a desire for legal coherence and cross-sectoral consistency, as emphasized in the recitals and interoperability goals of the EAA. But this should not be mistaken for direct applicability to VOD platforms or content delivery systems.

It is therefore inappropriate to cite these frameworks as legal bases for enforcing streaming media accessibility, unless a specific audiovisual service also falls within the operational domain of a given sectoral directive. Such overlap remains the exception, not the rule.

5.4 Finland

This section offers a detailed and structured analysis of Finland's and the Åland Islands' legal, policy, and enforcement frameworks as they relate to the accessibility of digital services, including streaming media and audiovisual content platforms. The goal is to present a clear understanding of how accessibility requirements are legislated, monitored, and enforced within these jurisdictions, and to identify both exemplary practices and areas where improvement may be warranted.

5.4.1 Legislative Framework

5.4.1.1 Act on the Provision of Digital Services (306/2019)

Finland ensures digital accessibility through its main law, the Act on the Provision of Digital Services (306/2019), also known as Digipalvelulaki.[114] This law's purpose is to guarantee that everyone, including people with disabilities, can use digital services like government and public sector websites and apps safely, easily, and on equal terms.

This Finnish law is based on the European Union's Web Accessibility Directive (EU 2016/2102), which obligates public organizations across the EU to make their websites

113 Official Journal of the European Union. 2019, June 7. "Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance)". Accessed from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882.

114 Finlex. 2019, March 15. "306/2019 - Laki digitaalisten palvelujen tarjoamisesta". Accessed from https://finlex.fi/fi/lainsaadanto/2019/306.

and mobile applications accessible to all users.[115] The Finnish Act goes further by clarifying that "time-dependent media" covers all audio and video, whether it is something you just listen/watch or can interact with (like clicking options while watching a video). The law also mentions "audiovisual content service access providers," meaning companies or platforms that enable users to stream or download audiovisual media, which is a definition taken from the Electronic Communications Services Act (917/2014).[116]

An update to Finland's accessibility rules made in February 2023 (added as Chapter 3a to Act 306/2019). The new Chapter 3a extends these requirements to more private sector services (e.g., e-commerce, e-books, banking, passenger transport (digital ticket, check-in services, etc.), and all services that provide access to audiovisual content (like streaming platforms or online radio).[117]

The technical requirements are more explicit. Services must now strictly follow technical standards from European norm EN 301 549, which includes the Web Content Accessibility Guidelines (WCAG) 2.1 Level A and AA, which are the main international guidelines for digital accessibility. In practice, there are 49 mandatory criteria; for "time-dependent media" (like video or audio), this means requirements for subtitles, audio descriptions, and media alternatives for people who cannot see or hear the original content.[118]

There are also extra functional requirements, such as making sure digital services are usable with a keyboard (important for people who cannot use a mouse), ensuring adaptable content for assistive technologies (like screen readers), and providing enough time for users to read and use content before it expires or changes.[119] There are detailed requirements for audiovisual services offering video, audio, or interactive media. For example, videos on websites must have captions and audio descriptions.

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115 Finlex. 2019, March 15. "306/2019 - Laki digitaalisten palvelujen tarjoamisesta". Accessed from https://finlex.fi/fi/lainsaadanto/2019/306.

116 Finlex. 2019, March 15. "306/2019 - Laki digitaalisten palvelujen tarjoamisesta". Accessed from https://finlex.fi/fi/lainsaadanto/2019/306.

117 Gull_Siru.pdf;jsessionid=2470EBD73FBD926A91FF27A42A239C85

118 "Requirements of the Act on the Provision of Digital Services". https://www.saavutettavuusvaatimukset.fi/en/requirements-act-provision-digital-services/requirements-act-provision-digital-services

119 https://www.theseus.fi/bitstream/handle/10024/802822/Gull_Siru.pdf;jsessionid=2470EBD73FBD926A91FF27A42A239C85?sequence=2

Alternative forms (e.g., text versions) are required for audio and video so users with different disabilities can access the same information.[120] Organizations must publish an accessibility statement explaining how their service meets accessibility rules, and they must have a feedback channel for reporting accessibility issues. They are required to respond to feedback within 14 days.[121] More organizations will now fall under the supervision of the Finnish Digital Accessibility Supervision Unit, increasing both the monitoring and enforcement of accessibility compliance.These new standards will be enforced starting June 28, 2025, demanding even stricter compliance for these types of services.[122]

5.4.1.2 Regional Law (2019:7) on Accessible Digital Services

In the Åland Islands (an autonomous region within Finland), digital accessibility is governed by Regional Law (2019:7) on Accessible Digital Services. It came into effect on May 1, 2019.[123] The goal of this law is to also promote accessible digital content and services.[124] [125] It adapts both the EU Web Accessibility Directive (EU 2016/2102) and parts of the Accessibility Directive (EU 2019/882).[126] From June 28, 2025, Chapter 2a of this Åland regional law will require providers of consumer-facing audiovisual media services to follow these accessibility rules. These are unique from the rest of Finland as they apply only within the Åland Islands. The islands are autonomous in many legal matters, including digital and public administration. They are in charge of

120 "Requirements of the Act on the Provision of Digital Services". https://www.saavutettavuusvaatimukset.fi/en/requirements-act-provision-digital-services/requirements-act-provision-digital-services

https://www.theseus.fi/bitstream/handle/10024/802822/Gull_Siru.pdf;jsessionid=2470EBD73FBD926A91FF27A42A239C85?sequence=2

121

122 Finlex. 2019, March 15. "306/2019 - Laki digitaalisten palvelujen tarjoamisesta". Accessed from https://finlex.fi/fi/lainsaadanto/2019/306.

123 Åland Provincial Government. 2019. "Landskapslag (2019:7) om tillgängliga digitala tjänster (2023/61)". Accessed from https://www.regeringen.ax/alandsk-lagstiftning/alex/20197.

124 Åland Provincial Government. 2019. "Landskapslag (2019:7) om tillgängliga digitala tjänster (2023/61)". Accessed from https://www.regeringen.ax/alandsk-lagstiftning/alex/20197.

125 Level Access. 2025. "Executive Fact Sheet: Finland's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Finland-Digital-Accessibility-Laws.pdf.

126 Åland Provincial Government. 2019. "Landskapslag (2019:7) om tillgängliga digitala tjänster (2023/61)". Accessed from https://www.regeringen.ax/alandsk-lagstiftning/alex/20197.

enforcing the same technical accessibility standard (EN 301 549/WCAG), with almost identical requirements for service accessibility, accessibility statements, user feedback, and obligations for private vendors selling to public entities. Supervision and enforcement are handled by Åland's regional government, not Traficom.[127]

5.4.1.3 Applicable Decrees

To clarify exactly what is required, the Finnish government issued two separate decrees:

- Decree 180/2023 details accessibility requirements for electronic communications and audiovisual content access services (effective June 28, 2025). .[128] This decree:
  - Applies to providers of electronic communications services and audiovisual media services.
  - Requires these providers to ensure that their digital content and communication services are accessible to all users, including those with disabilities.
  - Mandates the presentation of information in understandable formats and that content be perceivable, operable, and available with options like adjustable font size, adequate contrast, and alternative formats for text or audiovisual content compatible with assistive technologies.
  - Imposes obligations to share details publicly about accessibility measures taken and ongoing efforts to improve accessibility.
  - Enforcement is by the Finnish Transport and Communications Agency (Traficom), with non-compliance potentially leading to fines or mandated corrective actions.

127 Åland Provincial Government. 2019. "Landskapslag (2019:7) om tillgängliga digitala tjänster (2023/61)". Accessed from https://www.regeringen.ax/alandsk-lagstiftning/alex/20197.

128 Finlex. 2023, February 16. "Valtioneuvoston asetus sähköisen viestinnän palvelujen ja audiovisuaalisiin sisältöpalveluihin pääsyn tarjoavien palvelujen esteettömyysvaatimuksista". Accessed from https://finlex.fi/en/legislation/collection/2023/180.

- Decree 179/2023 describes accessibility requirements for certain digital services under Chapter 3a of Act 306/2019, also effective June 28, 2025. [129] This decree:
    - Focuses on specific digital services described in Chapter 3a of the Act on the Provision of Digital Services (306/2019), including e-commerce platforms, e-books, banking services, and services providing access to audiovisual content and communication services.
    - Establishes functional accessibility requirements aligned with the EAA and European harmonized standards, primarily EN 301 549 which incorporates WCAG 2.1.
    - Mandates that these digital services be perceivable, operable, understandable, and robust for users with disabilities.
    - Includes procedures for monitoring compliance, user feedback mechanisms, and allowances for justified exceptions in cases of disproportionate burden.
    - Also enforced by Traficom, with enforcement actions including fines or corrective mandates.

Together, these decrees expand and specify the digital accessibility standards and obligations for particular service categories in Finland, reinforcing technical and procedural requirements from existing laws (like the Act 306/2019).

5.4.2 Standards for Streaming Media Accessibility

For streaming and on-demand video services, there are clear legal rules that make sure these services are usable by everyone, including people with disabilities. According to the Act on the Provision of Digital Services (306/2019), if public digital services include pre-recorded videos or timed media, the service provider must make sure these meet accessibility rules within 14 days of their first release or any updates.[130]

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129 Finnish Ministry of Transport and Communications. 2023, February 16. “Valtioneuvoston asetus eräiden digitaalisten palvelujen saavutettavuusvaatimuksista 179/2023”. Accessed from https://www.edilex.fi/smur/20230179.

130 Finlex. 2019, March 15. “306/2019 - Laki digitaalisten palvelujen tarjoamisesta”. Accessed from https://finlex.fi/fi/lainsaadanto/2019/306.

The Government Decree 180/2023 explains how information about these services and their related products should be provided. The information must be presented through more than one sense[131] [132], like both sight and sound, to make sure all users can access it. It also has to be clear and understandable so users can easily perceive it.[133] [134] The content should be in text formats that can be changed into other formats useful for assistive devices[135] [136], for example, screen readers. The text should use a big enough font size, clear font style, and enough contrast so it is easy to read. Users should be able to adjust font[137] [138] content must have alternative versions that describe what they show. All electronic information must be available regularly and enough so users can easily see, control, understand, and use the service reliably.

131 Finlex. 2023, February 16. "Valtioneuvoston asetus sähköisen viestinnän palvelujen ja audiovisuaalisiin sisältöpalveluihin pääsyn tarjoavien palvelujen esteettömyysvaatimuksista". Accessed from https://finlex.fi/en/legislation/collection/2023/180.

132 Level Access. 2025. "Executive Fact Sheet: Finland's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Finland-Digital-Accessibility-Laws.pdf.

133 Finlex. 2023, February 16. "Valtioneuvoston asetus sähköisen viestinnän palvelujen ja audiovisuaalisiin sisältöpalveluihin pääsyn tarjoavien palvelujen esteettömyysvaatimuksista". Accessed from https://finlex.fi/en/legislation/collection/2023/180.

134 Level Access. 2025. "Executive Fact Sheet: Finland's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Finland-Digital-Accessibility-Laws.pdf.

135 Finlex. 2023, February 16. "Valtioneuvoston asetus sähköisen viestinnän palvelujen ja audiovisuaalisiin sisältöpalveluihin pääsyn tarjoavien palvelujen esteettömyysvaatimuksista". Accessed from https://finlex.fi/en/legislation/collection/2023/180.

136 Level Access. 2025. "Executive Fact Sheet: Finland's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Finland-Digital-Accessibility-Laws.pdf.

137 Finlex. 2023, February 16. "Valtioneuvoston asetus sähköisen viestinnän palvelujen ja audiovisuaalisiin sisältöpalveluihin pääsyn tarjoavien palvelujen esteettömyysvaatimuksista". Accessed from https://finlex.fi/en/legislation/collection/2023/180.

138 Level Access. 2025. "Executive Fact Sheet: Finland's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Finland-Digital-Accessibility-Laws.pdf.

Both Government Decrees 180/2023 and 179/2023 give further rules called functional performance requirements that apply if the decrees replace other accessibility standards. These say:[139] [140]

- For services mostly used with sight, there must be at least one way to use the service that does not need vision, or works for people with limited sight, or does not rely on color recognition.
- For services mainly used by hearing, there must be an option that does not require hearing or has better audio for people with hearing difficulties.
- For services that need users to speak, there must be an alternative that does not require speaking.
- For services requiring manual control, there must be an easy-to-use option that does not need precise hand skills, strength, or using many buttons at once, and works for people with limited reach or strength.
- There must be at least one way to use the service that is simple and easy to use.
- If accessibility features exist, at least one option must make sure using them keeps the user's privacy safe.

For audiovisual services specifically in the Åland Islands, the Regional Law (2019:7) adds that from June 28, 2025, these services must provide electronic program guides (EPGs) that everyone can see, control, understand, and depend on. They must also give clear information about accessibility services. Accessibility features for audiovisual content must be sent in good quality and be perfectly synchronized with sound and images, so users can control and use them properly. As a further clarification, public sector services are covered under the Act 306/2019 but private sector streaming services are primarily covered by the EAA via Decrees 180/2023 and 179/2023.

139 Finlex. 2023, February 16. "Valtioneuvoston asetus sähköisen viestinnän palvelujen ja audiovisuaalisiin sisältöpalveluihin pääsyn tarjoavien palvelujen esteettömyysvaatimuksista". Accessed from https://finlex.fi/en/legislation/collection/2023/180.

140 Finnish Ministry of Transport and Communications. 2023, February 16. "Valtioneuvoston asetus eräiden digitaalisten palvelujen saavutettavuusvaatimuksista 179/2023". Accessed from https://www.edilex.fi/smur/20230179.

5.4.3 Compliance Monitoring Framework

In mainland Finland, the Finnish Transport and Communications Agency (Traficom) is in charge of overseeing the Act on the Provision of Digital Services (306/2019) and the related laws, Government Decrees 179/2023 and 180/2023. [141] Traficom's main tasks include giving general advice and guidance, helping develop international rules about accessibility, and providing summaries of official accessibility standards (like EN 301 549) into the official languages of Finland, Finnish and Swedish. [142] Traficom does not directly translate standards, as EN 301 549 is an ETSI standard published in English and adopted EU-wide. However, Traficom facilitates the application of these standards by providing guidance and summaries in Finnish and Swedish, Finland's official languages, to ensure accessibility for local stakeholders. Official translations of EU directives or national laws (e.g., Act 306/2019) are handled by the Finnish government, not solely Traficom.

Traficom watches over whether digital services meet the accessibility rules set by the EU Web Accessibility Directive.[143] It regularly talks with different groups affected by these rules and sends reports about compliance back to the European Commission. The Traficom does actively audit and monitor digital services for accessibility violations. Traficom is responsible for supervising compliance with the Act on the Provision of Digital Services (306/2019) and related decrees, including performing regular checks and inspections. When accessibility shortcomings are reported or suspected, Traficom can conduct audits, request information from service providers, and carry out on-site inspections (except at private residences). They engage with stakeholders and use these audits to ensure services meet the required.

Traficom has the power to order digital service providers to fix their services within a reasonable time if they do not meet the accessibility needs. They can also impose fines. They can require providers to supply content in accessible formats or through other accessible methods if someone asks for it. To do this work, Traficom can ask for important information or clarifications without any cost, even if the information is normally confidential. They can also visit the places where services are provided,

141 Level Access. 2025. "Executive Fact Sheet: Finland's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Finland-Digital-Accessibility-Laws.pdf.

142 Finlex. 2019, March 15. "306/2019 - Laki digitaalisten palvelujen tarjoamisesta". Accessed from https://finlex.fi/fi/lainsaadanto/2019/306.

143 Finlex. 2019, March 15. "306/2019 - Laki digitaalisten palvelujen tarjoamisesta". Accessed from https://finlex.fi/fi/lainsaadanto/2019/306.

except for permanent homes, and bring in outside experts to help when inspecting services.

In Finland, public websites are regularly audited for accessibility by external experts often under the guidance or encouragement of Traficom. These audits identify barriers and support improvements to meet legal accessibility standards. Moreover, users who encounter accessibility issues can submit complaints directly to Traficom if service providers do not address their concerns adequately.[144]

In the Åland Islands, the Åland regional government (Landskapsregeringen) is responsible for supervising the Regional Law (2019:7) about accessibility. This government group provides advice on how the law should be applied, keeps an eye on whether organizations follow the accessibility requirements, and reports back to the European Commission. The Åland government has the authority to order public authorities to make their websites or mobile apps accessible, produce an accessibility statement explaining how accessible they are, or provide content in accessible formats when someone needs it.

From the research the authors have done, there is no evidence that the Åland regional government conducts proactive audits like the Traficom. Åland's enforcement is more reactive due to its small population (~30,000) and fewer public entities. The Landskapsregeringen typically responds to complaints or conducts targeted checks rather than large-scale proactive audits. EU monitoring reports (2021–2024) and Finnish accessibility studies note Åland's compliance efforts but lack evidence of systematic, proactive auditing programs, supporting the text's assertion.

5.4.4 Compliance Enforcement Framework

5.4.4.1 Enforcement Framework in Mainland Finland

The enforcement framework in Finland involves various measures to ensure compliance with digital accessibility laws. For organizations found to be non-compliant with the Act on the Provision of Digital Services (306/2019) or the related Government Decrees (179/2023, 180/2023), Traficom **may impose fines and/or require corrective actions to resolve accessibility issues**[145]. The specific amount of a fine may vary based on factors such as the type and severity of the violation and the non-compliant entity's

[144] Accessibility statement - Kuralan Kylämäki

[145] Level Access. 2025. "Executive Fact Sheet: Finland's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Finland-Digital-Accessibility-Laws.pdf.

ability to pay[146]. A secondary source notes that the fines can be as high as €150,000 for non-compliance, and they may escalate daily until the accessibility defects are fixed.[147] Finnish law, under the Act on Administrative Fines (1113/1990) and EAA-aligned regulations, allows for significant fines, but the exact maximum for accessibility violations is not explicitly set at €150,000 in the Act 306/2019 or the decrees. Fines may be reduced if an organisation has corrected its violation or if its financial capability has substantially diminished[148]. Traficom has the power to set **conditional fines (uhkasakko)** to enforce its orders regarding accessibility requirements or information and inspection rights[149]. Decisions made by Traficom, such as those related to accessibility clarification requests or compliance orders, are subject to a right of rectification and appeal to an administrative court[150].

5.4.4.2 Appeals Process for Accessibility Non-Compliance

Mainland Finland provides specific legal pathways to appeal findings of non-compliance with streaming media accessibility regulations or to challenge fines issued for such violations. The process operates primarily under the Act on the Provision of Digital Services and the Act on Conditional Fines, with different procedures for mainland Finland and the autonomous Åland Islands reflecting Finland's unique constitutional structure that grants special autonomy to the Åland region.

The Finnish Transport and Communications Agency, known as Traficom, serves as the supervisory and enforcement authority for digital accessibility in mainland Finland. The enforcement process typically involves corrective orders and conditional fines that provide structured mechanisms for achieving compliance while respecting due process rights.

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146 Level Access. 2025. "Executive Fact Sheet: Finland's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Finland-Digital-Accessibility-Laws.pdf.

147 Understanding the European Accessibility Act (EAA): Ensuring Compliance and Avoiding Penalties - AFixt AFixt, Inc. offers a full array of services for regulations and standards such as ADA, WCAG, EAA, AODA, and EN 301 549.

148 Level Access. 2025. "Executive Fact Sheet: Finland's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Finland-Digital-Accessibility-Laws.pdf.

149 Finlex. 2019, March 15. "306/2019 - Laki digitaalisten palvelujen tarjoamisesta". Accessed from https://finlex.fi/fi/lainsaadanto/2019/306.

150 Finlex. 2019, March 15. "306/2019 - Laki digitaalisten palvelujen tarjoamisesta". Accessed from https://finlex.fi/fi/lainsaadanto/2019/306.

5.4.4.2.1 The Initial Order and Appeal Process

When Traficom identifies a violation of accessibility requirements, it possesses authority to issue legally binding orders requiring service providers to bring their digital services into compliance with accessibility requirements within a reasonable timeframe. Service providers facing such orders have established mechanisms to challenge these determinations through Finland's administrative law system.

The primary mechanism for challenging Traficom's compliance orders involves requesting a rectification, known in Finnish as oikaisuvaatimus, of Traficom's decision. The rules governing this process are established in Finland's Administrative Procedure Act, which provides standardized procedures for challenging administrative decisions across all government agencies. This rectification process allows service providers to present evidence and arguments demonstrating why the compliance order should be modified or withdrawn.

If the outcome of the rectification request proves unsatisfactory to the service provider, the decision can be further appealed to an administrative court. These subsequent appeals operate under the Act on Administrative Judicial Procedure, which establishes comprehensive procedures for judicial review of administrative decisions. This two-tier system ensures that both administrative reconsideration and independent judicial review are available to service providers challenging accessibility compliance orders.

5.4.4.2.2 The Conditional Fine System

To enforce its compliance orders effectively, Traficom has authority to issue conditional fines/uhkasakko. These fines are not automatically collected upon issuance but are imposed to ensure that providers follow the main compliance orders by creating financial consequences for continued non-compliance.

Before a conditional fine is established or ordered to be paid, the Administrative Procedure Act requires that the affected party must be given an opportunity to provide an explanation and present their perspective on the proposed enforcement action. This procedural protection ensures that service providers can address potential misunderstandings or present mitigating circumstances before financial penalties are imposed.

The decision to set a conditional fine can be appealed alongside the main compliance order to which it is attached, allowing service providers to challenge both the underlying compliance requirement and the associated financial consequences through a single appeal process. If the provider fails to comply with the original order

and Traficom moves to make the fine payable, this payment decision can also be appealed to a competent administrative court. Importantly, a fine can only be ordered for payment if the main compliance order has become legally final, unless the order is specifically designated as enforceable despite pending appeals.

5.4.4.2.3 Grounds for Reducing Fines

Even when violations are established, the Act on Conditional Fines provides specific grounds for reducing fines below the initially set amounts, which can form a crucial component of appeals strategies. Fines may be reduced if the main obligation has been substantially complied with, demonstrating good faith efforts to achieve accessibility requirements. Additionally, fines can be lowered if the obligated party's ability to pay has significantly decreased due to changed financial circumstances, or if other justified reasons exist to reduce the penalty amount.

The practical application of these principles can be seen in Traficom's 2023 enforcement action against Sanoma Media regarding subtitling quality on its Nelonen TV and Ruutu streaming services. Sanoma Media implemented corrective actions in response to the regulatory order, which were subsequently verified by Traficom, demonstrating how compliance can be achieved through the regulatory process and how responsive action by service providers can influence enforcement outcomes.

5.4.4.3 Enforcement Framework in the Åland Islands

In the Åland Islands, an autonomous region of Finland, digital accessibility rules are enforced through a combination of local and national legislation. The central law here is the Landskapslag (2019:7) om tillgängliga digitala tjänster.[151] This statute brings the EU's Web Accessibility Directive into force locally and also incorporates parts of the European Accessibility Act. It applies to websites, mobile applications, and other digital services, including streaming and audiovisual media. At present, the law mainly applies to public authorities, but beginning on 28 June 2025, it will also extend to private providers of services such as passenger transport and access to audiovisual media. The only exception is for microenterprises, which are exempt from these new requirements.

The Åland government (Ålands landskapsregering) is designated as both the supervisory and enforcement authority. When an organisation is found to be non-compliant, the government has the power to issue a formal order, known as an åläggande, requiring the organisation to correct its accessibility failures within a

151 Level Access. 2025. "Executive Fact Sheet: Finland's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Finland-Digital-Accessibility-Laws.pdf.

reasonable period of time. These orders are not toothless. To make sure they are respected, the government can attach a conditional fine, called a vote, which is payable if the order is ignored.[152]

The rules for these fines are not contained within the accessibility law itself. Instead, Section 12 of the 2019 statute refers to another act: the Landskapslag (2008:10) om tillämpning i landskapet Åland av viteslagen. This "bridge" law explicitly states that the Finnish national Conditional Fines Act (Viteslagen, FFS 1113/1990) is to be applied in Åland. Because of this reference, the detailed provisions of the Finnish act govern how fines are determined and enforced in the region.

The Conditional Fines Act does not fix amounts in advance. Section 8 makes clear that the size of a fine must always be assessed case by case, using several factors. Authorities must consider the nature and extent of the obligation that has been breached, for example, how serious and wide-ranging the accessibility failure is. They must also consider the solvency of the obligated party, making sure the fine is proportionate to the organisation's financial standing. Finally, they may take into account any other relevant circumstances that influence the matter. The act itself does not list specific euro figures, but practice in mainland Finland, where the same law applies, shows the scale of what is possible. There, the national authority Traficom has imposed penalties as high as one million euros, or up to five percent of annual turnover, in systemic cases. This demonstrates the potential severity of the sanctions.

The law also allows for different types of fines. A fixed conditional fine (kiinteä uhkasakko) is a single lump-sum payment that becomes due if the order is not met by the deadline. A running conditional fine (juokseva uhkasakko), by contrast, is designed for ongoing non-compliance. In this case, the authority sets a base amount (peruserä) and then adds an additional amount (lisäerä) for each period, such as a week or a month, that the organization remains in violation.

Beyond the structure of fines, there are other important provisions. A fine can be directed at the organization itself, such as a company or a foundation, but it can also target individuals responsible for decisions, like members of the board or the CEO. Fines can be reduced if the organization has substantially complied with the order, if its ability to pay has decreased, or for other justified reasons. Finally, the law protects

152 Åland Provincial Government. 2019. "Landskapslag (2019:7) om tillgängliga digitala tjänster (2023/61)". Accessed from https://www.regeringen.ax/alandsk-lagstiftning/alex/20197.

due process: before any fine is determined or ordered to be paid, the affected party must always be given an opportunity to be heard and to present its explanation.[153]

Taken together, these rules mean that in the Åland Islands, the exact value of a fine is never predetermined. Instead, it is calculated through a structured assessment of proportionality, severity, and financial capacity, all in line with the framework set out in Finland's Conditional Fines Act.

5.4.4.4 Appealing in the Åland Islands

The Åland Islands maintain a distinct regional administration for accessibility enforcement matters, reflecting their autonomous status within the Finnish constitutional system. The Government of Åland, known in Swedish as Ålands landskapsregering, serves as the supervisory authority responsible for overseeing digital accessibility compliance within the autonomous region.

The Government of Åland possesses authority to issue orders ensuring compliance with accessibility requirements and can combine these orders with fines, known in Swedish as vite. The application of these fines is governed by regional law that incorporates Finland's main Act on Conditional Fines, ensuring consistency in enforcement mechanisms while respecting regional autonomy.

Decisions made by the Government of Åland under accessibility legislation can be appealed through a process called besvär, which is outlined in Section 25 of the Self-Government Act for Åland. This appeal process reflects the unique constitutional arrangement between Finland and Åland, providing appropriate legal recourse while maintaining the autonomous region's authority over matters within its jurisdiction.

5.4.5 Other Laws, Policies, or Standards That May Appear Applicable

While the Finnish laws are comprehensive, there are specific exclusions regarding streaming media content:

- The Act on the Provision of Digital Services (306/2019) **does not apply to direct live time-dependent media** presented on a service provider's

[153] Åland Provincial Government. 2019. "Landskapslag (2019:7) om tillgängliga digitala tjänster (2023/61)". Accessed from https://www.regeringen.ax/alandsk-lagstiftning/alex/20197.

website or mobile application if it is not recorded for storage and re-publication online[154].

- It also **does not apply to website and mobile application content that was archived before 23 September 2019**, unless that content is needed by a public authority to handle an ongoing case[155].
- Furthermore, for the additional requirements under Chapter 3a (effective from 28 June 2025), the law **does not apply to pre-recorded time-dependent media that was published before 28 June 2025**[156].
- Similarly, the Regional Law (2019:7) in Åland **does not apply to direct broadcasts of time-dependent media**[157].
- It also **does not apply to website and mobile application content archived before 23 September 2019**, unless that content is necessary for handling an unresolved matter concerning an individual[158].
- For the specific services covered by Chapter 2a (effective from 28 June 2025), the law **does not apply to pre-recorded time-dependent media that was published before 28 June 2025**[159].

These exceptions are important for understanding the full scope of the accessibility requirements, as they specify certain types of time-dependent media that are not directly subject to the general accessibility mandates.

154 Finlex. 2019, March 15. "306/2019 - Laki digitaalisten palvelujen tarjoamisesta". Accessed from https://finlex.fi/fi/lainsaadanto/2019/306.

155 Finlex. 2019, March 15. "306/2019 - Laki digitaalisten palvelujen tarjoamisesta". Accessed from https://finlex.fi/fi/lainsaadanto/2019/306.

156 Finlex. 2019, March 15. "306/2019 - Laki digitaalisten palvelujen tarjoamisesta". Accessed from https://finlex.fi/fi/lainsaadanto/2019/306.

157 Finlex. 2019, March 15. "306/2019 - Laki digitaalisten palvelujen tarjoamisesta". Accessed from https://finlex.fi/fi/lainsaadanto/2019/306.

158 Åland Provincial Government. 2019. "Landskapslag (2019:7) om tillgängliga digitala tjänster (2023/61)". Accessed from https://www.regeringen.ax/alandsk-lagstiftning/alex/20197.

159 Åland Provincial Government. 2019. "Landskapslag (2019:7) om tillgängliga digitala tjänster (2023/61)". Accessed from https://www.regeringen.ax/alandsk-lagstiftning/alex/20197.

5.5 France

This section provides a clear overview of France's legal rules and policies that make streaming media and other digital services accessible to people with disabilities. France's laws are shaped by European Union rules, especially the Web Accessibility

Directive (Directive 2016/2102) and the European Accessibility Act (Directive 2019/882). These EU laws require member countries to change their own national laws to guarantee that people with disabilities can use public websites, apps, and digital services just as easily as everyone else. France fits into this bigger European framework by translating these directives into its own laws and policies to improve digital accessibility for all its citizens.

The content is organized into themes to make it clear and to allow easy comparison with other jurisdictions. It begins with the foundational legislation, notably the **Montchamp Law (Loi n° 2005-102)**, which establishes the principle of digital accessibility for public and large private entities. Subsequent sections examine how this principle is operationalized through **specific implementing decrees** and **orders**, most notably **Décret n° 2019-768**, **Loi n° 2023-171**, and **Arrêté du 9 October 2023**, which extend accessibility obligations to streaming media services, both public and private.

The section then details France's **technical standards and policy frameworks**, particularly the **Référentiel Général d'Accessibilité pour les Administrations (RGAA)** and the harmonized European standard **EN 301 549**, which together provide the technical and procedural basis for ensuring compliance with accessibility requirements. These standards closely align with international best practices, including the **Web Content Accessibility Guidelines (WCAG) 2.1**, and establish requirements for audiovisual content such as subtitles, audio descriptions, and user interface operability.

Following this, the text outlines the **compliance monitoring** mechanisms led by French ministries and ARCOM (France's digital and audiovisual regulatory authority), as well as **enforcement provisions**, including escalating financial penalties for non-compliance and mandatory publication of accessibility statements and action plans.

The final parts of the section provide a critical analysis of **best practices** that could inform policy development in other jurisdictions, such as Canada. It also highlights **structural limitations** within the French framework (e.g., content exemptions, the broad "disproportionate burden" clause, and technical gaps in WAI-ARIA support) that may reduce the effectiveness of existing regulations.

5.5.1 Legal Framework

5.5.1.1 Loi n° 2005-102 of 11 February 2005 (Montchamp Law)

The primary legal framework in France for digital accessibility, which includes streaming media, is rooted in the **Loi n° 2005-102 of 11 February 2005 for equal rights and opportunities, participation and citizenship of people with disabilities**, commonly known as the **Montchamp Law.**[160] [161] [162] This foundational law mandates that online public communication services of state services, local authorities, and their public establishments must be accessible to persons with disabilities.[163] The Montchamp Law also extends this mandate to private businesses with an annual turnover of €250 million or more, averaged over the last three accounting years.[164] While the Montchamp Law itself establishes the general principle of accessibility, its specific application to digital services, including streaming media, is detailed and reinforced by subsequent legislation and decrees.

5.5.1.2 Décret n° 2019-768 of 24 July 2019

A key piece of legislation is **Décret n° 2019-768 of 24 July 2019**, which transposes Directive (EU) 2016/2102 (the EU Web Accessibility Directive, WAD) into French law.[165] This decree sets more stringent accessibility requirements specifically for the websites and mobile applications of public-sector organizations, ensuring that people

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160 Philippe, E., Darmanin, G., Buzyn, A., Le Maire, B., O, C. 2019, July 24. "Décret n° 2019-768 du 24 juillet 2019 relatif à l'accessibilité aux personnes handicapées des services de communication au public en ligne". Accessed from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038811937/.

161 Level Access. 2025. "Executive Fact Sheet: France's Digital Accessibility Laws". Accessed from https://www.levelaccess.com/wp-content/uploads/2025/02/France-Digital-Accessibility-Laws.pdf.

162 Chirac, J. et al. 2005. "Law No. 2005-102 of February 11, 2005 for equal rights and opportunities, participation and citizenship of people with disabilities". Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000809647.

163 Chirac, J. et al. 2005. "Law No. 2005-102 of February 11, 2005 for equal rights and opportunities, participation and citizenship of people with disabilities". Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000809647.

164 Level Access. 2025. "Executive Fact Sheet: France's Digital Accessibility Laws". Accessed from https://www.levelaccess.com/wp-content/uploads/2025/02/France-Digital-Accessibility-Laws.pdf.

165 Philippe, E., Darmanin, G., Buzyn, A., Le Maire, B., O, C. 2019, July 24. "Décret n° 2019-768 du 24 juillet 2019 relatif à l'accessibilité aux personnes handicapées des services de communication au public en ligne". Accessed from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038811937/.

with disabilities can easily access these digital public services.[166] While the decree covers "online public communication services"[167], its scope concerning pre-recorded audio and video content published before 23 September 2020, and live audio and video content, is subject to specific exemptions.[168] [169]

5.5.1.3 Loi n° 2023-171 of 9 March 2023

For private businesses, the **Loi n° 2023-171 of 9 March 2023** plays a crucial role as it is part of France's transposition of the European Accessibility Act (EAA).[170] The EAA encompasses a broad range of products and services, including "audiovisual media services" within its scope, meaning streaming media and video on-demand services provided by private entities are now subject to its accessibility requirements.[171] This law amended existing Consumer, Financial, and Transport codes to integrate EAA provisions.[172]

166 Philippe, E., Darmanin, G., Buzyn, A., Le Maire, B., O, C. 2019, July 24. "Décret n° 2019-768 du 24 juillet 2019 relatif à l'accessibilité aux personnes handicapées des services de communication au public en ligne". Accessed from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038811937/.

167 Philippe, E., Darmanin, G., Buzyn, A., Le Maire, B., O, C. 2019, July 24. "Décret n° 2019-768 du 24 juillet 2019 relatif à l'accessibilité aux personnes handicapées des services de communication au public en ligne". Accessed from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038811937/.

168 Philippe, E., Darmanin, G., Buzyn, A., Le Maire, B., O, C. 2019, July 24. "Décret n° 2019-768 du 24 juillet 2019 relatif à l'accessibilité aux personnes handicapées des services de communication au public en ligne". Accessed from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038811937/.

169 Republic of France. 2019, October. "Référentiel général d'amélioration de l'accessibilité (RGAA 4.0). Accessed from https://www.ecologie.gouv.fr/sites/default/files/documents/RGAA-v4.0.pdf.

170 Macron, E. et al. 2023, March 9. "Loi n° 2023-171 du 9 mars 2023 portant diverses dispositions d'adaptation au droit de l'Union européenne dans les domaines de l'économie, de la santé, du travail, des transports et de l'agriculture". Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000047281777.

171 Level Access. 2025. "Executive Fact Sheet: France's Digital Accessibility Laws". Accessed from https://www.levelaccess.com/wp-content/uploads/2025/02/France-Digital-Accessibility-Laws.pdf.

172 Macron, E. et al. 2023, March 9. "Loi n° 2023-171 du 9 mars 2023 portant diverses dispositions d'adaptation au droit de l'Union européenne dans les domaines de l'économie, de la santé, du travail, des transports et de l'agriculture". Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000047281777.

5.5.1.4 Arrêté du 9 octobre 2023

Complementing Loi n° 2023-171, the **Arrêté du 9 octobre 2023** establishes detailed accessibility requirements applicable to products and services covered by the EAA.[173] This order explicitly mandates that digital offerings, including services providing access to audiovisual media, must be usable by individuals with disabilities.[174]

5.5.2 Policy Framework

5.5.2.1 Référentiel Général d'Accessibilité pour les Administrations (RGAA)

The primary policy document implementing the accessibility requirements in France is the **Référentiel Général d'Accessibilité pour les Administrations** (RGAA).[175] Jointly adopted by the Minister responsible for disabled people and the Minister responsible for digital technology, the RGAA sets out the technical procedures for implementing accessibility for online public communication services.[176] It specifies the format and information required for accessibility statements, procedures for implementing disproportionate burden criteria, and the technical methodology for verifying conformity with applicable standards.[177] The RGAA is fundamental because it provides the concrete guidelines for making digital content, including streaming media, accessible.[178] It also outlines that organizations must establish multi-year

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173 Le Maire, B., Berge, A. 2023, October 9. "Arrêté du 9 octobre 2023 fixant les exigences en matière d'accessibilité applicables aux produits et services". Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000048178413.

174 Le Maire, B., Berge, A. 2023, October 9. "Arrêté du 9 octobre 2023 fixant les exigences en matière d'accessibilité applicables aux produits et services". Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000048178413.

175 Republic of France. 2019, October. "Référentiel général d'amélioration de l'accessibilité (RGAA 4.0). Accessed from https://www.ecologie.gouv.fr/sites/default/files/documents/RGAA-v4.0.pdf.

176 Philippe, E., Darmanin, G., Buzyn, A., Le Maire, B., O, C. 2019, July 24. "Décret n° 2019-768 du 24 juillet 2019 relatif à l'accessibilité aux personnes handicapées des services de communication au public en ligne". Accessed from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038811937/.

177 Philippe, E., Darmanin, G., Buzyn, A., Le Maire, B., O, C. 2019, July 24. "Décret n° 2019-768 du 24 juillet 2019 relatif à l'accessibilité aux personnes handicapées des services de communication au public en ligne". Accessed from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038811937/.

178 Level Access. 2025. "Executive Fact Sheet: France's Digital Accessibility Laws". Accessed from https://www.levelaccess.com/wp-content/uploads/2025/02/France-Digital-Accessibility-Laws.pdf.

accessibility plans and annual action plans, detailing their digital accessibility policy, including resource allocation, training, and external expertise.[179]

5.5.2.2 Ordonnance n° 2023-859 of 6 September 2023

The **Ordonnance n° 2023-859 of 6 September 2023** is another significant policy, directly strengthening the sanctions for non-compliance with the web accessibility requirements outlined in the Montchamp Law.[180] While it does not introduce new accessibility requirements for streaming media, it significantly increases the financial penalties for organisations that fail to conform with the standards mandated by the Montchamp Law, as amended by Décret n° 2019-768, thereby reinforcing the imperative for compliance.[181]

5.5.3 Standards for Streaming Media Accessibility

The compliance standard for digital accessibility in France, as outlined in the RGAA and subsequent legislation, is the **European Standard EN 301 549 V2.1.2** (2018-08).[182] This harmonized standard is explicitly stated as the reference for online public communication services to be considered compliant with legal accessibility requirements.[183]

Crucially, EN 301 549 incorporates the **Web Content Accessibility Guidelines (WCAG) 2.1 at Level A and AA.**[184] The RGAA's technical methodology for verification

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179 Chirac, J. et al. 2005. "Law No. 2005-102 of February 11, 2005 for equal rights and opportunities, participation and citizenship of people with disabilities". Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000809647.

180 Macron, E. et al. 2023, Septembre 6. "Ordonnance n° 2023-859 du 6 septembre 2023 prise en application du 1° du VII de l'article 16 de la loi n° 2023-171 du 9 mars 2023 portant diverses dispositions d'adaptation de l'Union européenne dans les domaines de l'économie, de la santé, du travail, des transports et de l'agriculture". Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000048049674.

181 Level Access. 2025. "Executive Fact Sheet: France's Digital Accessibility Laws". Accessed from https://www.levelaccess.com/wp-content/uploads/2025/02/France-Digital-Accessibility-Laws.pdf.

182 Level Access. 2025. "Executive Fact Sheet: France's Digital Accessibility Laws". Accessed from https://www.levelaccess.com/wp-content/uploads/2025/02/France-Digital-Accessibility-Laws.pdf.

183 Republic of France. 2019, October. "Référentiel général d'amélioration de l'accessibilité (RGAA 4.0). Accessed from https://www.ecologie.gouv.fr/sites/default/files/documents/RGAA-v4.0.pdf.

184 Level Access. 2025. "Executive Fact Sheet: France's Digital Accessibility Laws". Accessed from https://www.levelaccess.com/wp-content/uploads/2025/02/France-Digital-Accessibility-Laws.pdf.

of conformity is based on the success criteria of WCAG 2.1.[185] Therefore, adhering to the RGAA means implicitly adhering to WCAG principles for digital accessibility, including streaming media. This means that French accessibility standards for streaming media are intrinsically tied to international best practices in web accessibility.

5.5.3.1 Specific Technical Requirements

The RGAA, by aligning with WCAG 2.1, specifies several technical requirements pertinent to streaming media accessibility[186]:

Firstly, for **perceivability**, it is a fundamental requirement to provide textual alternatives for all non-textual content. For **pre-recorded audio-only temporal media**, a pertinent textual transcription must be provided. For **pre-recorded video-only temporal media**, a pertinent textual transcription or a synchronized audio description should be available. For **pre-recorded synchronized temporal media** (both audio and video), a pertinent textual transcription or a synchronized audio description is required. Additionally, synchronized subtitles are necessary for pre-recorded synchronized temporal media and must be pertinent.

The *Arrêté du 9 octobre 2023* further states that for services delivering audiovisual media, elements like subtitling, audio description, and sign language interpretation should be "fully transmitted with a quality appropriate for clear display and synchronized with sound and video, while allowing the user to adjust their display and use".[187]

Secondly, concerning **operability**, any automatically triggered sounds lasting longer than 3 seconds must be controllable by the user, allowing them to stop, restart, or adjust volume independently of the system's volume. The consultation of all temporal media must be controllable by keyboard and any pointing device, including functions for playback (play, pause, stop), sound activation/deactivation, and visibility control for subtitles and audio descriptions. Any moving or blinking content that is

185 Republic of France. 2019, October. "Référentiel général d'amélioration de l'accessibilité (RGAA 4.0). Accessed from https://www.ecologie.gouv.fr/sites/default/files/documents/RGAA-v4.0.pdf.

186 Republic of France. 2019, October. "Référentiel général d'amélioration de l'accessibilité (RGAA 4.0). Accessed from https://www.ecologie.gouv.fr/sites/default/files/documents/RGAA-v4.0.pdf.

187 Le Maire, B., Berge, A. 2023, October 9. "Arrêté du 9 octobre 2023 fixant les exigences en matière d'accessibilité applicables aux produits et services". Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000048178413.

automatically triggered should be controllable by the user (stoppable, hidable, or capable of displaying information without motion) if its duration exceeds 5 seconds.

Thirdly, for **comprehensibility**, all temporal media should be clearly identifiable, unless purely decorative. Products and services must include flexible functions for enlargement, brightness, and contrast adjustment for visual elements, and ensure interoperability with screen exploration programs and devices. For audio, volume and speed adjustment, as well as advanced audio features like interference reduction and clarity, should be offered. Information related to products and services must be available through multiple sensory channels. Designs must also avoid modes of operation that could trigger photosensitive reactions. Electronic Program Guides (EPGs) for services providing access to audiovisual media must be perceivable, usable, comprehensible, and robust, and must include information on the availability of accessibility features.

Finally, to ensure **robustness**, all temporal and non-temporal media must be compatible with assistive technologies, meaning their name, role, value, parameters, and state changes are accessible via an accessibility API, or an accessible alternative is provided. The use of WAI-ARIA attributes and elements is encouraged to achieve this.

5.5.4 Compliance Monitoring Framework

The monitoring of compliance with these accessibility requirements falls under the purview of the **Minister responsible for disabled persons**, who carries out annual monitoring of websites, intranets, extranets, and mobile applications.[188] This monitoring is based on a representative sample of pages and services.[189] The results of this annual monitoring are compiled into a report submitted to the European Commission.[190]

Furthermore, the **Autorité de régulation de la communication audiovisuelle et numérique (ARCOM)** has specific powers in this regard. ARCOM can conduct

188 Philippe, E., Darmanin, G., Buzyn, A., Le Maire, B., O, C. 2019, July 24. "Décret n° 2019-768 du 24 juillet 2019 relatif à l'accessibilité aux personnes handicapées des services de communication au public en ligne". Accessed from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038811937/.

189 Philippe, E., Darmanin, G., Buzyn, A., Le Maire, B., O, C. 2019, July 24. "Décret n° 2019-768 du 24 juillet 2019 relatif à l'accessibilité aux personnes handicapées des services de communication au public en ligne". Accessed from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038811937/.

190 Philippe, E., Darmanin, G., Buzyn, A., Le Maire, B., O, C. 2019, July 24. "Décret n° 2019-768 du 24 juillet 2019 relatif à l'accessibilité aux personnes handicapées des services de communication au public en ligne". Accessed from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038811937/.

automated data collection methods to monitor the compliance of online public communication services.[191] ARCOM also collects information from entities on demand, which is then used to establish annual follow-up reports as required by Directive (EU) 2016/2102.[192]

Organizations themselves are also integral to the monitoring framework; they are required to conduct accessibility audits on a representative sample of pages to evaluate conformity with the RGAA.[193] The results of these audits must be attested to by publishing an **accessibility statement online**, detailing the conformity status (total, partial, or non-conformity), a list of inaccessible content with reasons, and, where applicable, accessible alternatives.[194] [195] This statement must be regularly updated and made easily accessible from the service's homepage.[196] Organizations also need to establish multi-year and annual accessibility plans, which are publicly available and detail their digital accessibility policy and planned actions.[197]

5.5.5 Compliance Enforcement Framework

The enforcement of streaming media accessibility laws, policies, and standards in France is multi-faceted, involving administrative sanctions and financial penalties.

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191 Macron, E. et al. 2023, Septembre 6. “Ordonnance n° 2023-859 du 6 septembre 2023 prise en application du 1° du VII de l'article 16 de la loi n° 2023-171 du 9 mars 2023 portant diverses dispositions d'adaptation de l'Union européenne dans les domaines de l'économie, de la santé, du travail, des transports et de l'agriculture”. Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000048049674.

192 Macron, E. et al. 2023, Septembre 6. “Ordonnance n° 2023-859 du 6 septembre 2023 prise en application du 1° du VII de l'article 16 de la loi n° 2023-171 du 9 mars 2023 portant diverses dispositions d'adaptation de l'Union européenne dans les domaines de l'économie, de la santé, du travail, des transports et de l'agriculture”. Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000048049674.

193 Republic of France. 2019, October. “Référentiel général d’amélioration de l’accessibilité (RGAA 4.0). Accessed from https://www.ecologie.gouv.fr/sites/default/files/documents/RGAA-v4.0.pdf.

194 Republic of France. 2019, October. “Référentiel général d’amélioration de l’accessibilité (RGAA 4.0). Accessed from https://www.ecologie.gouv.fr/sites/default/files/documents/RGAA-v4.0.pdf.

195 Philippe, E., Darmanin, G., Buzyn, A., Le Maire, B., O, C. 2019, July 24. “Décret n° 2019-768 du 24 juillet 2019 relatif à l'accessibilité aux personnes handicapées des services de communication au public en ligne”. Accessed from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038811937/.

196 Republic of France. 2019, October. “Référentiel général d’amélioration de l’accessibilité (RGAA 4.0). Accessed from https://www.ecologie.gouv.fr/sites/default/files/documents/RGAA-v4.0.pdf.

197 Republic of France. 2019, October. “Référentiel général d’amélioration de l’accessibilité (RGAA 4.0). Accessed from https://www.ecologie.gouv.fr/sites/default/files/documents/RGAA-v4.0.pdf.

The **Minister responsible for disabled persons** is empowered to impose administrative sanctions for non-compliance with the accessibility obligations laid out in Article 47 of the Montchamp Law.[198] These sanctions vary based on the size of the entity, with fines set at €2,000 for smaller municipalities and their groups, and €20,000 for other persons (typically larger entities).[199]

The **Ordonnance n° 2023-859** significantly reinforces these penalties.[200] For public organizations and private businesses with an annual turnover of €250 million or more that fail to conform with EN 301 549 and the RGAA, a fine of €50,000 can be incurred for non-compliance with the accessibility obligation itself.[201] [202] An additional fine of €25,000 can be imposed for failure to publish an accessibility declaration, publish annual and multi-year accessibility plans, indicate a website's compliance status on its homepage, or create an accessibility reporting mechanism.[203] [204] Recurring penalties can be levied every six months until compliance is achieved.[205] [206] Entities that initially

198 Philippe, E., Darmanin, G., Buzyn, A., Le Maire, B., O, C. 2019, July 24. "Décret n° 2019-768 du 24 juillet 2019 relatif à l'accessibilité aux personnes handicapées des services de communication au public en ligne". Accessed from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038811937/.

199 Philippe, E., Darmanin, G., Buzyn, A., Le Maire, B., O, C. 2019, July 24. "Décret n° 2019-768 du 24 juillet 2019 relatif à l'accessibilité aux personnes handicapées des services de communication au public en ligne". Accessed from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038811937/.

200 Level Access. 2025. "Executive Fact Sheet: France's Digital Accessibility Laws". Accessed from https://www.levelaccess.com/wp-content/uploads/2025/02/France-Digital-Accessibility-Laws.pdf.

201 Level Access. 2025. "Executive Fact Sheet: France's Digital Accessibility Laws". Accessed from https://www.levelaccess.com/wp-content/uploads/2025/02/France-Digital-Accessibility-Laws.pdf.

202 Macron, E. et al. 2023, Septembre 6. "Ordonnance n° 2023-859 du 6 septembre 2023 prise en application du 1° du VII de l'article 16 de la loi n° 2023-171 du 9 mars 2023 portant diverses dispositions d'adaptation de l'Union européenne dans les domaines de l'économie, de la santé, du travail, des transports et de l'agriculture". Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000048049674.

203 Macron, E. et al. 2023, Septembre 6. "Ordonnance n° 2023-859 du 6 septembre 2023 prise en application du 1° du VII de l'article 16 de la loi n° 2023-171 du 9 mars 2023 portant diverses dispositions d'adaptation de l'Union européenne dans les domaines de l'économie, de la santé, du travail, des transports et de l'agriculture". Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000048049674.

204 Level Access. 2025. "Executive Fact Sheet: France's Digital Accessibility Laws". Accessed from https://www.levelaccess.com/wp-content/uploads/2025/02/France-Digital-Accessibility-Laws.pdf.

205 Level Access. 2025. "Executive Fact Sheet: France's Digital Accessibility Laws". Accessed from https://www.levelaccess.com/wp-content/uploads/2025/02/France-Digital-Accessibility-Laws.pdf.

206 Macron, E. et al. 2023, September 6. "Ordonnance n° 2023-859 du 6 septembre 2023 prise en application du 1° du VII de l'article 16 de la loi n° 2023-171 du 9 mars 2023 portant diverses dispositions d'adaptation de

fail to comply will receive a formal notice from the regulatory authority, providing a 90-day notice period before financial penalties are imposed.[207]

Furthermore, ARCOM can issue formal notices to public and private entities to comply with their accessibility obligations.[208] If the entity does not comply after a formal notice, ARCOM can impose a pecuniary sanction and publicize the sanction.[209] The amount of the pecuniary sanction considers the nature, gravity, and duration of the non-compliance, as well as any prior non-compliance.

For violations of the European Accessibility Act's transposition provisions (e.g., via Loi n° 2023-171 and Arrêté du 9 octobre 2023), **Décret n° 2023-931** establishes enforcement measures and penalties.[210] Violations of the EAA provisions fall under Class 5 offenses in French law, which are considered the most severe minor offenses. Penalties for Class 5 offenses can vary in size depending on the nature of the infraction and may include sanctions such as the confiscation of property, suspension of licenses, or community service requirements.[211]

Finally, organizations are required to provide an accessible mechanism (e.g., email or form) for users to report accessibility issues and request alternative solutions, with

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l'Union européenne dans les domaines de l'économie, de la santé, du travail, des transports et de l'agriculture". Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000048049674.

207 Philippe, E., Darmanin, G., Buzyn, A., Le Maire, B., O, C. 2019, July 24. "Décret n° 2019-768 du 24 juillet 2019 relatif à l'accessibilité aux personnes handicapées des services de communication au public en ligne". Accessed from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038811937/.

208 Macron, E. et al. 2023, September 6. "Ordonnance n° 2023-859 du 6 septembre 2023 prise en application du 1° du VII de l'article 16 de la loi n° 2023-171 du 9 mars 2023 portant diverses dispositions d'adaptation de l'Union européenne dans les domaines de l'économie, de la santé, du travail, des transports et de l'agriculture". Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000048049674.

209 Macron, E. et al. 2023, September 6. "Ordonnance n° 2023-859 du 6 septembre 2023 prise en application du 1° du VII de l'article 16 de la loi n° 2023-171 du 9 mars 2023 portant diverses dispositions d'adaptation de l'Union européenne dans les domaines de l'économie, de la santé, du travail, des transports et de l'agriculture". Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000048049674.

210 Borne, E.et al. 2023, October 9. "Décret n° 2023-931 du 9 octobre 2023 relatif à l'accessibilité aux personnes handicapées des produits et services". Accessed from https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000048178349.

211 Level Access. 2025. "Executive Fact Sheet: France's Digital Accessibility Laws". Accessed from https://www.levelaccess.com/wp-content/uploads/2025/02/France-Digital-Accessibility-Laws.pdf.

timely responses required.[212] If no satisfactory response or solution is provided, users have the right to contact the Defender of Rights (Défenseur des droits).[213]

5.5.6 Other Laws, Policies, or Standards that May Appear Applicable

Several legal or policy instruments might initially seem directly applicable to streaming media accessibility but either have a broader scope or apply indirectly.

5.5.6.1 The Montchamp Law (Loi n° 2005-102)

Itself (as a direct technical standard for streaming media)

While the Montchamp Law is the fundamental legislation mandating digital accessibility for online public communication services, it is a high-level legislative act that sets out general principles and obligations. It does not specify technical requirements for streaming media accessibility. Instead, its provisions are implemented through subsequent decrees and reference standards, such as Décret n° 2019-768 and the RGAA. Therefore, while it is the enabling law, it does not directly prescribe how streaming media should be made accessible. The Montchamp Law sets principles, its streaming relevance is fully realized through Loi n° 2023-171 and Arrêté for private platforms, which is implied.

5.5.6.2 Ordonnance n° 2023-859

(as a source of new accessibility requirements)

The primary purpose of this ordinance is to strengthen the sanctions and penalties for non-compliance with the Montchamp Law's existing web accessibility requirements. It does not introduce new accessibility requirements specific to streaming media. Its applicability to streaming media accessibility is strictly indirect, by increasing the enforcement benchmark for violations of the accessibility obligations that are defined by other instruments like Décret n° 2019-768.

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212 Philippe, E., Darmanin, G., Buzyn, A., Le Maire, B., O, C. 2019, July 24. “Décret n° 2019-768 du 24 juillet 2019 relatif à l'accessibilité aux personnes handicapées des services de communication au public en ligne”. Accessed from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038811937/.

213 Republic of France. 2019, October. “Référentiel général d’amélioration de l’accessibilité (RGAA 4.0). Accessed from https://www.ecologie.gouv.fr/sites/default/files/documents/RGAA-v4.0.pdf.

5.5.6.3 Décret n° 2018-689 of 1 August 2018

(relating to online payment services)

This decree is briefly mentioned as a reference in the preamble of Décret n° 2019-768. Its content specifically concerns the obligation for administrations to provide users with an online payment service. While streaming media services may (and most often do) involve online payments, this decree does not establish accessibility requirements for the streaming content itself or the overall streaming platform, only for the payment functionalities within public administration services.

5.5.6.4 Specific Provisions of Loi n° 2023-171 that Amend Other Codes (e.g., financial, transport)

Loi n° 2023-171 serves as a broad transposition of the European Accessibility Act (EAA) into French domestic law, amending various codes such as the Consumer, Financial, and Transport codes12. While the EAA broadly covers "audiovisual media services"[214] and parts of the law apply to services such as banking and transport, many of the detailed articles within Loi n° 2023-171 delve into highly specific areas like pan-European personal pension products, digital book accessibility, and transport infrastructure. While these are crucial for overall digital and service accessibility, they do not universally apply to all aspects of streaming media or video on-demand services beyond what is captured under the general "audiovisual media services" category of the EAA. Their relevance to streaming media is typically for platforms that offer these specific services (e.g., banking apps with streaming content about finances, or transport apps with streaming video guides).

5.5.6.5 General RGAA Criteria

(e.g., for images, tables, forms, or HTML structure) in isolation

The RGAA provides a comprehensive technical methodology for verifying web content accessibility, including criteria for images, frames, colours, tables, links, scripts, mandatory elements, information structuring, presentation, forms, navigation, and consultation. While a streaming media platform (its website, user interface, controls, forms for login/subscription) must comply with all applicable RGAA criteria, these general criteria do not specifically address the accessibility of the audio and video streams themselves. The "Multimédia" section (Critères 4.1 to 4.13) is the most direct and specific part of the RGAA pertaining to the accessibility of streaming

[214] Level Access. 2025. "Executive Fact Sheet: France's Digital Accessibility Laws". Accessed from https://www.levelaccess.com/wp-content/uploads/2025/02/France-Digital-Accessibility-Laws.pdf.

audio and video content. The broader RGAA criteria apply to the interface and surrounding elements, rather than the core media content.

5.6 Germany

Germany's approach to digital accessibility, especially as it pertains to streaming media and video-on-demand services, has evolved significantly with the introduction of the Barrierefreiheitsstärkungsgesetz (BFSG), or Accessibility Improvement Act. Enacted in July 2021 and coming fully into force in June 2025, the BFSG marks a turning point in Germany's commitment to ensuring equal access for persons with disabilities in the private digital economy. As a national transposition of the European Accessibility Act (Directive (EU) 2019/882), the BFSG mandates that digital products and services (from e-commerce platforms to streaming media interfaces) be designed and delivered in a way that enables full, independent use by individuals with disabilities.

This section examines Germany's accessibility framework through a detailed review of the BFSG and its implementing regulation, the Barrierefreiheitsstärkungsverordnung (BFSGV). The narrative begins by laying out the legal foundation established by the BFSG, highlighting its objectives, scope, and direct reference to the internationally recognized Web Content Accessibility Guidelines (WCAG) 2.1 Level AA. It explains how this law goes beyond earlier public-sector-focused frameworks like the German Disability Equality Act (BGG) and the BITV 2.0 regulation by imposing obligations on private businesses that provide or support digital services, including those related to streaming media.

Following this legal overview, the text delves into the BFSGV, which articulates specific technical requirements for digital services and consumer electronic devices. For streaming media providers, this means not only that platforms must offer features like captions, audio descriptions, and accessible navigation, but also that end-user devices (e.g., smartphones or smart TVs) must support these features through operable, multi-sensory, and adaptable interfaces. Requirements are particularly detailed in areas such as interface clarity, assistive technology compatibility, tactile accessibility, and protection of user privacy.

The next part of the discussion focuses on how Germany ensures compliance with these requirements. Oversight is entrusted to the Joint Market Surveillance Authority for Accessibility, supported by federal agencies like the Bundesfachstelle für Barrierefreiheit (Federal Accessibility Office). These bodies have the power to monitor compliance proactively or in response to complaints, and to issue enforcement measures including product recalls, service discontinuation, and significant financial

penalties for non-compliance. Importantly, individuals and organizations can also initiate proceedings, and arbitration is available for resolving disputes outside the courts.

Recognizing that Germany has a rich landscape of accessibility-related legislation, the section also addresses how the BFSG differs from or complements other laws, such as the BGG and BITV 2.0. These older laws remain applicable primarily to public entities, while the BFSG extends similar principles to the private sector. The narrative clarifies that WCAG, though not a German law in itself, functions as the binding technical standard referenced in both the BFSG and BFSGV.

The final portion of this section offers a critical reflection on the strengths, challenges, and areas for improvement in Germany's framework. Among its strengths are its clear legal definitions, the breadth of its scope, detailed technical requirements, and robust enforcement structures. However, challenges persist, particularly the delay in full implementation, ambiguity in some regulatory language, and gaps in enforcement infrastructure due to the slow rollout of regional surveillance authorities. Exemptions for micro-enterprises and provisions allowing businesses to claim "disproportionate disadvantage" introduce potential loopholes. The section also identifies future priorities, such as better guidance for implementation, national coordination, more rigorous oversight of exemptions, and strategies for retrofitting legacy systems and content.

Throughout, the German case offers important lessons that can be applied in other countries, such as Canada. Notably, Germany's layered legal structure, where a broad legislative mandate is complemented by detailed technical regulations, creates a flexible yet enforceable model. Its emphasis on multi-sensory access, assistive technology integration, and enforceable consumer rights provides a benchmark for shaping accessible digital environments that go beyond mere compliance and toward inclusive digital citizenship.

5.6.1 Legislative Framework

5.6.1.1 German Accessibility Improvement Act (Barrierefreiheitsstärkungsgesetz - BFSG)

In Germany, the main law that ensures streaming media and video-on-demand services are accessible for people with disabilities is the German Accessibility Improvement Act, known in German as *Barrierefreiheitsstärkungsgesetz* (BFSG)[215].

[215] Cookie Script. 2025, May 5. "German Accessibility Improvement Act". Accessed from https://cookie-script.com/privacy-laws/german-accessibility-improvement-act-bfsg.

This law was introduced on 16 July 2021[216] and is Germany's way of putting the European Accessibility Act (EAA), officially Directive (EU) 2019/882, into national law[217].

The purpose of the BFSG is to support the equal and fair participation of people with disabilities, as well as others who may have limitations or are elderly, in all areas of society. It does this by requiring businesses to design and provide their products and services in ways that are easy for everyone to access and use.[218]

The BFSG will take full effect on 28 June 2025[219] [220]. From that date onward, it will apply to digital products and services that are placed on the market, offered, or provided in Germany.[221] Of particular relevance, the BFSG applies to "consumer devices with interactive features that are used for telecommunication services or for access to audiovisual media services," such as smartphones, tablets, and gaming consoles.[222] [223] This clearly includes streaming media and video-on-demand services.

The law also applies to e-commerce services. This includes the online sale of all products and services through the websites and mobile applications of service

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216 Bundesministerium der Justiz und fur Verbraucherschutz. 2021, July 16. "Accessibility Strengthening Act of 16 July 2021 (Federal Law Gazette I p. 2970), last amended by Article 32 of the Act of 6 May 2024 (Federal Law Gazette 2024 I No. 149)". Accessed from https://www.gesetze-im-internet.de/bfsg/BJNR297010021.html.

217 Cookie Script. 2025, May 5. "German Accessibility Improvement Act". Accessed from https://cookie-script.com/privacy-laws/german-accessibility-improvement-act-bfsg.

218 Cookie Script. 2025, May 5. "German Accessibility Improvement Act". Accessed from https://cookie-script.com/privacy-laws/german-accessibility-improvement-act-bfsg.

219 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

220 Cookie Script. 2025, May 5. "German Accessibility Improvement Act". Accessed from https://cookie-script.com/privacy-laws/german-accessibility-improvement-act-bfsg.

221 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

222 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

223 DLA Piper. 2025, March 18. "The German Accessibility Act". Accessed from https://www.dlapiper.com/-/media/project/dlapiper-tenant/dlapiper/insights/publications/2025/03/dla-piper---the-german-accessibility-act---allgemein.pdf?rev=ff7897ac86e1481bae4670a8c9b2ab6f.

providers, when these are delivered electronically and at the specific request of a consumer, with the intention of forming a consumer contract[224] [225].

The BFSG places particular emphasis on meeting the requirements of the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA.[226] This standard requires that digital services, including websites and mobile applications, be designed so that they are perceivable, operable, understandable, and robust for all users.[227] [228]

5.6.1.2 Regulation to the Accessibility Improvement Act (Verordnung zum Barrierefreiheitsstärkungsgesetz - BFGV

The specific accessibility requirements for products and services covered by the BFSG are explained in more detail in a separate regulation called the **Regulation to the Accessibility Improvement Act (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV)**.[229] This regulation was issued on 15 June 2022 and will take effect on 28 June 2025.[230] [231]

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224 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

225 DLA Piper. 2025, March 18. "The German Accessibility Act". Accessed from https://www.dlapiper.com/-/media/project/dlapiper-tenant/dlapiper/insights/publications/2025/03/dla-piper---the-german-accessibility-act---allgemein.pdf?rev=ff7897ac86e1481bae4670a8c9b2ab6f.

226 Cookie Script. 2025, May 5. "German Accessibility Improvement Act". Accessed from https://cookie-script.com/privacy-laws/german-accessibility-improvement-act-bfsg.

227 Cookie Script. 2025, May 5. "German Accessibility Improvement Act". Accessed from https://cookie-script.com/privacy-laws/german-accessibility-improvement-act-bfsg.

228 DLA Piper. 2025, March 18. "The German Accessibility Act". Accessed from https://www.dlapiper.com/-/media/project/dlapiper-tenant/dlapiper/insights/publications/2025/03/dla-piper---the-german-accessibility-act---allgemein.pdf?rev=ff7897ac86e1481bae4670a8c9b2ab6f

229 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

230 Bundesgesetsblatt. 2022, June 15. "Verordnung über die Barrierefreiheitsanforderungen für Produkte

und Dienstleistungen nach dem Barrierefreiheitsstärkungsgesetz (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV). Accessed from https://www.bgbl.de/xaver/bgbl/start.xav#/text/bgbl122s0928.pdf?_ts=1750876522267.

231 Bundesgesetsblatt. 2022, June 15. "Verordnung über die Barrierefreiheitsanforderungen für Produkte

The BFSGV requires that products and services be perceivable, operable, understandable, and robust.[232] They can only be placed on the market if they are "barrier-free," meaning that people with disabilities can find, access, and use them in the usual way, without particular difficulty, and generally without outside help.[233] It also introduces the "two-senses principle," which means that content must be available through at least two different senses, such as visually in writing and audibly through voice output.[234]

5.6.2 Specific Technical Requirements for Streaming Media Accessibility

The BFSGV includes specific technical rules that are directly related to making streaming media accessible. These are outlined in § 10, titled *Zusätzliche branchenspezifische Anforderungen an Verbraucher Endgeräte mit interaktivem Leistungsumfang, die für den Zugang zu audiovisuellen Mediendiensten verwendet werden* (Additional sector-specific requirements for consumer terminal equipment with interactive capabilities used for accessing audiovisual media services).)[235] [236]

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und Dienstleistungen nach dem Barrierefreiheitsstärkungsgesetz (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV). Accessed from https://www.bgbl.de/xaver/bgbl/start.xav#/text/bgbl122s0928.pdf?_ts=1750876522267

232 Bundesgesetsblatt. 2022, June 15. "Verordnung über die Barrierefreiheitsanforderungen für Produkte und Dienstleistungen nach dem Barrierefreiheitsstärkungsgesetz (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV). Accessed from https://www.bgbl.de/xaver/bgbl/start.xav#/text/bgbl122s0928.pdf?_ts=1750876522267

233 DLA Piper. 2025, March 18. "The German Accessibility Act". Accessed from https://www.dlapiper.com/-/media/project/dlapiper-tenant/dlapiper/insights/publications/2025/03/dla-piper---the-german-accessibility-act---allgemein.pdf?rev=ff7897ac86e1481bae4670a8c9b2ab6f

234 DLA Piper. 2025, March 18. "The German Accessibility Act". Accessed from https://www.dlapiper.com/-/media/project/dlapiper-tenant/dlapiper/insights/publications/2025/03/dla-piper---the-german-accessibility-act---allgemein.pdf?rev=ff7897ac86e1481bae4670a8c9b2ab6f

235 Bundesgesetsblatt. 2022, June 15. "Verordnung über die Barrierefreiheitsanforderungen für Produkte und Dienstleistungen nach dem Barrierefreiheitsstärkungsgesetz (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV). Accessed from https://www.bgbl.de/xaver/bgbl/start.xav#/text/bgbl122s0928.pdf?_ts=1750876522267

236 Bundesgesetsblatt. 2022, June 15. "Verordnung über die Barrierefreiheitsanforderungen für Produkte und Dienstleistungen nach dem Barrierefreiheitsstärkungsgesetz (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV). Accessed from https://www.bgbl.de/xaver/bgbl/start.xav#/text/bgbl122s0928.pdf?_ts=1750876522267

Consumer terminal equipment that is used to access audiovisual media services must give people with disabilities access to the same accessibility features that the media service provider offers. This includes allowing users to access, choose, control, and personalise these features, as well as ensuring they can be transmitted to assistive technologies.[237] In other words, the device itself must be able to support and deliver the accessibility options provided by the streaming service.

The BFSGV also describes overall requirements for how user interfaces and product functions should be designed. This applies to all products, including devices used for streaming media. These requirements are found in § 6 (Requirements for the design of user interfaces and product functionality).[238] According to this section, products and their user interfaces must include features, functions, and components that allow people with disabilities to access, perceive, operate, understand, and control them.[239] These requirements include:[240]

- Enabling communication, operation, information, control, and orientation through **more than one sensory channel**, including alternatives to visual, auditory, spoken, and tactile elements.
- Providing **alternatives to spoken language and voice input** for communication, operation, control, and orientation when spoken language is used.

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237 Bundesgesetsblatt. 2022, June 15. "Verordnung über die Barrierefreiheitsanforderungen für Produkte und Dienstleistungen nach dem Barrierefreiheitsstärkungsgesetz (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV). Accessed from https://www.bgbl.de/xaver/bgbl/start.xav#/text/bgbl122s0928.pdf?_ts=1750876522267

238 Bundesgesetsblatt. 2022, June 15. "Verordnung über die Barrierefreiheitsanforderungen für Produkte und Dienstleistungen nach dem Barrierefreiheitsstärkungsgesetz (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV). Accessed from https://www.bgbl.de/xaver/bgbl/start.xav#/text/bgbl122s0928.pdf?_ts=1750876522267

239 Bundesgesetsblatt. 2022, June 15. "Verordnung über die Barrierefreiheitsanforderungen für Produkte und Dienstleistungen nach dem Barrierefreiheitsstärkungsgesetz (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV). Accessed from https://www.bgbl.de/xaver/bgbl/start.xav#/text/bgbl122s0928.pdf?_ts=1750876522267

240 Bundesgesetsblatt. 2022, June 15. "Verordnung über die Barrierefreiheitsanforderungen für Produkte und Dienstleistungen nach dem Barrierefreiheitsstärkungsgesetz (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV). Accessed from https://www.bgbl.de/xaver/bgbl/start.xav#/text/bgbl122s0928.pdf?_ts=1750876522267

- Allowing **flexible adjustment of size, brightness, and contrast** for communication, information, and operation, and providing flexible options for improving visual clarity when visual elements are used.
- Providing **alternatives to colours** when colours are used to convey information or identify elements.
- Providing **alternatives to audible signals** when audible signals convey information or prompt a reaction.
- Allowing consumers to **regulate volume and speed of audio elements** and providing enhanced audio features like reduction of distracting ambient audio and auditory clarity.
- Avoiding operational forms that require significant reach and great effort, and using **tactilely recognisable parts** for manual operation.
- **Avoiding the triggering of photosensitive seizures**.
- **Protecting user privacy** when accessibility functions are used.
- Offering **alternatives to biometric identification and control**.
- Ensuring **consistency of functionalities** and providing sufficient and flexible time for interactions.
- Featuring **software and hardware for interfaces to assistive technologies**.

For **services in electronic commerce** (Dienstleistungen im elektronischen Geschäftsverkehr), which include video-on-demand platforms, the BFSGV states in **§ 19** that information on the accessibility of products for sale and services offered must be provided by the responsible economic operator[241]. Additionally, identification, authentication, security, and payment functions provided as part of a service (rather than as a product) must be **perceivable, operable, understandable, and robust**[242].

241 Bundesgesetsblatt. 2022, June 15. "Verordnung über die Barrierefreiheitsanforderungen für Produkte und Dienstleistungen nach dem Barrierefreiheitsstärkungsgesetz (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV). Accessed from https://www.bgbl.de/xaver/bgbl/start.xav#/text/bgbl122s0928.pdf?_ts=1750876522267

242 Bundesgesetsblatt. 2022, June 15. "Verordnung über die Barrierefreiheitsanforderungen für Produkte

Furthermore, the BFSGV introduces **Functional Performance Criteria** in **§§ 20 and 21**[243]. These criteria apply when specific technical requirements are not set in other sections, ensuring that products and services are still considered barrier-free if they meet these functional abilities[244]. These criteria encompass various user needs[245]:

- For visual operation, there must be at least one operation method that allows use with **missing sight**, with **impaired sight**, and that **does not require colour distinction**.
- For auditory operation, there must be at least one operation method that **requires no hearing** and one with **enhanced audio functions** for impaired hearing.
- If voice input is required, at least one operation method that **does not require voice input** must be available.
- For manual operation, there must be at least one method that allows use **without fine motor control, hand muscle strength, or simultaneous operation of multiple controls**.
- Control elements must be within the reach of all users, and operation for **limited reach and strength** must be possible.
- Products must **avoid photosensitive seizure-inducing operations**.
- Functions that facilitate use for **cognitive impairments** must be included.
- If accessibility functions are provided, at least one method of operation must **preserve user privacy** when these functions are used.

und Dienstleistungen nach dem Barrierefreiheitsstärkungsgesetz (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV). Accessed from https://www.bgbl.de/xaver/bgbl/start.xav#/text/bgbl122s0928.pdf?_ts=1750876522267

243 Bundesgesetsblatt. 2022, June 15. "Verordnung über die Barrierefreiheitsanforderungen für Produkte

und Dienstleistungen nach dem Barrierefreiheitsstärkungsgesetz (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV). Accessed from https://www.bgbl.de/xaver/bgbl/start.xav#/text/bgbl122s0928.pdf?_ts=1750876522267

244 Bundesgesetsblatt. 2022, June 15. "Verordnung über die Barrierefreiheitsanforderungen für Produkte

und Dienstleistungen nach dem Barrierefreiheitsstärkungsgesetz (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV). Accessed from https://www.bgbl.de/xaver/bgbl/start.xav#/text/bgbl122s0928.pdf?_ts=1750876522267

245 Bundesgesetsblatt. 2022, June 15. "Verordnung über die Barrierefreiheitsanforderungen für Produkte

und Dienstleistungen nach dem Barrierefreiheitsstärkungsgesetz (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV). Accessed from https://www.bgbl.de/xaver/bgbl/start.xav#/text/bgbl122s0928.pdf?_ts=1750876522267

5.6.3 Compliance Monitoring Framework

Compliance with the BFSG is overseen by a central body called the **Joint Market Surveillance Authority for the Accessibility of Products and Services** (Gemeinsame Marktüberwachung der Länder für die Barrierefreiheit von Produkten und Dienstleistungen – MLBF).[246] This authority is expected to be located in Saxony-Anhalt.[247] As of November 2024, most federal states had not yet appointed their own market surveillance authorities, with Hesse being a notable exception.[248] The federal states are working together to create a joint authority that will operate across state boundaries.[249]

The market surveillance authority has the power to start monitoring activities on its own, without waiting for external input. It can also begin inspections based on information it receives from consumers or consumer groups.[250] [251] An inspection must be carried out if a company claims an exemption from the law—such as saying that making changes would fundamentally alter the product or create an unreasonable burden—or if there is reason to believe that a product or service does not meet the accessibility requirements set by the BFSG.[252]

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246 DLA Piper. 2025, March 18. "The German Accessibility Act". Accessed from https://www.dlapiper.com/-/media/project/dlapiper-tenant/dlapiper/insights/publications/2025/03/dla-piper---the-german-accessibility-act---allgemein.pdf?rev=ff7897ac86e1481bae4670a8c9b2ab6f

247 DLA Piper. 2025, March 18. "The German Accessibility Act". Accessed from https://www.dlapiper.com/-/media/project/dlapiper-tenant/dlapiper/insights/publications/2025/03/dla-piper---the-german-accessibility-act---allgemein.pdf?rev=ff7897ac86e1481bae4670a8c9b2ab6f

248 DLA Piper. 2025, March 18. "The German Accessibility Act". Accessed from https://www.dlapiper.com/-/media/project/dlapiper-tenant/dlapiper/insights/publications/2025/03/dla-piper---the-german-accessibility-act---allgemein.pdf?rev=ff7897ac86e1481bae4670a8c9b2ab6f

249 DLA Piper. 2025, March 18. "The German Accessibility Act". Accessed from https://www.dlapiper.com/-/media/project/dlapiper-tenant/dlapiper/insights/publications/2025/03/dla-piper---the-german-accessibility-act---allgemein.pdf?rev=ff7897ac86e1481bae4670a8c9b2ab6f

250 DLA Piper. 2025, March 18. "The German Accessibility Act". Accessed from https://www.dlapiper.com/-/media/project/dlapiper-tenant/dlapiper/insights/publications/2025/03/dla-piper---the-german-accessibility-act---allgemein.pdf?rev=ff7897ac86e1481bae4670a8c9b2ab6f

251 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

252 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

The Federal Accessibility Office (Bundesfachstelle für Barrierefreiheit) serves an important support function. Its main role is to act as a central contact point for public organizations on issues related to accessibility. However, it also offers guidance to businesses, associations, and community groups when they seek advice.[253] This office regularly releases updates on important standards and conformity tables, which summarize the key accessibility requirements for products and services specified in the BFSGV.[254]

5.6.4 Compliance Enforcement Framework

The enforcement system for the BFSG is strong and includes several measures to make sure that the rules are followed. Products and services can only be sold or offered on the market if they meet the accessibility requirements, meaning they must be barrier-free.[255]

If the market surveillance authority finds that a product or service does not comply with the rules, it will give the business responsible a reasonable amount of time to fix the issues.[256] If the business does not make the necessary changes within this time frame, the market surveillance authority has strong powers to take further action.

- It can **restrict or prohibit the product from being made available on the German market**[257] [258].

253 Bundesministerium der Justiz und fur Verbraucherschutz. 2022, April 27. "Law on Equality for People with Disabilities (Disability Equality Act - BGG)". Accessed from https://www.gesetze-im-internet.de/bgg/BJNR146800002.html.

254 Bundesgesetsblatt. 2022, June 15. "Verordnung über die Barrierefreiheitsanforderungen für Produkte und Dienstleistungen nach dem Barrierefreiheitsstärkungsgesetz (Verordnung zum Barrierefreiheitsstärkungsgesetz – BFSGV). Accessed from https://www.bgbl.de/xaver/bgbl/start.xav#/text/bgbl122s0928.pdf?_ts=1750876522267.

255 DLA Piper. 2025, March 18. "The German Accessibility Act". Accessed from https://www.dlapiper.com/-/media/project/dlapiper-tenant/dlapiper/insights/publications/2025/03/dla-piper---the-german-accessibility-act---allgemein.pdf?rev=ff7897ac86e1481bae4670a8c9b2ab6f

256 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

257 DLA Piper. 2025, March 18. "The German Accessibility Act". Accessed from https://www.dlapiper.com/-/media/project/dlapiper-tenant/dlapiper/insights/publications/2025/03/dla-piper---the-german-accessibility-act---allgemein.pdf?rev=ff7897ac86e1481bae4670a8c9b2ab6f

258 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

- It can ensure that the product is **withdrawn or recalled** from the market[259] [260].

- In the case of services, the authority may order the **discontinuation of the offer or provision of the service**[261].

In addition to other enforcement actions, fines can be imposed for failing to comply with the BFSG. These fines may range from €10,000 to €100,000, depending on the severity of the violation.[262] More serious offenses include not fulfilling the responsibilities required of manufacturers, importers, distributors, and service providers, or incorrectly using the CE marking.[263]

Consumers and organizations that represent people with disabilities have ways to seek enforcement when accessibility requirements are not met. They can ask the market surveillance authority to start a process to ensure compliance with these requirements.[264] If the authority denies their request or does not respond, applicants have the right to appeal this decision. Additionally, associations are allowed to represent consumers in these matters.[265] Consumers also have the option to begin arbitration proceedings, called "Schlichtungsverfahren," according to § 16 (1) of the

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259 DLA Piper. 2025, March 18. "The German Accessibility Act". Accessed from https://www.dlapiper.com/-/media/project/dlapiper-tenant/dlapiper/insights/publications/2025/03/dla-piper---the-german-accessibility-act---allgemein.pdf?rev=ff7897ac86e1481bae4670a8c9b2ab6f

260 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

261 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

262 DLA Piper. 2025, March 18. "The German Accessibility Act". Accessed from https://www.dlapiper.com/-/media/project/dlapiper-tenant/dlapiper/insights/publications/2025/03/dla-piper---the-german-accessibility-act---allgemein.pdf?rev=ff7897ac86e1481bae4670a8c9b2ab6f

263 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

264 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

265 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

German Disability Equality Act (BGG). This arbitration process offers an alternative way to resolve disputes outside of court.[266] [267]

Certain **exemptions** exist for economic operators, which must be assessed and documented by them, and presented to the market surveillance authority upon request[268]. These include:

- **Micro-enterprises** (defined as having fewer than ten employees and an annual turnover or balance sheet total not exceeding EUR 2 million) are exempt from the BFSG requirements regarding services[269]. However, guidelines and advice are provided to facilitate their voluntary implementation[270].
- If a **"fundamental change"** to the product would be necessary to meet accessibility requirements, making it impossible for the product to fulfil its original purpose, the obligation to implement accessibility may not apply[271].
- If fulfilling the requirements would lead to a **"disproportionate disadvantage"** for the economic operator[272]. This assessment considers factors such as the ratio of net costs of implementing accessibility to the total costs of the operator, the estimated costs and benefits for operators versus the benefits for people with disabilities, and the ratio of compliance

266 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

267 Bundesministerium der Justiz und fur Verbraucherschutz. 2022, April 27. "Law on Equality for People with Disabilities (Disability Equality Act - BGG)". Accessed from https://www.gesetze-im-internet.de/bgg/BJNR146800002.html.

268 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

269 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

270 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

271 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

272 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

costs to net turnover[273]. However, this exemption cannot be invoked if the economic operator has received third-party funds specifically for improving accessibility[274].

5.6.5 Other Laws, Policies, or Standards that May Appear Applicable

When discussing accessibility in Germany, other legal frameworks often come to mind, but it is crucial to understand their specific scope to avoid misapplication to private sector streaming media.

5.6.5.1 The German Disability Equality Act (Behindertengleichstellungsgesetz - BGG)

The German Disability Equality Act (BGG)[275] might appear applicable as it addresses the equal participation of people with disabilities. It contains a general definition of "Barrierefreiheit" (barrier-free) in BGG § 4. and established institutions like the Bundesfachstelle für Barrierefreiheit (Federal Accessibility Office) and a Schlichtungsstelle (arbitration body)[276].

However, the BGG's primary and historical scope is limited to **public bodies (öffentliche Stellen des Bundes)**[277] [278]. It sets requirements for federal government

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273 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

274 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

275 Bundesministerium der Justiz und für Verbraucherschutz. 2022, April 27. "Law on Equality for People with Disabilities (Disability Equality Act - BGG)". Accessed from https://www.gesetze-im-internet.de/bgg/BJNR146800002.html.

276 Bundesministerium der Justiz und für Verbraucherschutz. 2022, April 27. "Law on Equality for People with Disabilities (Disability Equality Act - BGG)". Accessed from https://www.gesetze-im-internet.de/bgg/BJNR146800002.html.

277 Bundesministerium der Justiz und für Verbraucherschutz. 2022, April 27. "Law on Equality for People with Disabilities (Disability Equality Act - BGG)". Accessed from https://www.gesetze-im-internet.de/bgg/BJNR146800002.html.

278 Weihbrecht, David. 2024, November 11. "The German Accessibility Improvement Act (BFSG)". Accessed from https://www.activemind.legal/guides/bfsg/.

agencies and other public entities[279] [280]. The BFSG was specifically enacted to **extend similar accessibility requirements to the private sector**, where the BGG did not previously apply[281] [282]. Therefore, while the BGG provides foundational concepts and institutional support for accessibility in Germany, it **does not directly regulate private businesses offering streaming media services**. The arbitration procedure under § 16 BGG, while available, primarily handles disputes involving public bodies where the BGG applies[283]. BGG § 16 arbitration primarily addresses public sector disputes but can indirectly apply to private sector issues via BFSG-related escalations, though this is implied.

5.6.5.2 The Barrierefreie-Informationstechnik-Verordnung (BITV 2.0)

The Barrierefreie-Informationstechnik-Verordnung (BITV 2.0)[284], or "Regulation for the Creation of Barrier-Free Information Technology," seems highly relevant due to its name and focus on information technology. It also mandates that IT offerings must be "perceivable, operable, understandable, and robust"[285], akin to the WCAG principles.

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279 Weihbrecht, David. 2024, November 11. “The German Accessibility Improvement Act (BFSG)”. Accessed from https://www.activemind.legal/guides/bfsg/.

280 Bundesministerium der Justiz und für Verbraucherschutz. 2022, April 27. “Law on Equality for People with Disabilities (Disability Equality Act - BGG)”. Accessed from https://www.gesetze-im-internet.de/bgg/BJNR146800002.html

281 Weihbrecht, David. 2024, November 11. “The German Accessibility Improvement Act (BFSG)”. Accessed from https://www.activemind.legal/guides/bfsg/.

282 Cookie Script. 2025, May 5. “German Accessibility Improvement Act”. Accessed from https://cookie-script.com/privacy-laws/german-accessibility-improvement-act-bfsg.

283 Bundesministerium der Justiz und für Verbraucherschutz. 2022, April 27. “Law on Equality for People with Disabilities (Disability Equality Act - BGG)”. Accessed from https://www.gesetze-im-internet.de/bgg/BJNR146800002.html.

284 Bundesministerium der Justiz und für Verbraucherschutz. 2011, September 12. “Ordinance on the creation of barrier-free information technology in accordance with the Equal Opportunities for People with Disabilities Act (Barrier-Free Information Technology Ordinance - BITV 2.0)”. Accessed from https://www.gesetze-im-internet.de/bitv_2_0/BJNR184300011.html.

285 Bundesministerium der Justiz und für Verbraucherschutz. 2011, September 12. “Ordinance on the creation of barrier-free information technology in accordance with the Equal Opportunities for People with Disabilities Act (Barrier-Free Information Technology Ordinance - BITV 2.0)”. Accessed from https://www.gesetze-im-internet.de/bitv_2_0/BJNR184300011.html.

Despite its name, the BITV 2.0 is **specifically applicable to public bodies (öffentliche Stellen des Bundes)**[286]. It is founded on the BGG[287] and outlines accessibility requirements for IT used by federal public entities, including their websites, mobile applications, electronically supported administrative processes, and graphical user interfaces[288] [289]. It **does not apply to private sector companies** offering streaming media or video-on-demand services. While its technical standards are similar to those referenced by the BFSG, its legal jurisdiction is distinct and confined to the public sector.

5.6.5.3 Web Content Accessibility Guidelines (WCAG) 2.1 Level AA

The Web Content Accessibility Guidelines (WCAG) 2.1 Level AA are directly applicable and crucial for streaming media accessibility in Germany. However, it is important to clarify that WCAG is **not a German law or policy in itself**. Instead, it serves as the **internationally recognised technical standard** that the German Accessibility Improvement Act (BFSG) and its implementing ordinance (BFSGV) explicitly reference and mandate for compliance[290] [291]. Therefore, WCAG forms the technical benchmark that private sector entities must adhere to under German law, but it is not a standalone piece of German legislation. Adherence to WCAG ensures

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286 Bundesministerium der Justiz und für Verbraucherschutz. 2011, September 12. "Ordinance on the creation of barrier-free information technology in accordance with the Equal Opportunities for People with Disabilities Act (Barrier-Free Information Technology Ordinance - BITV 2.0)". Accessed from https://www.gesetze-im-internet.de/bitv_2_0/BJNR184300011.html.

287 Bundesministerium der Justiz und für Verbraucherschutz. 2011, September 12. "Ordinance on the creation of barrier-free information technology in accordance with the Equal Opportunities for People with Disabilities Act (Barrier-Free Information Technology Ordinance - BITV 2.0)". Accessed from https://www.gesetze-im-internet.de/bitv_2_0/BJNR184300011.html.

288 Bundesministerium der Justiz und für Verbraucherschutz. 2011, September 12. "Ordinance on the creation of barrier-free information technology in accordance with the Equal Opportunities for People with Disabilities Act (Barrier-Free Information Technology Ordinance - BITV 2.0)". Accessed from https://www.gesetze-im-internet.de/bitv_2_0/BJNR184300011.html.

289 Bundesministerium der Justiz und für Verbraucherschutz. 2022, April 27. "Law on Equality for People with Disabilities (Disability Equality Act - BGG)". Accessed from https://www.gesetze-im-internet.de/bgg/BJNR146800002.html.

290 Cookie Script. 2025, May 5. "German Accessibility Improvement Act". Accessed from https://cookie-script.com/privacy-laws/german-accessibility-improvement-act-bfsg.

291 DLA Piper. 2025, March 18. "The German Accessibility Act". Accessed from https://www.dlapiper.com/-/media/project/dlapiper-tenant/dlapiper/insights/publications/2025/03/dla-piper---the-german-accessibility-act---allgemein.pdf?rev=ff7897ac86e1481bae4670a8c9b2ab6f

compliance with the BFSG[292], indicating an ongoing alignment with updated international standards.

5.7 Italy

Italy provides a great example of how a country can update its own laws to follow wider European rules and improve digital accessibility, especially for streaming media services. Italy's legal system is built mainly on two important laws: Decreto Legislativo n.82/2022 and Legge 9 gennaio 2004, n. 4, also called Legge Stanca. These laws together create strong, comprehensive rules that follow the European Accessibility Act (EAA) and the Web Accessibility Directive (WAD), which are European Union laws that require accessible digital services.

Italy's laws clearly explain what both public organizations and private companies must do to make sure digital content, including video-on-demand and streaming services, can be used by people with disabilities. They also set the technical standards to make sure these digital services work well for everyone, enhancing access and usability.

This section begins by exploring the legal framework. Decreto Legislativo n.82/2022 serves as the primary mechanism for implementing the EAA in Italy and applies to a broad range of products and services sold or offered within the country, including audiovisual media. It mandates compliance regardless of where the business is based, so long as it targets Italian consumers. For businesses already covered under existing Italian law, compliance was required by November 2022; for other private sector entities, the deadline is June 2025—matching the broader EU enforcement timeline.

Alongside this is Legge Stanca, Italy's foundational law on digital accessibility. Enacted in 2004 and initially focused on public sector entities, it has since undergone several important amendments. Notably, the 2019 updates brought it into alignment with the WAD, and a 2020 reform, the Decreto Semplificazioni, extended accessibility obligations to large private companies with annual revenues exceeding €500 million. This expansion has significantly broadened the reach of accessibility requirements, now encompassing a wide range of commercial digital services.

The narrative then turns to the technical implementation of these legal mandates. At the heart of Italy's technical compliance framework is the European standard EN

[292] Cookie Script. 2025, May 5. "German Accessibility Improvement Act". Accessed from https://cookie-script.com/privacy-laws/german-accessibility-improvement-act-bfsg.

301 549, which outlines detailed criteria for making information and communication technologies accessible. Streaming media providers are expected to ensure their content is perceivable, operable, understandable, and robust (POUR). This means offering features such as captions, audio descriptions, screen reader compatibility, and flexible input options. The standard not only applies to the content itself but also extends to the platforms and devices used to access it.

Monitoring and compliance oversight is described in the next section. The Agency for Digital Italy (AgID) is the primary institution responsible for overseeing enforcement and receiving complaints. AgID is empowered to investigate cases of non-compliance and impose corrective measures. AgID's enforcement is primarily focused on public sector compliance under Legge Stanca, with private sector oversight shared with other regulatory bodies. This is a minor nuance, as AgID does handle complaints across sectors. Other bodies, such as the Department for Innovation and Technologies within the Presidency of the Council of Ministers, also play a role, particularly in ensuring compliance within state-run institutions. Regional and local authorities are similarly tasked with implementing accessibility laws within their jurisdictions. Together, these entities create a multi-tiered monitoring framework that aims to ensure adherence to the law across both public and private sectors.

The enforcement mechanisms in Italy are extensive and tiered. Individuals who experience discrimination or unequal access due to inaccessible digital services may file formal complaints and seek civil compensation. Companies found in violation of accessibility laws are typically given a 90-day period to rectify the situation. Financial penalties can be significant: large private entities may face fines of up to 5% of their annual turnover, while smaller firms newly covered by the law could be fined between €5,000 and €40,000. In cases of ongoing non-compliance, authorities may suspend business operations or restrict product sales. In the public sector, the consequences are equally stringent—non-compliant contracts for website development or digital services may be deemed null and void.

The section then considers related legal instruments that, while not establishing general accessibility mandates for streaming media, nevertheless support the broader accessibility ecosystem. For example, Article 15 of Law 3 May 2019, n. 37 allows the non-commercial creation of accessible format copies for people with visual or reading impairments. Similarly, the Decreto Semplificazioni is primarily a vehicle for expanding the scope of Legge Stanca to large private entities. The Code of Public Contracts also intersects with accessibility through public procurement, though it does not establish accessibility requirements on its own.

The final part of this section distills the lessons and best practices that Canada and other countries might draw from the Italian approach. Italy demonstrates the benefits of a comprehensive and clearly transposed accessibility law that explicitly includes audiovisual media services. Its proactive decision to extend obligations to the private sector, even before EU deadlines, exemplifies how national leadership can drive meaningful progress. Furthermore, the integration of accessibility requirements into public procurement policies, combined with mechanisms for user feedback and civil enforcement, provides a strong model for achieving widespread compliance.

However, Italy's framework is not without its challenges. Its legal architecture is complex, with overlapping regulations and staggered deadlines that may cause confusion for smaller businesses. The exclusion of legacy content and the high turnover threshold for private sector obligations mean that some digital services could remain inaccessible to users with disabilities. These gaps suggest that any country seeking to replicate Italy's model, such as Canada, should strive for clarity, coherence, and broader inclusion in their own accessibility policies.

In sum, this section provides a detailed examination of how Italy has developed and implemented a multi-dimensional legal and technical framework for ensuring streaming media accessibility. It highlights both exemplary practices and potential limitations, offering valuable insights for jurisdictions seeking to develop or refine their own digital accessibility strategies.

5.7.1 Legal Framework

The primary legislation governing streaming media accessibility in Italy includes **Decreto Legislativo n.82/2022**, which is a transposition of the European Accessibility Act (EAA), and **Legge 9 gennaio 2004, n. 4, known as "Legge Stanca"**, along with its amendments.[293]

5.7.1.1 Decreto Legislativo n.82/2022

The Decreto Legislativo n.82/2022 specifically addresses the accessibility requirements for services that provide access to audiovisual media[294] [295]. This decree

[293] Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

[294] Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

[295] Gazzetta Ufficiale della Repubblica Italiana. 2022, May 27. "Decreto Legislativo n.82/2022". Accessed from https://www.gazzettaufficiale.it/eli/id/2022/07/01/22G00089/SG.

applies to a wide range of consumer products and services sold in Italy, mandating that any business offering such products or services to Italian consumers must meet its requirements, regardless of their own geographical location[296] [297]. This directly impacts streaming media and video-on-demand services. For businesses already subject to Legge Stanca due to their annual turnover, compliance with Decreto Legislativo n.82/2022 was required by November 2022. For other newly bound private entities, the compliance deadline is June 2025, aligning with the broader EU deadline for EAA enforcement[298].

5.7.1.2 Legge Stanca (Legge 9 gennaio 2004)

Legge Stanca (Legge 9 gennaio 2004) serves as Italy's foundational legal framework for digital accessibility, originally focusing on public-sector organisations[299]. This law recognizes and protects the fundamental right of every individual to access all information sources and related services, particularly those provided through IT and telematic tools, ensuring access for people with disabilities in accordance with the principle of equality[300].

Legge Stanca broadly applies to IT tools and services provided by public administrations, public economic entities, and private companies holding public service concessions[301] [302].

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296 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

297 Gazzetta Ufficiale della Repubblica Italiana. 2022, May 27. "Decreto Legislativo n.82/2022". Accessed from https://www.gazzettaufficiale.it/eli/id/2022/07/01/22G00089/SG

298 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

299 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

300 Gazzetta Ufficiale della Repubblica Italiana. 2004, January 17. "Disposizioni per favorire l'accesso dei soggetti disabili agli strumenti informatici". Accessed from https://www.parlamento.it/parlam/leggi/04004l.htm.

301 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

302 Gazzetta Ufficiale della Repubblica Italiana. 2004, January 17. "Disposizioni per favorire l'accesso dei soggetti disabili agli strumenti informatici". Accessed from https://www.parlamento.it/parlam/leggi/04004l.htm.

In 2019, Legge Stanca was amended to align with the requirements of the EU Web Accessibility Directive (WAD)[303]. Critically, a 2020 amendment, often referred to as the Decreto Semplificazioni, significantly extended Legge Stanca's accessibility requirements to private businesses with an average annual turnover exceeding €500 million over the past three years of operation, including companies that are part of a group or holding that meets these financial criteria[304]. This expansion means that many private companies, even those not directly providing public services, must adhere to digital accessibility standards, including for multimedia content and services they offer.

5.7.2 Standards for Streaming Media Accessibility

The overarching technical standard for compliance with Italy's digital accessibility laws, including those applicable to streaming media, is **EN 301 549**[305]. This standard aligns with the general requirements of both the EU Web Accessibility Directive (WAD) and the European Accessibility Act (EAA).

To comply with EN 301 549, organizations must ensure their digital content, including streaming media and video-on-demand, is perceivable, operable, understandable, and robust (POUR) for all users12. For streaming media specifically, this translates into several key technical requirements:

- **Ensuring compatibility with assistive technologies** such as screen readers[306]. This implies that audio content should have accompanying transcripts or captions, and video content should have accurate captions and audio descriptions to be accessible to users who are blind or have visual impairments, or who are deaf or hard of hearing.

303 Level Access. 2025. “Executive Fact Sheet: Italy’s Digital Accessibility Laws”. Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

304 Level Access. 2025. “Executive Fact Sheet: Italy’s Digital Accessibility Laws”. Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

305 Level Access. 2025. “Executive Fact Sheet: Italy’s Digital Accessibility Laws”. Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

306 Level Access. 2025. “Executive Fact Sheet: Italy’s Digital Accessibility Laws”. Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

- **Offering flexible input methods**[307]. For interactive streaming platforms or video players, this means ensuring they can be navigated and controlled using various input devices, including keyboards, without requiring a mouse, benefiting users with motor disabilities.

- **Providing alternatives for visual and auditory content**[308]. This is crucial for streaming media, requiring features like captions for spoken dialogue, audio descriptions for visual information in videos, and transcripts for audio-only content, making the media accessible to users with sensory disabilities.

- **Mandating accessible software and hardware** associated with the covered products and services[309]. This extends accessibility requirements beyond just the content itself to the platforms and devices used to access streaming media.

5.7.3 Compliance Monitoring Framework

The primary body responsible for monitoring compliance with Italy's digital accessibility laws is the Agency for Digital Italy (AgID)[310]. AgID is empowered to receive complaints from individuals with disabilities who experience unfair treatment due to non-compliance[311].

Beyond individual complaints, the Presidency of the Council of Ministers - Department for Innovation and Technologies also plays a direct monitoring role for the implementation of Legge Stanca, often leveraging the National Centre for

307 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

308 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

309 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

310 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

311 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

Informatics in Public Administration[312]. This department is responsible for ensuring state administrations adhere to the provisions of Legge Stanca[313].

Furthermore, regions, autonomous provinces, and local authorities are tasked with overseeing the implementation of Legge Stanca within their respective offices.[314] The implementing regulations for Legge Stanca are designed to define the control mechanisms applicable to both private and public operators.[315] Separately, Law 3 May 2019, n. 37, implementing EU Directive 2017/1564 (the Marrakesh Treaty), sets out obligations for 'authorized entities' that facilitate access to copyrighted works for people with disabilities.[316] These entities must publish and update information on how they comply with obligations regarding data processing and the distribution of accessible copies, and they are required to communicate annually with the Ministry for Cultural Heritage and Activities for the purpose of periodic reporting to the European Commission.[317]

5.7.4 Compliance Enforcement Framework

The enforcement framework in Italy is multi-layered, providing recourse for individuals and imposing penalties on non-compliant entities.

312 Gazzetta Ufficiale della Repubblica Italiana. 2004, January 17. "Disposizioni per favorire l'accesso dei soggetti disabili agli strumenti informatici". Accessed from https://www.parlamento.it/parlam/leggi/04004l.htm.

313 Gazzetta Ufficiale della Repubblica Italiana. 2004, January 17. "Disposizioni per favorire l'accesso dei soggetti disabili agli strumenti informatici". Accessed from https://www.parlamento.it/parlam/leggi/04004l.htm.

314 Gazzetta Ufficiale della Repubblica Italiana. 2004, January 17. "Disposizioni per favorire l'accesso dei soggetti disabili agli strumenti informatici". Accessed from https://www.parlamento.it/parlam/leggi/04004l.htm.

315 Gazzetta Ufficiale della Repubblica Italiana. 2004, January 17. "Disposizioni per favorire l'accesso dei soggetti disabili agli strumenti informatici". Accessed from https://www.parlamento.it/parlam/leggi/04004l.htm.

316 Gazzetta Ufficiale della Repubblica Italiana. 2022, May 27. "Decreto Legislativo n.82/2022". Accessed from https://www.gazzettaufficiale.it/eli/id/2022/07/01/22G00089/SG.

317 Gazzetta Ufficiale della Repubblica Italiana. 2022, May 27. "Decreto Legislativo n.82/2022". Accessed from https://www.gazzettaufficiale.it/eli/id/2022/07/01/22G00089/SG.

5.7.4.1 Individual Complaints and Compensation

A person with a disability who experiences unfair treatment due to lack of accessibility can file a complaint with AgID[318]. If discrimination is confirmed, the individual may be entitled to civil compensation for damages suffered[319].

5.7.4.2 Notices and Remediation Periods

Companies found in violation of accessibility requirements will typically receive a notice granting them 90 days to ensure their digital properties become accessible and compliant[320].

5.7.4.3 Financial Penalties

For private companies with an annual turnover exceeding €500 million (averaged over the past three years) that are subject to Legge Stanca (through Decreto Semplificazioni) or Decreto Legislativo n.82/2022 (if previously bound by Legge Stanca), failure to comply can result in administrative sanctions of up to 5% of their annual turnover[321].

For private entities newly bound by Decreto Legislativo n.82/2022, fines can range between €5,000 and €40,000 for violations[322].

5.7.4.4 Operational Restrictions and Suspensions

AgID has the authority to suspend the operations of non-compliant private companies[323]. Additionally, if a business fails to address a violation within the

318 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

319 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

320 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

321 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

322 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

323 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

timeframe set by regulatory authorities, the Ministry of Economic Development can limit the sale of a product in Italy or even remove it from the market[324].

5.7.4.5 Managerial and Disciplinary Responsibility

For public administrations, non-compliance with Legge Stanca can lead to managerial and disciplinary responsibility as per relevant legislative decrees, in addition to any potential criminal and civil liabilities under existing laws[325].

5.7.4.6 Contractual Nullification

In the public sector, contracts for the development or modification of websites are **null and void** if they do not stipulate adherence to accessibility requirements[326]. Existing contracts must be adjusted for accessibility upon renewal, modification, or novation, or they become null[327].

5.7.5 Other Laws, Policies, or Standards that May Appear Applicable

Several other legislative acts, while important in the broader Italian legal landscape or related to digital governance, do not directly establish general accessibility requirements for streaming media in the same way as Decreto Legislativo n.82/2022 or Legge Stanca.

5.7.5.1 Article 15 of Law 3 May 2019, n. 37

This article, referenced in the legislative decree's notes[328], pertains to **specific permitted uses of copyrighted works and other material for the benefit of blind**

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324 Level Access. 2025. “Executive Fact Sheet: Italy’s Digital Accessibility Laws”. Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

325 Gazzetta Ufficiale della Repubblica Italiana. 2004, January 17. “Disposizioni per favorire l'accesso dei soggetti disabili agli strumenti informatici”. Accessed from https://www.parlamento.it/parlam/leggi/04004l.htm.

326 Gazzetta Ufficiale della Repubblica Italiana. 2004, January 17. “Disposizioni per favorire l'accesso dei soggetti disabili agli strumenti informatici”. Accessed from https://www.parlamento.it/parlam/leggi/04004l.htm.

327 Gazzetta Ufficiale della Repubblica Italiana. 2004, January 17. “Disposizioni per favorire l'accesso dei soggetti disabili agli strumenti informatici”. Accessed from https://www.parlamento.it/parlam/leggi/04004l.htm.

328 Gazzetta Ufficiale della Repubblica Italiana. 2022, May 27. “Decreto Legislativo n.82/2022”. Accessed from https://www.gazzettaufficiale.it/eli/id/2022/07/01/22G00089/SG.

persons, visually impaired persons, or those with other reading difficulties[329]. It allows for the transformation of literary, photographic, and figurative arts in various formats (including audio and digital) into "accessible format copies" without infringing copyright, provided it is for non-commercial purposes by beneficiaries or authorised entities[330]. While it enables accessibility for certain disabilities, it is an **exception to copyright law** rather than a general mandate for the accessibility of streaming media services or platforms themselves. Its focus is on facilitating access to specific copyrighted content in alternative formats, not regulating the inherent accessibility of commercial streaming services.

Legislative Decree 16 July 2020, n. 76 (converted by Law 11 September 2020, n. 120)

This decree, titled "Measures urgent for simplification and digital innovation," is mentioned in the preamble of the legislative decree on digital accessibility[331]. While it addresses digital innovation, its direct relevance to digital accessibility, particularly for streaming media, is primarily through its **amendment of Legge Stanca**. The Level Access source clarifies that this specific decree, referred to as the "Decreto Semplificazioni," was the mechanism by which Legge Stanca's accessibility requirements were extended to private businesses with substantial annual turnover[332]. Therefore, it is not a standalone accessibility law, but rather an **instrument that expanded the scope of Legge Stanca**.

5.7.5.2 Legislative Decree 18 April 2016, no. 50 (Code of Public Contracts)

This decree, mentioned in the context of simplifying public contracts for post-COVID investment, primarily governs **public procurement procedures**[333]. While Legge Stanca dictates that accessibility requirements constitute a preference in public

329 Gazzetta Ufficiale della Repubblica Italiana. 2022, May 27. "Decreto Legislativo n.82/2022". Accessed from https://www.gazzettaufficiale.it/eli/id/2022/07/01/22G00089/SG.

330 Gazzetta Ufficiale della Repubblica Italiana. 2022, May 27. "Decreto Legislativo n.82/2022". Accessed from https://www.gazzettaufficiale.it/eli/id/2022/07/01/22G00089/SG.

331 Gazzetta Ufficiale della Repubblica Italiana. 2022, May 27. "Decreto Legislativo n.82/2022". Accessed from https://www.gazzettaufficiale.it/eli/id/2022/07/01/22G00089/SG.

332 Level Access. 2025. "Executive Fact Sheet: Italy's Digital Accessibility Laws". Accessed from www.levelaccess.com/wp-content/uploads/2025/02/Italy-Digital-Accessibility-Laws.pdf.

333 Gazzetta Ufficiale della Repubblica Italiana. 2020, July 16. "DECRETO-LEGGE 16 luglio 2020, n. 76 - Misure urgenti per la semplificazione e l'innovazione digitale". Accessed from https://www.gazzettaufficiale.it/eli/id/2020/07/16/20G00096/s.

procurement for IT goods and services and that contracts not respecting accessibility may be null[334], the Public Contracts Code itself does not establish the accessibility standards. Instead, it provides the procedural framework within which the accessibility mandates of Legge Stanca are applied for public sector contracts. Its purpose is to streamline public investments and administration[335], not to define accessibility requirements for streaming media or other digital services directly.

5.8 Japan

Japan's approach to streaming media accessibility is shaped by a layered framework that integrates legal mandates, regulatory guidelines, and international technical standards. At its foundation lies the Act for Eliminating Discrimination against Persons with Disabilities, a pivotal piece of legislation that defines both the rights of persons with disabilities and the obligations of public and private actors to ensure access and inclusion.

This Act, first adopted in 2013 and later amended, establishes the legal obligation to prohibit discriminatory treatment and provide reasonable accommodation. It adopts a broad definition of disability, extending beyond medical conditions to include limitations caused by social barriers, such as inaccessible websites, video content without captions, or lack of sign language interpretation. While government agencies were initially held to stricter obligations, the legal requirement for private companies to provide reasonable accommodation became mandatory as of April 1, 2024, significantly expanding the scope of responsibility. This shift aligns Japan's domestic policy with its international commitments under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), particularly Articles 3, 9, and 21, which emphasize access to information and communication technologies, including the internet.

Building on the legal foundation, Japan has developed a set of regulatory mechanisms to guide implementation, particularly within the public sector. The most comprehensive of these is the "Everyone's Public Website Operational Guidelines" (みんなの公共サイト運用ガイドライン), with the latest revision released in 2016 by MIC, incorporating updates for the Act and JIS X 8341-3:2016. issued by the

334 Gazzetta Ufficiale della Repubblica Italiana. 2004, January 17. "Disposizioni per favorire l'accesso dei soggetti disabili agli strumenti informatici". Accessed from https://www.parlamento.it/parlam/leggi/04004l.htm.

335 Gazzetta Ufficiale della Repubblica Italiana. 2020, July 16. "DECRETO-LEGGE 16 luglio 2020, n. 76 - Misure urgenti per la semplificazione e l'innovazione digitale". Accessed from https://www.gazzettaufficiale.it/eli/id/2020/07/16/20G00096/s.

Ministry of Internal Affairs and Communications. These guidelines operationalize the Act by detailing how public institutions must ensure digital accessibility (including for audio-visual content) across websites, mobile applications, intranet systems, and even kiosk-based services. Crucially, these regulations require conformity with JIS X 8341-3:2016, Japan's national standard for web accessibility, which is technically identical to WCAG 2.0 (ISO/IEC 40500:2012). The guidelines further specify that when public agencies use external video distribution services (e.g., embedded YouTube or proprietary video players) the content must still meet the accessibility standards outlined in JIS.

The distinction between the legal and regulatory frameworks in Japan is both practical and conceptual. The legal framework, through the Act, establishes the overarching obligation and principles of equality and inclusion. The regulatory framework provides the tools and instructions for how to meet these obligations in specific domains, especially digital communications. This division becomes particularly relevant when comparing public and private sectors. While public entities are bound by detailed implementation rules, private companies are still awaiting comparable regulatory specificity, even though their legal obligations have become enforceable.

Japan's standards environment further reflects this dual focus on web-based and broadcast technologies. In addition to JIS X 8341-3:2016, which governs web content accessibility, Japan has also adopted ITU-T H.702 as a national standard (TTC JT.H702) for IPTV systems. This standard specifies accessibility features for streaming media delivered via internet protocol, including closed captioning, audio description, and sign language display, and defines conformance profiles for different levels of device functionality. Together, these two standards outline the core technical requirements for making video-on-demand and streaming services accessible.

When it comes to the technical details of streaming media accessibility, the requirements are relatively well-defined for public-facing websites. Under JIS X 8341-3:2016, public entities must conform at Level AA, which includes providing captions for all live and prerecorded media, audio descriptions for prerecorded content, and keyboard-operable media player controls. Higher-level accessibility features, such as sign language interpretation and extended audio descriptions, are recommended under Level AAA. These requirements directly mirror WCAG 2.0 success criteria, ensuring international compatibility.

For IPTV and video services outside the public sector, the situation is more ambiguous. While ITU-T H.702 is a recognized standard, and the law now mandates reasonable accommodation, detailed technical enforcement mechanisms for private media platforms are limited. Regulatory authorities such as competent ministers may

issue “handling guidelines”, request reports, or offer guidance, but these actions lack the prescriptive clarity found in the public sector rules.

Several unresolved issues remain at the intersection of law, regulation, and practice. First, there is the challenge of voluntary vs. mandatory compliance for private companies. While the legal obligation to provide reasonable accommodation now exists, conformance with JIS X 8341-3 remains voluntary for non-public entities. This raises concerns about consistency and effectiveness in the private sector's implementation of accessibility standards, especially for services such as commercial streaming platforms or video hosting sites.

Another area of concern involves inconsistency across delivery platforms. JIS X 8341-3 governs web content, while ITU-T H.702 governs IPTV. The separation of standards could lead to uneven accessibility experiences for users, depending on whether they consume content via a website, an app, or a set-top box. This fragmentation poses difficulties for both content producers and users, especially those navigating multiple platforms with varying accessibility implementations.

Looking ahead, a revision of JIS X 8341-3 is anticipated to bring it in line with WCAG 2.2, which introduces new success criteria related to user interface interactions, target size, accessible authentication, and more. These changes may not directly alter the requirements for video content itself but will affect the surrounding user interface of streaming media players. Public bodies are already encouraged to align their practices with WCAG 2.2 in preparation for the forthcoming revision. However, implementation could be challenging, particularly for smaller agencies or municipalities with limited technical resources.

Finally, practical challenges persist on the ground. Public sector organizations report difficulties in maintaining accessibility initiatives through staff turnover, managing the volume of legacy content, and ensuring training and awareness among internal teams and vendors. Streaming media, especially live content, presents additional technical burdens, such as live captioning, synchronized audio description, and sign language overlays, all of which require time, expertise, and infrastructure.

The scope of the Everyone’s Public Website Operation Guidelines is broad, extending to intranets, kiosks, and external contractor sites, not just main web portals. However, the degree to which video accessibility is consistently applied across all these domains remains unclear, raising questions about oversight and enforcement.

Japan has established a robust legal mandate for digital accessibility and has begun to develop a detailed regulatory and standards-based framework, especially for public sector entities. The country’s adoption of internationally harmonized standards like

WCAG and ITU-T reflects a strong commitment to global best practices. However, challenges remain in translating legal obligations into concrete, consistent implementation across the private sector and diverse media platforms. As Japan moves to revise its national standards and enforce broader compliance, the true test will lie in closing the gap between principle and practice, ensuring that all users, regardless of disability, can access streaming media on equal terms.

5.8.1 Legal Framework

The foundation for accessibility in Japan is laid out in the Act for Eliminating Discrimination against Persons with Disabilities[336]. This Act aims to eliminate discrimination based on disability and contribute to a society of coexistence with mutual respect[337]. A "person with a disability" is defined as someone facing substantial limitations in daily or social life due to a disability or a "social barrier".[338] Social barriers include items, institutions, practices, and ideas that obstruct daily or social life for persons with disabilities[339]. The Act mandates that the national government and local public entities formulate and implement necessary measures for eliminating discrimination[340]. A core requirement is the prohibition of unfair discriminatory treatment and the provision of reasonable accommodation[341].

While administrative organs were initially required to provide reasonable accommodation as long as the burden was not disproportionate, companies (private businesses) were originally required to endeavour to do so[342]. However, it is indicated

336 Japanese Law Translation. "Act for Eliminating Discrimination against Persons with Disabilities". Accessed from: https://www.japaneselawtranslation.go.jp/en/laws/view/3052/en.

337 Japanese Law Translation. "Act for Eliminating Discrimination against Persons with Disabilities". Accessed from: https://www.japaneselawtranslation.go.jp/en/laws/view/3052/en

338 Japanese Law Translation. "Act for Eliminating Discrimination against Persons with Disabilities". Accessed from: https://www.japaneselawtranslation.go.jp/en/laws/view/3052/en

339 Japanese Law Translation. "Act for Eliminating Discrimination against Persons with Disabilities". Accessed from: https://www.japaneselawtranslation.go.jp/en/laws/view/3052/en

340 Japanese Law Translation. "Act for Eliminating Discrimination against Persons with Disabilities". Accessed from: https://www.japaneselawtranslation.go.jp/en/laws/view/3052/en.

341 Japanese Law Translation. "Act for Eliminating Discrimination against Persons with Disabilities". Accessed from: https://www.japaneselawtranslation.go.jp/en/laws/view/3052/en

342 Japanese Law Translation. "Act for Eliminating Discrimination against Persons with Disabilities". Accessed from: https://www.japaneselawtranslation.go.jp/en/laws/view/3052/en

that this obligation for companies became mandatory from April 1, 2024[343]. This legal obligation to eliminate social barriers and provide reasonable accommodation is broad and applies to services offered, which would encompass streaming media and video-on-demand. The Act does not explicitly mention streaming services; rather, its broad mandate for reasonable accommodation applies to any service (digital or otherwise) offered by covered entities. Japan's ratification of the UN Convention on the Rights of Persons with Disabilities (UN-CRPD) in 2014 further reinforced the importance of accessibility, with Articles 3, 9, and 21 specifically addressing access to information and communications technologies and systems, including the Internet[344].

5.8.2 Related Regulatory Framework

The Everyone's Public Website Operation Guidelines (2016 Edition with amendments in 2024), published by the Ministry of Internal Affairs and Communications, serves as a key regulatory document detailing the implementation of the legal framework for public entities in the context of web accessibility[345]. These guidelines position information accessibility, including web accessibility, as an essential part of the environmental improvement needed to provide reasonable accommodation[346]. Public entities are required to proactively and systematically promote these measures[347]. The guidelines explicitly state that video content provided on public entity websites is subject to web accessibility requirements based on JIS X 8341-3:2016[348].

Furthermore, if external video distribution services are used by public entities for information dissemination or services, the resulting web content must also ensure

343 Ministry of Internal Affairs and Communications. (2024). “Everyone’s Public Website Operation Guidelines”. Accessed from: https://www.soumu.go.jp/main_content/000945249.pdf. Note: the quote is paraphrased as 2024 revision is mentioned as a reason for guideline update.

344 Kawamori, M. (2018). “Accessibility Standardization”. Accessed from: https://www.ituaj.jp/wp-content/uploads/2018/04/nb30-2_web-05Special-Accessibility.pdf.

345 Ministry of Internal Affairs and Communications. (2024). “Everyone’s Public Website Operation Guidelines”. Accessed from: https://www.soumu.go.jp/main_content/000945249.pdf.

346 Ministry of Internal Affairs and Communications. (2024). “Everyone’s Public Website Operation Guidelines”. Accessed from: https://www.soumu.go.jp/main_content/000945249.pdf.

347 Ministry of Internal Affairs and Communications. (2024). “Everyone’s Public Website Operation Guidelines”. Accessed from: https://www.soumu.go.jp/main_content/000945249.pdf.

348 Ministry of Internal Affairs and Communications. (2024). “Everyone’s Public Website Operation Guidelines”. Accessed from: https://www.soumu.go.jp/main_content/000945249.pdf.

accessibility according to JIS X 8341-3:2016[349]. For private businesses, the sources indicate that competent ministers are to provide "handling guidelines" to enable companies to appropriately handle matters related to the prohibition of discrimination[350]. Ministers may also seek reports or provide advice, guidance, or recommendations[351]. However, the sources do not contain detailed regulatory guidelines specifically for private streaming media or video-on-demand services comparable to the technical requirements stipulated for public entity websites.

5.8.2.1 Difference Between Legal and Regulatory Frameworks

There is a clear difference between the legal and regulatory frameworks. The legal framework, primarily the Act for Eliminating Discrimination against Persons with Disabilities, establishes the fundamental right to non-discrimination and the obligation to provide reasonable accommodation for persons with disabilities, applicable to both public and private sectors[352]. It sets the overarching principle and the general duty. The regulatory framework, exemplified by the Everyone's Public Website Operation Guidelines for public entities, provides the specific, detailed instructions and technical requirements for implementing these legal obligations in particular contexts, such as ensuring accessibility for web content, including video, hosted by government bodies[353]. While the legal obligation for private businesses is now mandatory, the specific regulatory details guiding how private streaming services must implement accessibility measures are not detailed in the documents, although general handling guidelines from competent ministers are anticipated or exist at a less detailed level[354]. Thus, the legal framework provides the mandate (“what” and “why”),

349 Ministry of Internal Affairs and Communications. (2024). “Everyone’s Public Website Operation Guidelines”. Accessed from: https://www.soumu.go.jp/main_content/000945249.pdf.

350 Japanese Law Translation. “Act for Eliminating Discrimination against Persons with Disabilities”. Accessed from: https://www.japaneselawtranslation.go.jp/en/laws/view/3052/en.

351 Japanese Law Translation. “Act for Eliminating Discrimination against Persons with Disabilities”. Accessed from: https://www.japaneselawtranslation.go.jp/en/laws/view/3052/en.

352 Japanese Law Translation. “Act for Eliminating Discrimination against Persons with Disabilities”. Accessed from: https://www.japaneselawtranslation.go.jp/en/laws/view/3052/en.

353 Ministry of Internal Affairs and Communications. (2024). “Everyone’s Public Website Operation Guidelines”. Accessed from: https://www.soumu.go.jp/main_content/000945249.pdf.

354 Japanese Law Translation. “Act for Eliminating Discrimination against Persons with Disabilities”. Accessed from: https://www.japaneselawtranslation.go.jp/en/laws/view/3052/en.

while the regulatory framework provides the method ("how") for specific domains like public web services.

5.8.3 Standards for Streaming Media Accessibility

Several standards are central to digital accessibility in Japan. The primary standard for web content accessibility is **JIS X 8341-3:2016**[355]. This standard is technically identical (IDT) to the international standard **ISO/IEC 40500:2012**[356] [357], which is based on Web Content Accessibility Guidelines (WCAG) 2.0[358]. JIS X 8341-3:2016 provides standards for making websites accessible to older persons and persons with disabilities[359] [360]. While JIS X 8341-3:2016 currently aligns with WCAG 2.0, newer versions of WCAG (2.1 and 2.2) have been recommended by the W3C, adding new success criteria[361] WCAG 2.1 (W3C Recommendation, June 2018) added 17 new success criteria (e.g., 1.2.9 for live audio descriptions, 2.5.3 for touch interactions), and WCAG 2.2 (October 2023) added 9 more (e.g., 2.5.7 for dragging, 2.5.8 for target size).[362] A revision of JIS X 8341-3 is anticipated to adopt the content of WCAG 2.2.[363]

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355 JSA Group WebDesk. (2016). Preview of "JIS X 8341-3:2016 Guidelines for design considering elderly and disabled people - Information and communication equipment, software and services - Part 3: Web content". Accessed from: https://webdesk.jsa.or.jp/books/W11M0090/index/?bunsyo_id=JIS+X+8341-3%3A2016.

356 JSA Group WebDesk. (2016). Preview of "JIS X 8341-3:2016 Guidelines for design considering elderly and disabled people - Information and communication equipment, software and services - Part 3: Web content". Accessed from: https://webdesk.jsa.or.jp/books/W11M0090/index/?bunsyo_id=JIS+X+8341-3%3A2016.

357 WorldWideWeb Consortium. (2008). "Web Content Accessibility Guidelines (WCAG) 2.0". Accessed from: https://www.w3.org/TR/WCAG20/.

358 JSA Group WebDesk. (2016). Preview of "JIS X 8341-3:2016 Guidelines for design considering elderly and disabled people - Information and communication equipment, software and services - Part 3: Web content". Accessed from: https://webdesk.jsa.or.jp/books/W11M0090/index/?bunsyo_id=JIS+X+8341-3%3A2016.

359 JSA Group WebDesk. (2016). Preview of "JIS X 8341-3:2016 Guidelines for design considering elderly and disabled people - Information and communication equipment, software and services - Part 3: Web content". Accessed from: https://webdesk.jsa.or.jp/books/W11M0090/index/?bunsyo_id=JIS+X+8341-3%3A2016.

360 EqualWeb. "Japan web accessibility". Accessed from: https://www.equalweb.com/p/34481/8593/japan_web_accessibility.

361 Ministry of Internal Affairs and Communications. (2024). "Everyone's Public Website Operation Guidelines". Accessed from: https://www.soumu.go.jp/main_content/000945249.pdf.

362 WorldWideWeb Consortium. (2008). "Web Content Accessibility Guidelines (WCAG) 2.0". Accessed from: https://www.w3.org/TR/WCAG20/.

363 Ministry of Internal Affairs and Communications. (2024). "Everyone's Public Website Operation Guidelines". Accessed from: https://www.soumu.go.jp/main_content/000945249.pdf.

JIS applies to mobile apps and other web-based platforms hosting streaming media, as per MIC guidelines.

Another significant standard is **ITU-T H.702**, titled "Accessibility profiles for IPTV systems"[364]. This international technical standard, adopted as a Japanese standard (TTC standard JT.H702) in 2016, defines basic accessibility functions for IPTV, including requirements for terminal devices regarding closed captioning, audio description, and display of sign language interpretation[365]. Its implementation is recognised by the government and persons with disabilities[366].

5.8.4 Specific Technical Requirements

Technical requirements for streaming media and video-on-demand accessibility are largely derived from **JIS X 8341-3:2016 (based on WCAG 2.0) and ITU-T H.702**.

Based on JIS X 8341-3:2016 (WCAG 2.0), which public entities are mandated to conform to at Level AA for their websites, including video content[367], key technical requirements for time-based media include:

- Level A:
    - For prerecorded audio-only or video-only media, provide an alternative that presents equivalent information [WCAG 2.0].
    - Provide captions for all prerecorded audio content in synchronized media [WCAG 2.0]. Captions should convey both speech and non-speech audio information [WCAG 2.0].
    - Provide an alternative for time-based media or audio description of prerecorded video content for synchronized media [WCAG 2.0]. Audio description narrates important visual details that cannot be understood from the main soundtrack alone [WCAG 2.0].

364 Kawamori, M. (2018). "Accessibility Standardization". Accessed from: https://www.ituaj.jp/wp-content/uploads/2018/04/nb30-2_web-05Special-Accessibility.pdf.

365 Kawamori, M. (2018). "Accessibility Standardization". Accessed from: https://www.ituaj.jp/wp-content/uploads/2018/04/nb30-2_web-05Special-Accessibility.pdf.

366 Kawamori, M. (2018). "Accessibility Standardization". Accessed from: https://www.ituaj.jp/wp-content/uploads/2018/04/nb30-2_web-05Special-Accessibility.pdf.

367 Ministry of Internal Affairs and Communications. (2024). "Everyone's Public Website Operation Guidelines". Accessed from: https://www.soumu.go.jp/main_content/000945249.pdf.

- If audio plays automatically for more than 3 seconds, a mechanism to pause, stop, or control volume must be available [WCAG 2.0].

- Level AA:
  - Provide captions for all live audio content in synchronized media [WCAG 2.0].
  - Provide audio description for all prerecorded video content in synchronized media [WCAG 2.0].

- Level AAA:
  - Provide sign language interpretation for all prerecorded audio content in synchronized media [WCAG 2.0]. Sign language interpretation is the translation of one language into a sign language [WCAG 2.0].
  - Where necessary, provide extended audio description for prerecorded video content in synchronized media [WCAG 2.0]. Extended audio description is used when pauses are insufficient for standard audio description [WCAG 2.0].
  - Provide a media alternative for all prerecorded synchronized media and prerecorded video-only media [WCAG 2.0].
  - Provide an alternative for time-based media that presents equivalent information for live audio-only content [WCAG 2.0].

The Everyone's Public Website Operation Guidelines also highlight that video player controls like play, stop, and volume should be operable via keyboard. Note that JIS X 8341-3:2016 is still voluntary for private streaming platforms, despite the Act's mandatory reasonable accommodation requirement (post-2024). JT-H702 may guide private IPTV services (e.g., commercial broadcasters), but its adoption is not mandatory.

ITU-T H.702 specifies requirements for IPTV terminal devices related to closed captioning, audio description, and sign language interpretation display[368]. Different

[368] Kawamori, M. (2018). "Accessibility Standardization". Accessed from: https://www.ituaj.jp/wp-content/uploads/2018/04/nb30-2_web-05Special-Accessibility.pdf.

profiles (Basic, Enhanced, Main) define levels of implementation for these features[369]. The standard includes conformance testing specifications[370].

In summary, while the legal framework mandates accessibility, the specific technical requirements for streaming and VOD are detailed in standards like JIS X 8341-3:2016 (WCAG 2.0) for web-based content and ITU-T H.702 for IPTV, which are regulatory requirements for public entities and implemented as national standards, providing the basis for accessibility features like captions, audio descriptions, and sign language.

5.8.5 Compliance Monitoring Framework

For public institutions, compliance with web accessibility standards is a direct requirement. The Ministry of Internal Affairs and Communications' "Public Website Operation Guidelines (2024 Edition)" instructs public institutions to aim for JIS X 8341-3:2016 Conformance Level AA for their official websites. This includes specific considerations for streaming media:

- Video content provided by public institutions must meet the relevant JIS X 8341-3:2016 success criteria.
- For Level A compliance, videos must include captions for auditory information, and an equivalent HTML page or audio description for visual information. Additionally, playback controls (such as play, pause, and volume adjustment) must be operable using only a keyboard.
- For Level AA compliance, public institutions must further provide captions for live video and audio description for prerecorded video.
- If using external video distribution services or integrating video playback into their websites, these too must meet the accessibility requirements of JIS X 8341-3:2016.
- If full compliance is difficult, public institutions should provide alternative means, such as a summary page or contact information for the video content.

Public institutions are mandated to perform annual examinations based on JIS X 8341-3:2016 and publish the results on their websites. These examinations involve

369 Kawamori, M. (2018). "Accessibility Standardization". Accessed from: https://www.ituaj.jp/wp-content/uploads/2018/04/nb30-2_web-05Special-Accessibility.pdf.

370 Kawamori, M. (2018). "Accessibility Standardization". Accessed from: https://www.ituaj.jp/wp-content/uploads/2018/04/nb30-2_web-05Special-Accessibility.pdf.

various methods, including human visual checks and the use of automated check tools like “miChecker”, developed by the Ministry of Internal Affairs and Communications. Third-party experts with sufficient knowledge of the standard may also be engaged for verification and testing to ensure objectivity.

Beyond general web content, specific international efforts in accessibility standardization, like those by the ITU-T, directly address streaming media:

- The ITU-T Recommendation H.702 “Accessibility profiles for IPTV systems”, adopted in 2016, defines fundamental accessibility features for IPTV. These include requirements for terminal devices to support closed captioning, audio description, and sign language interpretation. Japan has already implemented H.702 as a national standard (TTC standard JT.H702).
- Conformance testing specifications (HSTP.CONF-H702) exist for H.702, and devices have successfully passed these tests, indicating a structured monitoring and verification process for IPTV accessibility.
- The HSTP.ACC-UC technical paper further details use cases for inclusive media access services, demonstrating how IPTV can deliver sign language video and closed captions to supplement digital terrestrial broadcasts.
- The FSTP-RCSO technical paper outlines remote captioning services, a practical approach to providing live captions that is expected to be crucial for events such as the Tokyo Olympics and Paralympics.

While compliance with JIS X 8341-3 for private companies remains voluntary, the general principle of eliminating discrimination against persons with disabilities, as outlined in the Act, still applies. The Ministry of Internal Affairs and Communications further advises all public entities to continuously review and update their accessibility policies and practices, emphasizing the importance of reflecting the opinions of persons with disabilities.

5.8.6 Compliance Enforcement Framework

In Japan, the framework for ensuring accessibility, including for streaming media, is primarily underpinned by the Act for Eliminating Discrimination against Persons with Disabilities (Act No. 65 of 2013), which came into effect on 1 April 2016. This Act was enacted following Japan's ratification of the United Nations’ Convention on the Rights of Persons with Disabilities (UN-CRPD) in January 2014, which mandates signatory countries to ensure equal rights and access to information and communications, including the internet, for persons with disabilities.

The Act establishes a general obligation for administrative organs, etc. (national government administrative organs, incorporated administrative agencies, local public entities, and local incorporated administrative agencies) to both prohibit discriminatory treatment and provide “reasonable accommodation” to eliminate social barriers, so long as the burden is not disproportionate. For companies, the Act stipulates that they must endeavour to provide reasonable accommodation under similar conditions when carrying out their business. This means actively working to improve structures, prepare equipment, and train staff to eliminate social barriers. An amendment on 4 June 2021 specifically obliges private businesses to provide “reasonable accommodation” from 1 April 2024.

The technical standards for web accessibility in Japan are defined by JIS X 8341-3:2016, titled "Guidelines for Older Persons and Persons with Disabilities – Information and Communications Equipment, Software and Services – Part 3: Web Content". This standard was revised on 22 March 2016 to be fully consistent with the international standard ISO/IEC 40500:2012 (WCAG 2.0). While compliance with JIS X 8341-3 is currently voluntary for companies, organisations are encouraged to follow best practices to avoid potential legal risks.

Regarding streaming media, the specific requirements for web accessibility are detailed within the guidelines that support the main legislation and standards:

- **Video Content Accessibility**: For any video content offered on a website, public institutions must meet the requirements of JIS X 8341-3:2016. These requirements align with WCAG 2.0 success criteria:
    - Level A Compliance: This necessitates providing captions for all prerecorded videos that contain audio. For prerecorded video-only content, an alternative, such as an equivalent HTML page or audio description, must be provided. Additionally, playback controls (e.g., play, pause, volume adjustment) for any video player embedded on the page must be operable via keyboard only. These requirements also extend to videos hosted on external streaming services but presented on the website.
    - Level AA Compliance: In addition to Level A requirements, this level further demands captions for all live-streamed video content and audio description for all prerecorded video content. Japan’s JIS X 8341-3 does not mandate AA compliance across the board. Public institutions are *expected* to aim for Level AA, but not all entities must meet that standard. For private businesses, it remains voluntary.

    - Should full compliance with JIS X 8341-3:2016 be challenging for certain video content, providing alternative means, such as a summary page or contact information for enquiries about the content, is recommended.

- **For Public Institutions**: The Ministry of Internal Affairs and Communications' “Public Website Operation Guidelines (2024 Edition)” provides a structured framework. Public institutions are required to:
    - Formulate and publish a web accessibility policy for their official websites, clearly stating the target scope, conformance level (aiming for Level AA), and deadlines.
    - Develop and implement internal guidelines for page creation, conduct annual verification and improvement efforts, and perform daily accessibility checks during content creation and before publication.
    - Annually confirm and publish the results of their web accessibility initiatives and their achievement of JIS X 8341-3:2016 conformance. For larger websites, testing a selection of representative and randomly chosen pages is recommended.
    - To ensure objectivity, it is advisable to engage third-party experts for web accessibility testing. The Ministry also provides tools like miChecker to aid in both automated and human-assisted accessibility evaluations.
    - Although the guidelines do not specify direct penalties for public institutions failing to meet their internal guidelines or the JIS standard, they highlight that the Act for Eliminating Discrimination against Persons with Disabilities forms the legal basis for these efforts. Inappropriate practices, such as claiming full compliance by only fixing pages selected for testing, are explicitly identified as problematic.
- **For Private Companies**: While companies are now obligated under the Act to provide "reasonable accommodation," the nature of this obligation is to "endeavour". The competent minister has the authority to request reports, offer advice, guidance, or make recommendations to companies regarding their compliance with the prohibition of discrimination. However, the Act's penal provisions are limited to violations of confidentiality or making false reports related to administrative duties, and do not directly include penalties for non-compliance with the general discrimination prohibition itself. Despite the voluntary nature of JIS X 8341-3 for private entities, compliance with WCAG 2.2 is

recommended by some to avoid legal risk, suggesting that non-compliance could still lead to legal challenges under the broader anti-discrimination framework.

Beyond general web content, Japan is also actively involved in international accessibility standardisation efforts for media. The ITU-T's H.702 "Accessibility profiles for IPTV systems" was adopted in 2015, setting requirements for closed captioning, audio description, and sign language interpretation in IPTV. This standard was developed with input from Japanese deaf and hard-of-hearing organisations and has already seen implementation in Japan, with the Telecommunication Technology Committee (TTC) issuing JT.H702 as a Japanese standard. Furthermore, new recommendations like F.Relay for Telecommunication Relay Services and F.ACC-TCPS for Total Conversation Systems for Public Services are being developed to enhance real-time communication accessibility, especially for emergency services. These underscore a proactive approach to ensuring accessibility across various forms of communication and media, including streaming content, within Japan.

5.8.7 Other Laws, Policies, and Standards that May Appear Applicable

There are no applicable comments under this section for this country.

5.9 South Korea

South Korea’s approach to ensuring the accessibility of streaming media for persons with disabilities is grounded in a comprehensive legal, policy, and technical framework. At the heart of this framework is the **Act on the Prohibition of Discrimination of Disabled Persons, Remedy Against Infringement of their Rights**, etc., commonly referred to as the **Anti-Discrimination Act**. This legislation establishes a wide-ranging prohibition against disability-based discrimination in all areas of life, including access to information and media. Its guiding principle is the promotion of full societal participation by persons with disabilities through the provision of what it terms “legitimate convenience”, a concept that encompasses both human and material arrangements to enable equal access to services and opportunities. These arrangements must be adapted to reflect the type and degree of a person’s disability, as well as other contextual factors such as gender.

Under this Act, not only the national government but also local authorities are tasked with preventing discrimination and taking affirmative measures (technical, administrative, and financial) to support equal access. Specific requirements are placed on a broad array of stakeholders, including individuals, corporations, and public institutions. These actors are explicitly prohibited from discriminating in the provision

of both electronic and non-electronic information. The law mandates that providers (such as employers, broadcasters, and cultural institutions) supply means of communication like sign language and written content to ensure equitable participation.

This legal obligation is particularly rigorous in the context of the media. Broadcasting service providers and internet multimedia broadcasters are required to offer accessibility features such as closed captions, sign language interpretation, and descriptive video services. While these requirements are binding for broadcasters, there is a distinction in the obligations applied to other media actors. Publishers and film or video producers are merely encouraged to provide accessible versions of their products, reflecting a softer regulatory approach signaled by the phrasing "shall endeavor." This creates a patchwork of obligation and aspiration, which could potentially result in inconsistent levels of accessibility across different types of media content.

Reinforcing these principles is the **Welfare Law for Persons with Disabilities**, which seeks to promote social integration and guarantee a dignified life for persons with disabilities. Like the Anti-Discrimination Act, this law prohibits disability-based discrimination in political, economic, social, and cultural spheres. It calls on both central and local governments to improve the telecommunications and broadcasting infrastructure that supports access to information and communication. Although private broadcasters are not strictly mandated to implement these improvements, the law does require public authorities to request such measures, and private operators are expected to comply unless they can demonstrate valid exceptions.

Beyond the legal foundations, South Korea has also established a coordinated policy framework to guide the implementation of accessibility. The Anti-Discrimination Act obligates governments to prevent discrimination and support the provision of legitimate convenience, while the Welfare Law goes further by creating institutional infrastructure to oversee these commitments. At the center of this structure is the **Policy Coordination Committee for Persons with Disabilities**, which operates under the Prime Minister. This high-level body is responsible for crafting comprehensive policies, harmonizing ministerial efforts, and overseeing the implementation and evaluation of disability-related programs, including those affecting access to media and information. In addition to policymaking, public authorities are tasked with raising awareness of disability issues and promoting greater public understanding through education and outreach.

South Korea's accessibility framework is further supported by technical standards. **The Korean Web Content Accessibility Guidelines 2.1** (TTAK.OT-10.0003/R2),

published by the Telecommunications Technology Association (TTA), serve as the country's primary technical reference for web accessibility, including streaming media. These guidelines are legally grounded, cited as compliance tools under both the Anti-Discrimination Act and the Framework Act on National Informatization. They also underpin the country's web accessibility certification system, ensuring that organizations have clear, measurable benchmarks for accessibility performance.

Technically, the standard is built around four foundational principles (Perceivable, Operable, Understandable, and Robust) which are further divided into 13 guidelines and 24 inspection criteria. These criteria are designed to ensure that digital content is accessible to people with a wide range of disabilities, including visual, auditory, physical, intellectual, and cognitive impairments. Particularly relevant for streaming media, the guidelines require that multimedia content include synchronized closed captions, audio descriptions, or transcripts where applicable. For content without dialogue, screen descriptions must still be provided in some form. Other rules prohibit auto-playing audio and require that flashing or blinking content be minimized to avoid triggering photosensitive seizures. To ensure future compatibility, the standard mandates accessibility support for embedded applications and plugin-based web components.

However, despite the sophistication of South Korea's legal and technical architecture, several **persistent challenges** remain. One such issue is the limited support for users with **multiple disabilities**. While the current guidelines provide strong coverage for single-disability use cases, they may fall short in addressing the layered needs of users who experience more than one form of impairment simultaneously.

Another point of concern is the **inconsistent use of legal language**. While some obligations, especially for broadcasters, are framed in unequivocal terms ("shall provide"), other requirements use softer language such as "shall endeavor" or include caveats like "unless extenuating circumstances exist." These linguistic variations can dilute the enforceability of accessibility provisions, creating loopholes and allowing for varied interpretations among private entities.

Moreover, there is evidence of **practical implementation gaps**. The guidelines themselves include examples of common failures in real-world applications, such as video content without captions or the use of inaccessible legacy technologies like Flash. These shortcomings suggest that technical standards, even when clearly articulated, do not guarantee compliance unless they are paired with robust enforcement and sustained industry education.

Finally, the guidelines are designed to be **technology-neutral**, which is advantageous in terms of future-proofing but also means that some technical implementation details are left open to interpretation. This can lead to inconsistent user experiences, particularly as new content formats and delivery methods emerge.

In summary, South Korea has made significant strides in establishing a robust, multi-layered system to promote streaming media accessibility. Its combination of legal mandates, coordinated policy oversight, and nationally recognized technical standards reflects a strong institutional commitment to digital inclusion. Nonetheless, gaps in enforcement, variable levels of obligation across stakeholders, and unresolved implementation issues point to areas where continued attention and refinement are necessary.While broadcasters and IPTV are bound by accessibility mandates, online-only platforms (outside licensed broadcasting categories) fall into a more ambiguous regulatory space. True "streaming services" like OTT platforms are increasingly being pressured to comply, but the law's explicit binding obligations still sit more firmly on broadcasters and IPTV operators.

5.9.1 Legal Framework

In South Korea, the Act on the Prohibition of Discrimination of Disabled Persons, Remedy Against Infringement of their Rights, etc. (Anti-Discrimination Act)[371] broadly prohibits discrimination based on disability in all aspects of life, with the purpose of safeguarding rights and enabling full participation in society.[372] Discriminatory acts include treating disabled persons unfavorably, applying disability-blind standards, or refusing legitimate convenience without justifiable grounds.[373] "Legitimate convenience" refers to human and material arrangements and measures that allow disabled persons to participate in activities on an equal basis with non-disabled

371 Republic of Korea. (2007). "Act on the Prohibition of Discrimination of Disabled Persons, Remedy Against Infringement of Their Rights, etc.". Accessed from: https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Korea-Republic-of_Act-on-the-Prohibition-of-Discrimination-of-Disabled-Persons-Remedy-Against-Infringement-of-their-Rights-etc.pdf

372 Republic of Korea. (2007). "Act on the Prohibition of Discrimination of Disabled Persons, Remedy Against Infringement of Their Rights, etc.". Accessed from: https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Korea-Republic-of_Act-on-the-Prohibition-of-Discrimination-of-Disabled-Persons-Remedy-Against-Infringement-of-their-Rights-etc.pdf

373 Republic of Korea. (2007). "Act on the Prohibition of Discrimination of Disabled Persons, Remedy Against Infringement of Their Rights, etc.". Accessed from: https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Korea-Republic-of_Act-on-the-Prohibition-of-Discrimination-of-Disabled-Persons-Remedy-Against-Infringement-of-their-Rights-etc.pdf

persons, considering their gender, type, degree, and nature of disability.[374] The State and local governments are responsible for preventing discrimination, providing remedies, and taking affirmative measures, including technical, administrative, and financial assistance for legitimate convenience.[375]

Specifically concerning media and information access:

- Individuals, corporations, and public institutions are prohibited from discriminatory acts when disabled persons use and access electronic and non-electronic information.[376]
- Performers, etc. (a broad category including public institutions, employers, cultural/artistic business operators, medical institutions) must provide necessary means, such as sign language and writing, to ensure disabled persons can access and use electronic and non-electronic information on an equal basis.[377]
- Broadcasting business operators and Internet multimedia broadcast business operators are required to provide convenience services for the disabled persons' viewing, including closed captions, sign language interpretation, and descriptive video services, to enable equal access and use.

However, the legal framework creates significantly different obligation levels across media sectors. The Broadcasting Act establishes concrete mandatory requirements with specific numerical targets for national broadcasters regarding caption programming hours and audio description quotas, enforced through substantial financial penalties (up to 100 million won) and potential license sanctions. This creates a four-tier regulatory system where terrestrial broadcasters like KBS,

374 Republic of Korea. (2007). "Act on the Prohibition of Discrimination of Disabled Persons, Remedy Against Infringement of Their Rights, etc.". Accessed from: https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Korea-Republic-of_Act-on-the-Prohibition-of-Discrimination-of-Disabled-Persons-Remedy-Against-Infringement-of-their-Rights-etc.pdf

375 Republic of Korea. (2007). "Act on the Prohibition of Discrimination of Disabled Persons, Remedy Against Infringement of Their Rights, etc.". Accessed from: https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Korea-Republic-of_Act-on-the-Prohibition-of-Discrimination-of-Disabled-Persons-Remedy-Against-Infringement-of-their-Rights-etc.pdf

376 Republic of Korea. (2007). "Act on the Prohibition of Discrimination of Disabled Persons, Remedy Against Infringement of Their Rights, etc.". Accessed from: https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Korea-Republic-of_Act-on-the-Prohibition-of-Discrimination-of-Disabled-Persons-Remedy-Against-Infringement-of-their-Rights-etc.pdf

377 Republic of Korea. (2007). "Act on the Prohibition of Discrimination of Disabled Persons, Remedy Against Infringement of Their Rights, etc.". Accessed from: https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Korea-Republic-of_Act-on-the-Prohibition-of-Discrimination-of-Disabled-Persons-Remedy-Against-Infringement-of-their-Rights-etc.pdf

MBC, and SBS face the strongest accessibility obligations with no discretionary exemptions.

In contrast, other media sectors rely heavily on aspirational language. Publications and media producers and distributors for films and videos “shall endeavor” to provide accessible content, which is language that creates moral rather than legal obligations. Similarly, The Welfare Law for Persons with Disabilities uses predominantly aspirational phrasing, where the State and local governments “shall endeavor” to improve telecommunications and broadcasting facilities, and “shall request” private broadcasting operators to provide accessibility services, with private operators required to "comply therewith unless extenuating circumstances exist."

The variability in obligation strength lies primarily beyond the broadcasting sector (e.g., for film producers, publishers, digital media platforms), where enforcement mechanisms remain weak and compliance is largely voluntary, creating significant gaps in accessibility coverage across Korea's media landscape.

5.9.2 Policy Framework

Both the Anti-Discrimination Act and the Welfare Law for Persons with Disabilities lay out a policy framework for South Korean streaming accessibility:

- The Anti-Discrimination Act mandates the State and local governments to prevent discrimination, provide remedies, and take affirmative measures to rectify discrimination, as well as to render assistance for legitimate convenience.
- The Welfare Law establishes the Policy Coordination Committee for Persons with Disabilities under the Prime Minister. This committee is responsible for establishing comprehensive policies, coordinating opinions among ministries, and monitoring and evaluating the execution of these policies, including those related to welfare, institutional improvement, and employment promotion. This institutional structure provides a high-level policy coordination mechanism for disability welfare, including information and media access.
- The State and local governments also have duties to publicize welfare policies and promote understanding of persons with disabilities among the public.

5.9.3 Standards for Streaming Media Accessibility

The primary standard related to streaming media accessibility in South Korea, as indicated in the sources, is the **Korean Web Content Accessibility Guidelines 2.1 (TTAK.OT-10.0003/R2)**. This is a Telecommunications Technology Association (TTA) group standard.

This standard is explicitly stated to be usable as a standard for web accessibility that is mandated by the "Framework Act on National Informatization" and the "Act on the Prohibition of Discrimination of Disabled Persons, Remedy Against Infringement of their Rights, etc.". This direct link means that the technical specifications within this standard serve as guidelines for implementing the legal obligations outlined in the Anti-Discrimination Act regarding non-discrimination and the provision of legitimate convenience in the digital domain. It also serves as a criterion for the "Web Accessibility Quality Certification".

5.9.4 Standards for Streaming Media Accessibility

The Korean Web Content Accessibility Guidelines 2.1 is designed to ensure web content is accessible to users with various disabilities, including visual impairment, low vision, hearing impairment, physical disability, learning disability, intellectual disability, brain lesion disorder, and photosensitive seizures.

The standard is structured into **4 principles, 13 guidelines, and 24 inspection items (requirements)**, all of which must be met for content to be considered 'web accessible'.

Key specifications relevant to streaming media include:

- **Principle 1: Perceivable** (All content must be perceivable).
    - **Guideline 1.2 (Multimedia Alternatives)**: Requires multimedia content (video, audio) to provide alternative means for understanding.
        - **Inspection Item 1.2.1 (Captioning)**: Multimedia content **must provide captions, transcripts, or sign language**. The most desirable method is **closed captions synchronized with the audio**. For video-only content (without dialogue), **screen descriptions (text, audio, or transcript) must be provided**. Captions, transcripts, and sign language must be equivalent in context to the audio.

- **Guideline 1.3 (Clarity)**: Content must be clearly conveyed.
    - **Inspection Item 1.3.4 (No Automatic Playback)**: Sounds (video, audio, voice, background music) should **not automatically play**. Sounds under 3 seconds are permitted. For sounds playing longer than 3 seconds, controls such as stop, pause, or volume adjustment must be provided.

- **Principle 2: Operable** (User interface components must be operable and navigable).
    - **Guideline 2.3 (Prevention of Photosensitive Seizures)**: Requires content that could trigger photosensitive seizures to be avoided.
        - **Inspection Item 2.3.1 (Limiting Blinking and Flashing)**: Prohibits content that blinks or flashes 3-50 times per second, especially on screens 10 inches or larger. Flashing content occupying more than 10% of the screen area (on screens 10 inches or larger) is prohibited. If decorative blinking is used, it must be stoppable. Flashing content duration should be limited to less than 3 seconds.

- **Principle 4: Robust** (Content must be robust enough to be accessed by future technologies).
    - **Guideline 4.2 (Web Application Accessibility)**: Requires web applications to be accessible.
        - **Inspection Item 4.2.1 (Web Application Accessibility Compliance)**: Web applications (e.g., applets, plugins like ActiveX, Silverlight, Flash) within content must be accessible. They should support operating system/platform accessibility programming interfaces, or if new features lack API support, their name, role, state, and value information must be provided through the accessibility API. If domestic assistive technologies cannot access a web application, it should be avoided or an alternative provided.

5.9.5 Compliance Monitoring Framework

In South Korea, a comprehensive monitoring and enforcement framework exists to ensure compliance with laws and regulations concerning streaming media

accessibility for persons with disabilities. This framework is anchored in several key pieces of legislation and institutional bodies.

The Act on the Prohibition of Discrimination of Disabled Persons, Remedy Against Infringement of their Rights, etc. serves as a primary legal instrument, aiming to prohibit disability-based discrimination in all life aspects and effectively safeguard the rights and interests of those discriminated against, thereby promoting their full societal participation and right to equality. Under this Act, broadcasting business operators and Internet multimedia broadcast business operators are specifically obligated to provide accessibility services for disabled persons, such as closed captions, sign language interpretation, and descriptive video services for their productions and services. Similarly, key telecommunications business operators, particularly telephone service providers, must ensure relay services using appropriate telecommunications equipment and facilities, including video phone and text message services, to ensure equal access for disabled persons. The specific details regarding the scope and implementation of these legitimate conveniences are prescribed by Presidential Decree.

Complementing this, The Welfare Law for Persons with Disabilities mandates that the State and local governments strive to enhance telecommunications and broadcasting facilities to facilitate easy access to information for persons with disabilities and enable them to express their views. This includes requesting private broadcasting operators to incorporate dactylology (sign language) or closed captions and screen explanations for essential programs like news and major national affairs broadcasts. Private operators receiving such requests are generally expected to comply, unless legitimate exceptional circumstances exist.

Furthermore, the Korean Web Content Accessibility Guidelines 2.1 (TTAK.OT-10.0003/R2) provide detailed technical specifications for enhancing web content accessibility for individuals with a range of disabilities, including visual, hearing, physical, learning, intellectual, brain lesion, and photosensitive conditions. These guidelines, which incorporate aspects like touch screen technologies for mobile devices, are structured around four principles, thirteen guidelines, and twenty-four test criteria. Notably, Principle 1, "Perceivable," includes explicit guidelines for "Multimedia Alternative Means," stipulating the provision of captions, transcripts, or sign language for multimedia content to ensure its accessibility. This standard is explicitly designated for use as a mandatory web accessibility standard under both the “Framework Act on National Informatization” and the aforementioned “Anti-Discrimination against and Remedies for Persons with Disabilities Act”. It also serves as an assessment benchmark for the “Web Accessibility Quality Certification”, a national voluntary certification system that evaluates adherence to these standards.

The National Human Rights Commission (referred to as “the Commission”) plays a crucial role in monitoring and enforcing these accessibility mandates. Any individual or organization aware of or directly affected by a discriminatory act prohibited under the Anti-Discrimination Act can file a complaint with the Commission. Beyond handling complaints, the Commission possesses the authority to initiate an ex officio investigation if there is sufficient reason to believe that a serious discriminatory act has occurred. A dedicated Subcommittee on Remedies of Discrimination for Disabled Persons operates within the Commission to specifically investigate and address these discriminatory acts.

5.9.6 Compliance Enforcement Framework

In South Korea, the enforcement framework for compliance with laws and regulations regarding streaming media accessibility is primarily established through the Act on the Prohibition of Discrimination of Disabled Persons, Remedy Against Infringement of their Rights, etc. (hereinafter, the “Anti-Discrimination Act”) and The Welfare Law for Persons with Disabilities. These acts aim to prevent discrimination against persons with disabilities and ensure their equal participation in society.

Under the Anti-Discrimination Act, broadcasting business operators and Internet multimedia broadcast business operators are specifically mandated to provide accessibility services for persons with disabilities. These services include closed captions, sign language interpretation, and descriptive video services for their productions and services. Key telecommunications business operators, particularly telephone service providers, must also ensure relay services through appropriate telecommunications equipment and facilities, such as video phone and text message services, to guarantee equal access for disabled persons. The precise details of these legitimate conveniences are specified by Presidential Decree.

Further reinforcing these obligations, The Welfare Law for Persons with Disabilities states that the State and local governments must strive to improve telecommunications and broadcasting facilities to make information more accessible for persons with disabilities and enable them to express their views. This law also allows the State and local governments to request private broadcasting operators to include dactylology (sign language) or closed captions and screen explanations for crucial programs, such as news and major national affairs broadcasts. Private operators are generally expected to comply with such requests, unless there are legitimate exceptional circumstances.

The National Human Rights Commission (referred to as “the Commission”) plays a central role in the enforcement of these accessibility provisions. Any individual who

has suffered harm due to a discriminatory act prohibited under the Anti-Discrimination Act, or any person or organization aware of such an act, can file a complaint with the Commission. Even without a formal complaint, the Commission has the authority to initiate an ex officio investigation if there is sufficient reason to believe that a serious discriminatory act has occurred. To specifically address these issues, the Commission has a dedicated Subcommittee on Remedies of Discrimination for Disabled Persons responsible for investigating and correcting discriminatory acts.

If a person or entity fails to comply with a recommendation issued by the Commission, particularly in cases involving multiple victims, repeated discriminatory actions, or intentional disadvantage, the Minister of Justice is empowered to issue a correction order. This order may require the discriminator to stop the discriminatory act, restore the harmed individual to their original state, or implement measures to prevent future recurrence of such acts. Failure to comply with a final correction order can lead to a fine not exceeding 30 million won, which is imposed and collected by the Minister of Justice. Moreover, acts of malicious discrimination can result in penal provisions, including imprisonment for up to three years or a fine not exceeding 30 million won. Corporations or individuals can also face fines if their representatives, agents, or employees commit such malicious discriminatory acts in the course of their duties.

In addition to these legal frameworks, the Korean Web Content Accessibility Guidelines 2.1 (TTAK.OT-10.0003/R2) provide specific technical standards for web content accessibility, including multimedia alternatives. These guidelines, which cover various disabilities and include considerations for touch screen technologies on mobile devices, are structured around four principles, thirteen guidelines, and twenty-four test criteria. Principle 1, "Perceivable," explicitly requires "Multimedia Alternative Means," which includes providing captions, transcripts, or sign language for multimedia content. These guidelines are designated as a mandatory web accessibility standard under both the "Framework Act on National Informatization" and the Anti-Discrimination Act, and they also serve as an assessment standard for the national voluntary "Web Accessibility Quality Certification" system.

5.9.7 Other Laws, Policies, and Standards that May Appear Applicable

There are no applicable comments under this section for this country.

5.10 United Kingdom

This section examines the United Kingdom's framework for streaming media accessibility, with a focus on the legal, policy, and enforcement mechanisms that shape how persons with disabilities access audiovisual content. It begins with an outline of the legal framework, highlighting the Communications Act 2003, the Equality Act 2010, and the recently enacted Media Act 2024, which together define the rights and obligations of broadcasters and streaming providers. The discussion then turns to the policy framework, describing how regulators such as Ofcom interpret these laws, issue accessibility codes, and consult with disability organizations.

Following this, the section addresses the implementation of accessibility features, such as subtitles, audio description, and signing, including how requirements differ across broadcast and on-demand services. The next subsection considers the enforcement and monitoring mechanisms available, including Ofcom's oversight role, reporting obligations, and penalties for non-compliance. Finally, the section identifies the strengths and limitations of the UK system, noting areas where reforms have advanced inclusion and areas where gaps remain, particularly in balancing user needs with industry obligations.

5.10.1 Legal Framework

5.10.1.1 Communications Act 2003

Historically, the UK's legal framework for television accessibility, established by the Communications Act 2003, primarily focused on broadcast television. While at least 90% of content on Channels 3 and 4, and 80% on other channels, was required to be subtitled on broadcast television, there were no corresponding legislative requirements for online television. Ofcom, the UK communications regulator, was tasked with encouraging service providers to make their services progressively more accessible to people with visual or hearing disabilities. In 2014, it became mandatory for service providers to respond to queries and surveys concerning access service provisions.

Ofcom also drew up and maintained a code of guidance for services for deaf and visually impaired people, which applied to services licensed under the Broadcasting Act. For instance, public teletext services were required to include features to assist visually impaired persons. However, in 2014, while services like BBC iPlayer and S4C's Clic had to comply with audio description regulations, other on-demand services were not legally mandated to provide such access services. The Authority for Television on Demand (ATVOD) encouraged the provision of captions but lacked the regulatory

authority to impose quotas on the Video on Demand (VOD) industry. This led to a disproportionate system of accessibility between broadcast and online television.

The Communications Act 2003 also defined an "on-demand programme service". While it set out general duties for providers, the practical implementation of accessibility for these services has been a developing area. Ofcom did consult on what regulations for on-demand content should look like, recommending to the government that 80% of content should be subtitled.

5.10.1.2 Equality Act 2010

The Equality Act 2010 provides a framework for protecting individuals from discrimination. However, it specifically states that Section 29, which generally applies to the provision of services, does not apply to the provision of a content service as defined by Section 32(7) of the Communications Act 2003. This carve-out meant that the accessibility of the content itself was not directly covered by the general service provision duties of the Equality Act. Nevertheless, the Act does apply to the provision of an electronic communications network, electronic communications service, or associated facility. This distinction implies that while the content on streaming platforms might not be directly regulated by this specific section of the Equality Act, the underlying digital infrastructure and platforms used to deliver these services are still subject to its provisions for accessibility.

5.10.1.3 Media Act 2024

The Media Act 2024 marks a significant update to the UK's broadcasting legislative framework, specifically addressing the regulation of on-demand programme services. This Act was introduced to respond to the dramatic changes in the broadcasting landscape, particularly the shift from linear viewing to on-demand content, and to address the previous divergence in access service provision between broadcast and on-demand services. It also grants Ofcom new powers to draft and enforce a Video on Demand (VOD) code for the largest VOD service providers, such as Netflix and Amazon Prime Video.

The Media Act 2024 introduces a significant update to the UK's broadcasting framework, particularly in the regulation of on-demand programme services. This legislation was developed to address changes in the broadcasting landscape, such as the shift from traditional linear viewing to on-demand content, and to rectify the disparity in access service provisions between broadcast and online services.

A central feature of the Media Act 2024 is the granting of new regulatory powers to Ofcom. Ofcom is now empowered to draft and enforce a Video on Demand code

for the largest VOD service providers, including companies like Netflix and Amazon Prime Video. The intention behind this code is to ensure that major streaming services that engage UK audiences with TV-like content are held to similar editorial and accessibility standards as traditional UK linear broadcasters.

The Act places enhanced requirements on accessibility. A primary goal is to improve access to subtitles, audio description, and signed interpretation for on-demand content, benefiting millions of people in the UK with hearing loss and visual impairments, and bringing these requirements into line with those already applicable to live television.

The legislation introduces the concept of “Tier 1 services”, which are specific on-demand programme services and non-UK on-demand programme services that meet defined criteria and will be subject to these new regulatory demands. For these Tier 1 services, Ofcom is mandated to prepare and publish an “Accessibility code for Tier 1 services”. This code will impose specific accessibility requirements on Tier 1 providers to ensure their services cater to individuals with disabilities, especially those with sight or hearing impairments, and will necessitate annual reporting to Ofcom on their accessibility provisions. Before finalising this code, Ofcom is required to consult with representatives of people with disabilities, VOD providers, and other relevant stakeholders, and issue a draft for public feedback.

Regarding the implementation timeline, Ofcom expects to consult on the new VOD Accessibility Code around early 2025. The initial accessibility quotas for subtitling, audio description, and signing, as outlined in the Act, are anticipated to come into effect 24 months after the final VOD Accessibility Code is published, which is estimated to be around mid-2027, or 24 months after a provider is designated as a Tier 1 service, whichever is later. Interim access service quotas are also planned to be consulted upon for application from 2026.

Finally, the Media Act 2024 explicitly addresses “deficiencies in broadcasting legislation arising from the withdrawal of the United Kingdom from the European Union”. It references the Audiovisual Media Services Directive (AVMSD) as it applies in EU law from time to time, indicating that European standards remain a point of reference for UK law on streaming media accessibility.

5.10.1.4 Audiovisual Media Services Directive

The EU's Audiovisual Media Services Directive (AVMSD), specifically Directive 2010/13/EU, encouraged Member States to ensure that media service providers gradually make their services accessible to people with visual or hearing disabilities. It emphasised that achieving accessibility involves providing accessible audiovisual

content and mechanisms for users with disabilities to utilise assistive technologies, including sign language, subtitling, and audio-description, and easily understandable menu navigation.

Furthermore, Directive 2019/882/EU (the European Accessibility Act) expanded on accessibility requirements for products and services. It clarified that “services providing access to audiovisual media services” include features like subtitles for the deaf and hard of hearing, audio description, spoken subtitles, and sign language interpretation, which are the result of implementing measures to make services accessible under Article 7 of Directive 2010/13/EU. This directive also includes electronic programme guides (EPGs) within its scope.

Although these are EU Directives, the UK's Media Act 2024 has taken steps to address “deficiencies in broadcasting legislation arising from the withdrawal of the United Kingdom from the European Union”. The Media Act specifically refers to the AVMSD as it has effect in EU law from time to time, indicating that these European standards continue to be a reference point for the development of UK law on streaming media accessibility.

5.10.2 Policy Framework

The policy and regulations framework for streaming media accessibility in the United Kingdom is undergoing significant modernization to adapt to the evolving digital landscape, where viewing habits have shifted dramatically from traditional linear broadcasting to on-demand streaming. Historically, the Communications Act 2003 was the last major update to the UK's broadcasting legislation, and the rules largely reflected the technology and usage patterns of the 1990s and early 2000s.

Previously, a notable disparity existed between the accessibility requirements for broadcast television and online streaming services. While broadcast television, particularly channels like Channels 3 and 4, had mandated targets for subtitling (at least 90% of content) and audio description (10% after five years), online video-on-demand (VoD) services generally had no specific legislative requirements for access services. Organisations like the Authority for Television on Demand (ATVOD), which co-regulated VoD with Ofcom until December 2015, were tasked with encouraging accessibility but lacked the regulatory power to impose quotas on the VOD industry. This regulatory gap meant that essential accessibility features like captions, audio description, and sign language interpretation, often available on broadcast or DVD versions of content, were frequently missing from online streaming platforms. Consequently, a survey found that four in five disabled people, or 80% of respondents, experienced accessibility issues with online streaming, leading 20% to cancel

subscriptions. Issues also included the lack of transparency from platforms regarding accessible content, making it difficult for users to identify barriers before subscribing or searching.

Ofcom, the independent regulator for UK communication industries, has been at the forefront of advocating for updated regulations. They have been approached to discuss new regulations for VOD services, aiming to ensure that the voices of disabled people are central to this process. Ofcom's previous review of public service broadcasting, “Small Screen: Big Debate” in 2021, made recommendations to the Government on how to modernise the audiovisual media regulatory framework.

A significant shift is underway with the Media Act 2024, which is considered the first major update to UK legislation in this area for 20 years. This Bill is designed to strengthen the regulation of VOD services and address the “unrecognizable” changes in the broadcasting landscape. Key provisions of the Media Act 2024 include:

- New standards and accessibility requirements for mainstream, “TV-like” VOD services, including those not currently under UK jurisdiction.
- The existing statutory requirements for linear broadcasters regarding subtitling, audio description, and signing will be matched on mainstream on-demand services. This aims to provide greater access for the millions of people in the UK living with hearing loss and visual impairments.
- Ofcom will be granted new regulatory powers to draft and enforce a VOD code, similar to the existing Broadcasting Code. This ensures that major services engaging UK audiences with TV-like content are subject to comparable high standards as broadcast TV channels.
- The Bill aims to better protect children by applying similar standards for TV to streaming giants. Ofcom will also review audience protection measures used by VOD providers to protect audiences from harm.
- Ofcom expects to consult on a new VOD Accessibility Code around early 2025. The initial accessibility quotas for subtitling, audio description, and signing are projected to come into effect 24 months after the final VOD Accessibility Code is published, or 24 months after a provider is designated as Tier 1, whichever is later (estimated around mid-2027). Additionally, interim access services quotas are anticipated to apply from 2026.
- Organizations like Scope have actively engaged with Ofcom, discussing new regulations and advocating for disabled people's voices to be central to this process. While Ofcom had consulted on recommendations for 80% of content to

be subtitled, Scope encouraged organisations to go further, citing Disney Plus as an example with 98% of its titles captioned.

In essence, the UK regulatory framework for streaming media accessibility is transitioning from a largely unregulated environment to one with comprehensive, mandated standards, mirroring those applied to traditional broadcast television. This evolution is driven by legislative reform and Ofcom's expanded regulatory authority, aiming to enhance inclusivity for disabled users.

5.10.3 Standards for Streaming Media Accessibility

In the United Kingdom, the rules that make sure set-top boxes, streaming dongles, and their remote controls are accessible do not come from one single law. Instead, they come from a mix of regulations, technical standards, and platform rules.

The main rulebook for UK television receivers is called the DTG D-Book. This is a detailed technical guide that sets out exactly how TV receivers in the UK must work. Alongside it is the U-Book, which focuses on usability and accessibility, or how people can actually use those technical features. On top of this, Freeview Play (the UK's main free-to-air TV platform) has its own technical profile that makes sure these boxes and sticks work with online services as well as broadcast TV. The main specifications that apply to the accessibility of dongle/set top boxes and remote controls for streaming media are the guidelines laid out in the U-Book. In the UK, the U-Book is a guide that works alongside the more technical D-Book. While the D-Book tells manufacturers exactly how a television, set-top box, or streaming stick should process signals, the U-Book focuses on how people actually use these devices. In other words, it is about usability and accessibility, so, making sure that features like captions, audio description, and signing are not only present, but also easy for people to find and use.

The U-Book sets out clear expectations for things like remote controls, menus, and on-screen guides. For example, it says that there should be dedicated buttons on the remote for turning subtitles and audio description on or off, because people shouldn't have to dig through complicated menus to reach them. It also advises that once you switch on subtitles or audio description, that choice should stay on until you decide otherwise.

The U-Book also looks at how the electronic programme guide (EPG), or the on-screen TV schedule, is presented. It recommends that information about whether a programme has subtitles, audio description, or signing should be clearly displayed. That way, viewers know before they tune in what accessibility options are available.

Beyond subtitles and audio description, the U-Book encourages good design for menus and navigation. It suggests making sure text is easy to read, colour contrast is strong enough for people with low vision, and menus follow a logical order. It also highlights the importance of providing alternatives for input (e.g., supporting text-to-speech functions that can read out menu options, or making sure the system works with external keyboards and voice input).

The U-Book does not just assume that accessibility features will work if they exist. Instead, it pushes device makers to think about the whole user experience, from the remote control in someone's hand, to the menus on the screen, to the extra services that make television more inclusive.

Subtitles. All UK set-top boxes and dongles need to support subtitles on both broadcast channels and online catch-up services. For broadcast channels, they follow a European standard (DVB subtitles). For online services, they use a newer format called EBU-TT-D. Importantly, subtitles must be easy to turn on and off (usually with a SUB button on the remote) and that choice should "stick" so you do not have to keep switching them back on.

Audio description. This is the extra narration that explains what is happening on screen for people who are blind or have low vision. Devices in the UK must support audio description and make it easy to access, often with an AD button on the remote. Again, if you turn it on once, it should stay on.

Signing. Some programmes are available with a signer in the corner of the screen. Boxes and dongles should recognise these and label them clearly in programme guides. Freeview even has a special Accessible TV Guide (Channel 555) that lets users filter programmes by whether they have subtitles, audio description, or signing.

Remote controls and menus. Accessibility is also about how people interact with the device. UK standards expect remotes to have dedicated keys for subtitles and audio description, and menus should be consistent so users do not get lost switching between live TV and apps. Some devices also include extra features such as high-contrast menus, zoomed text, or even text-to-speech that reads out the programme guide.

Ofcom, the UK's communications regulator, sets rules that broadcasters must meet, like the percentage of shows that must include subtitles or audio description. The D-Book, U-Book, and Freeview Play profile make sure the hardware in people's homes can actually handle those features. With the new Media Act 2024, video-on-demand services (like Netflix or ITVX) will also have accessibility quotas. That makes it

even more important that the same remote-control shortcuts and menu systems work consistently across live TV and streaming apps.

5.10.4 Compliance Monitoring Framework

In the United Kingdom, the monitoring and oversight of streaming media accessibility have undergone significant changes, with the Office of Communications (Ofcom) playing a central and evolving role. Historically, under the Communications Act 2003, Ofcom was primarily tasked with regulating traditional broadcast television, where specific legislative requirements for accessibility, such as subtitling quotas, were in place. Ofcom was mandated to encourage service providers to progressively make their services more accessible to individuals with visual or hearing disabilities and developed a code of guidance for services for deaf and visually impaired people applicable to licensed broadcast services. For instance, public teletext services had conditions to assist visually impaired persons. In 2014, service providers were required to respond to queries and surveys regarding access service provisions. However, this framework created a “disproportionate system of accessibility”, as many on-demand services were not legally mandated to provide such access, even though Ofcom had consulted on and recommended that 80% of on-demand content should be subtitled. The Authority for Television on Demand (ATVOD), which previously assessed VOD accessibility, could only encourage providers rather than enforce quotas, and by December 2015, VOD oversight fell fully under Ofcom's purview.

The landscape for monitoring streaming media accessibility is being significantly reshaped by the Media Act 2024, which aims to modernise broadcasting legislation to address the rise of on-demand services. This Act grants Ofcom new regulatory powers, specifically the authority to draft and enforce a Video on Demand (VOD) code for the largest VOD service providers, often referred to as “Tier 1 services”, which include major platforms like Netflix and Amazon Prime Video. The goal is to ensure these services face similar editorial and accessibility obligations as traditional UK linear broadcasters.

Key monitoring and oversight mechanisms under the new framework include:

- **Responsible Body and Role**: Ofcom is the designated appropriate regulatory authority for these new provisions. Its enhanced role will involve ensuring that Tier 1 services, which are those defined as meeting certain criteria and having a significant UK audience, provide greater access to subtitles, audio description, and signed interpretation for their on-demand content.
- **Accessibility Code for Tier 1 Services:** Ofcom is mandated to prepare and publish an “Accessibility code for Tier 1 services”. This code will impose specific

requirements on Tier 1 providers to ensure their services are accessible to people with disabilities, particularly those with sight or hearing impairments. It will also include provisions to ensure the quality and usability of accessibility features.

- **Reporting Obligations**: Tier 1 service providers will be required to report annually to Ofcom on the accessibility of their services to people with disabilities, including the steps they have taken to ensure the quality and usability of accessibility means. Additionally, they must make adequate information available about assistance for disabled people. Ofcom itself may report to the Secretary of State on any issues relating to Tier 1 services that raise questions of general policy.

- **Frequency of Checks and Reviews**: Beyond annual reporting, Ofcom is also required to carry out audience protection reviews for providers of on-demand programme services or non-UK on-demand programme services that are Tier 1 services, to consider the adequacy of measures for protecting audiences from harm. Ofcom expects to begin a general review of audience protection measures shortly after the Media Act receives Royal Assent.

- **Public Input and Feedback**: The process for developing the Accessibility Code for Tier 1 services will involve consultation. Ofcom must consult with "persons appearing to OFCOM to represent the interests of people with disabilities", "persons providing on-demand programme services or non-UK on-demand programme services", and other relevant interested parties before publishing or revising the code. This formalizes previous practices where bodies like ATVOD invited users to report accessibility issues and surveys highlighted significant accessibility problems experienced by disabled consumers. The broader public has also been consulted on potential regulations for on-demand content.

- **International Influences and Collaborations**: The Media Act 2024 seeks to address "deficiencies in broadcasting legislation arising from the withdrawal of the United Kingdom from the European Union". This refers to the historical influence of the Audiovisual Media Services Directive (AVMSD) and the European Accessibility Act, which encouraged accessibility provisions like sign language, subtitling, audio description, and easily understandable menu navigation. The Media Act 2024 also permits Ofcom to cooperate with EEA States subject to the AVMSD and their national regulatory authorities to facilitate their respective functions related to on-demand programme services. The UK's monitoring approach, where a government agency audits and requires fixes, is noted to be similar to a method used by the US Department of Justice for ADA enforcement.

- **Implementation Timeline**: Ofcom expects to consult on the new VoD Accessibility Code around early 2025. The statutory accessibility quotas (for subtitling, audio description, and signing) stipulated in the Bill are anticipated to come into effect 24 months after the final VoD Accessibility Code is published, which is estimated to be around mid-2027, or 24 months after a provider is designated as a Tier 1 service, whichever is later. However, Ofcom also intends to consult on the introduction of interim access service quotas that may apply from 2026, alongside requirements for reporting to Ofcom on accessibility and providing information to disabled people.

While informal monitoring efforts, such as the "Inclusive League Table" by advocacy groups, have provided scores for popular UK streaming services based on audio description, closed captions, and website accessibility, the new legislative framework aims to embed these accessibility considerations into a formal, enforceable regulatory regime for the largest streaming providers.

5.10.5 Compliance Enforcement Framework

In the United Kingdom, the enforcement framework for streaming media accessibility has historically been less robust than for traditional broadcast television, but significant changes are underway with the introduction of the Media Act 2024.

5.10.5.1 Pre-Media Act Context

Prior to the Media Act 2024, there has been no specific legal requirement for video on-demand (VOD) services, including catch-up services, to provide access services or adhere to web accessibility standards. While organisations like Scope encourage VOD providers to surpass minimum recommendations, such as the 80% subtitling proposed by Ofcom, some companies like Disney Plus have voluntarily achieved 98% captioning. The Authority for Television on Demand (ATVOD) annually assesses VOD accessibility and has noted improvements, but neither ATVOD nor Ofcom currently possess the legal authority to enforce accessibility regulations on VOD services, only to encourage providers to be more accessible. In contrast, broadcast television in the UK is subject to specific accessibility regulations, including targets for subtitling and audio description, with BBC iPlayer and S4C's Clic required to comply with audio description mandates. Ofcom's existing powers under the Communications Act 2003 allow for general enforcement related to electronic communications, including notifications of contravention, enforcement orders for remedial steps, and financial penalties, but these were not specifically tailored for VOD accessibility.

5.10.5.2 *Introduction of the Media Act 2024*

The Media Act 2024 signifies a pivotal shift, designed to bring major VOD services, such as Netflix and Amazon Prime Video, under UK regulation, subjecting them to similar high standards as broadcast television channels. This new legislation will specifically introduce accessibility requirements for VOD service providers, aiming to align mainstream on-demand services with existing statutory requirements for linear broadcasters concerning subtitling, audio description, and signing. Ofcom will be empowered to draft and enforce a new VOD Code, which will specifically include an Accessibility Code for “Tier 1 services”. This code will impose mandatory requirements on Tier 1 service providers to ensure their offerings are accessible to people with disabilities, particularly those with sight or hearing impairments, and will necessitate annual reporting on service accessibility to Ofcom. The initial accessibility quotas will come into effect either 24 months after the final VOD Accessibility Code is published or 24 months after a provider is designated as a Tier 1 service, whichever is later. Interim access service quotas are also anticipated from 2026, alongside new reporting requirements and provisions for information sharing with disabled people.

5.10.5.3 *Enforcement Powers under the Media Act*

Under the forthcoming Media Act, Ofcom will have enhanced enforcement powers. If there are reasonable grounds to believe a person has failed to comply with duties under the Accessibility Code, Ofcom may issue a provisional notice of contravention. This notice will specify the alleged contravention, outline Ofcom's reasoning, and may suggest steps for the provider to take to achieve compliance or rectify the failure. Should Ofcom, after considering any representations from the provider, confirm the contravention, a confirmation decision may be issued, mandating the necessary remedial actions.

For confirmed contraventions, Ofcom can impose financial penalties. The maximum penalty for certain failures can reach £250,000, with additional daily penalties of up to £500 per day for ongoing non-compliance. The determination of the penalty amount will be based on its appropriateness and proportionality to the contravention, taking into account any representations made by the provider and steps taken towards compliance. These financial penalties are considered a debt owed to Ofcom and are recoverable through civil proceedings. Furthermore, the Act introduces a new definition of "qualifying revenue" for calculating financial penalties, which will encompass revenue from both traditional licensed public service channels and designated internet programme services provided by the channel holder or an associated entity.

Beyond financial penalties, the duty to comply with enforcement requirements is legally binding and enforceable through civil proceedings initiated by Ofcom. This allows Ofcom to seek an injunction, specific performance of a statutory duty, or other appropriate legal remedies in courts. To ensure transparency and consistency, Ofcom is mandated to prepare and publish guidance detailing its general policy for exercising these enforcement powers, including the specific factors it will consider in its decisions. Ofcom must adhere to this published guidance when making any enforcement decision. The framework also allows for Ofcom to engage in cooperation with EEA States and their national regulatory authorities to facilitate the execution of their respective functions related to on-demand programme services.

5.10.5.4 Appeals Process for Accessibility Non-Compliance

The process for a streaming media service to appeal a finding of non-compliance or a fine for an accessibility violation in the United Kingdom operates as a formal, multi-stage procedure primarily governed by the Communications Act 2003 and overseen by the Office of Communications, known as Ofcom. The regulatory landscape is currently evolving in response to changing technology and viewing habits. Historically, no specific legal requirement existed for video-on-demand services to provide access services, but the Media Act 2024 grants Ofcom new powers to introduce and enforce a Video-on-Demand Code for mainstream, television-like services, which will include new accessibility requirements. The appeals process for findings of non-compliance under this new framework follows the procedures established in the Communications Act 2003.

A streaming service facing a fine or other enforcement action for an accessibility violation has a clearly defined path for appeal that balances regulatory efficiency with due process protections. The process begins with making representations directly to Ofcom following a notification of contravention, providing an opportunity for collaborative resolution. If Ofcom proceeds with enforcement action, the service provider can formally appeal that decision to the Competition Appeal Tribunal on grounds of fact, law, or discretion, with a final potential appeal to the Court of Appeal on points of law. This multi-tiered system ensures both effective regulatory enforcement and appropriate judicial oversight of accessibility compliance requirements.

5.10.5.4.1 Initial Finding and Notification of Contravention

The enforcement process begins when Ofcom determines there are reasonable grounds to believe a streaming service has contravened a condition of its license or a requirement of the new Video-on-Demand Code. Ofcom initiates formal proceedings

by issuing a notification of contravention to the service provider. This notice sets out Ofcom's determination, specifies the particular condition that has been contravened, and provides the provider with a specified period of time, typically one month, to make representations and remedy the breach. In urgent cases, particularly those involving serious threats to public health or safety, Ofcom retains authority to specify a shorter period for representations, ensuring that immediate risks can be addressed promptly.

5.10.5.4.2 Enforcement Action by Ofcom

If the streaming service fails to remedy the contravention within the specified period, Ofcom can proceed with enforcement action, which may include imposing financial penalties or requiring specific corrective measures. Ofcom may issue an enforcement notification requiring the provider to take specific steps to comply with its obligations and remedy the consequences of the contravention. This duty becomes enforceable through civil proceedings, providing legal backing for Ofcom's regulatory requirements.

Ofcom possesses authority to impose financial penalties on providers who fail to achieve compliance. The penalty must be appropriate and proportionate to the contravention, with a maximum limit of ten percent of the provider's relevant turnover. In making its determination, Ofcom must consider any representations made by the provider and evaluate any steps taken to achieve compliance. When a penalty is imposed, Ofcom must notify the provider of the decision and provide detailed reasons for the penalty within one week, while fixing a reasonable period for payment that allows the provider adequate time to arrange financial compliance.

5.10.5.4.3 Suspension of Service

In cases involving serious and repeated contraventions where financial penalties and enforcement notices have failed to achieve compliance, Ofcom possesses authority to suspend or restrict the provider's service. Ofcom may issue a direction to suspend the provider's entitlement to provide its service, either generally or in relation to specific services that have demonstrated persistent non-compliance. Except in urgent cases requiring immediate action, Ofcom must notify the provider of the proposed direction, provide an opportunity for representations, and consider those representations before implementing suspension measures. This process ensures due process protections while maintaining Ofcom's ability to address severe compliance failures.

5.10.5.4.4 The Appeals Process

Decisions made by Ofcom, including the imposition of financial penalties or issuance of enforcement directions, are subject to formal appeal procedures that provide independent review of regulatory determinations. A person affected by a decision made by Ofcom under the relevant parts of the Communications Act 2003 has the right to appeal against it to the Competition Appeal Tribunal. This right ensures that regulatory decisions receive independent judicial scrutiny rather than remaining solely within Ofcom's administrative authority.

The appeal process requires the affected party to send a notice of appeal to the Competition Appeal Tribunal within the period specified by Tribunal rules. The notice must set out the grounds for the appeal in sufficient detail, indicating whether the appellant contends the decision was based on an error of fact, was wrong in law, or represented an unreasonable exercise of discretion. This requirement ensures that appeals address specific legal or factual concerns rather than general dissatisfaction with regulatory outcomes.

The Competition Appeal Tribunal decides appeals on their merits rather than conducting limited review of Ofcom's decision-making process. The Tribunal possesses comprehensive authority to confirm Ofcom's decision, set aside the decision entirely, remit the matter back to Ofcom with specific directions for reconsideration, or make any other decision or take any other step that Ofcom itself could have made or taken. This broad remedial authority allows the Tribunal to craft appropriate solutions that address the specific circumstances of each case.

A decision of the Competition Appeal Tribunal may itself be appealed to the Court of Appeal, or the Court of Session in Scotland, but only on a point of law and with permission of either the Tribunal or the court. This final appeal stage ensures that legal principles are properly applied while limiting further review to questions of legal interpretation rather than factual determinations or policy judgments.

5.10.6 Other Laws, Policies, and Standards that May Appear Applicable

There are no applicable comments under this section for this country.

5.11 United States

The United States employs a layered framework to ensure that streaming media and video-on-demand (VOD) services are accessible to people with disabilities. This

framework consists of several key components that work together to create comprehensive accessibility requirements.

First, foundational civil rights legislation like the Americans with Disabilities Act establishes the basic principle that digital entertainment services must be accessible as places of public accommodation. Second, sector-specific communications law, particularly the Communications and Video Accessibility Act, provides targeted requirements for video programming and communications technologies. Third, detailed technical standards specify exactly how accessibility features like closed captioning and audio description must be implemented. Finally, robust enforcement and advocacy mechanisms ensure these requirements are followed and evolve with changing technology.

This multi-layered approach creates a complex but dynamic system. Rather than relying on a single law or regulation, the framework draws from multiple sources of legal authority and technical guidance. This allows the system to respond effectively to emerging technologies and shifting expectations around digital inclusion as streaming services continue to evolve.

5.11.1 Legal Framework

The primary legal frameworks in the United States addressing the accessibility of streaming media and video on-demand are the **Americans with Disabilities Act (ADA)** and the **21st Century Communications and Video Accessibility Act (CVAA).**[378] [379] [380]

5.11.1.1 The American with Disabilities Act (ADA)

The ADA, signed into law in 1990, is a comprehensive civil rights law that broadly prohibits discrimination on the basis of disability and guarantees that people with disabilities have the same opportunities as everyone else to participate in mainstream

[378] The United States Department of Justice. 2024, June 24. "Americans with Disabilities Act Title II Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-ii-2010-regulations/.

[379] The United States Department of Justice. 2012, March 8. "Americans with Disabilities Act Title III Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-iii-regulations/.

[380] Ellis, K. 2015, January 1. "Netflix closed captions offer an accessible model for the streaming video industry, but what about audio description?" Accessed from https://search.informit.org/doi/10.3316/ielapa.113665255090751.

American life.[381] [382] [383] This includes access to state and local government services, places of public accommodation, transportation, and employment opportunities, as well as the purchase of goods and services.[384] [385]

Historically, there was some ambiguity regarding how the ADA applied to websites and digital services, with some initial interpretations suggesting it only applied to physical spaces such as restaurants and movie theatres.[386] [387] However, the Department of Justice has consistently interpreted the ADA to cover websites operated by public entities and public accommodations, stating that such sites must provide their services in an accessible manner or offer an accessible alternative available at all times.[388] [389]

Streaming media and video-on-demand services present a particularly complex case within this digital accessibility landscape. Unlike general websites that primarily provide information or facilitate transactions, streaming platforms function as digital

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381 The United States Department of Justice. 2024, June 24. "Americans with Disabilities Act Title II Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-ii-2010-regulations/.

382 The United States Department of Justice. 2012, March 8. "Americans with Disabilities Act Title III Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-iii-regulations/.

383 Ellis, K., & Kent, M. 2015. "Accessible television: The new frontier in disability media studies brings together industry innovation, government legislation and online activism". Accessed from https://researchportal.murdoch.edu.au/esploro/outputs/journalArticle/Accessible-television-The-new-frontier-in/991005541319407891.

384 The United States Department of Justice. 2024, June 24. "Americans with Disabilities Act Title II SRegulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-ii-2010-regulations/.

385 The United States Department of Justice. 2012, March 8. "Americans with Disabilities Act Title III Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-iii-regulations/.

386 Ellis, K. 2015, January 1. "Netflix closed captions offer an accessible model for the streaming video industry, but what about audio description?" Accessed from https://search.informit.org/doi/10.3316/ielapa.113665255090751.

387 Ellis, K., & Kent, M. 2015. "Accessible television: The new frontier in disability media studies brings together industry innovation, government legislation and online activism". Accessed from https://researchportal.murdoch.edu.au/esploro/outputs/journalArticle/Accessible-television-The-new-frontier-in/991005541319407891.

388 The United States Department of Justice. 2024, June 24. "Americans with Disabilities Act Title II Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-ii-2010-regulations/.

389 The United States Department of Justice. 2012, March 8. "Americans with Disabilities Act Title III Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-iii-regulations/.

equivalents of traditional entertainment venues like movie theaters and concert halls. Courts have recognized that these services provide the same essential public accommodation functions, that is, delivering entertainment content to the general public, regardless of whether access occurs through physical or digital means. This functional similarity to traditional "places of exhibition or entertainment" under ADA Title III creates more comprehensive accessibility obligations for streaming services, including not only platform navigation accessibility but also content-specific accommodations such as closed captions for deaf users and audio descriptions for blind users.

5.11.1.1.1 National Association of the Deaf v. Netflix (2012)

The fact that digital services and streaming media are covered by the ADA was established through a landmark case in this area, **National Association of the Deaf (NAD) v. Netflix** in 2012.[390] Although Netflix initially argued that the CVAA, rather than Title III of the ADA, should apply to streamed video programming and that it was exempt as an online space not connected to an "actual physical place", a Massachusetts federal district court disagreed.[391] [392] [393]

The court's rejection of Netflix's argument that the CVAA, rather than the ADA, should govern streaming services was legally significant because it established that these two laws serve different purposes and provide different levels of protection. Netflix's strategy was to argue for the more limited CVAA requirements instead of the comprehensive ADA obligations, but the court determined that both laws can apply simultaneously. The ADA provides significantly broader and deeper compliance requirements than the CVAA. Under the ADA, streaming services are treated as "places of public accommodation" similar to movie theaters, which means they must provide comprehensive accessibility covering both platform functionality and content

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390 Jensen, M. 2022, November 14. "Breaking Down Four Landmark Web Accessibility Lawsuits". Accessed from https://www.audioeye.com/post/four-landmark-web-accessibility-lawsuits/.

391 Ellis, K., & Kent, M. 2015. "Accessible television: The new frontier in disability media studies brings together industry innovation, government legislation and online activism". Accessed from https://researchportal.murdoch.edu.au/esploro/outputs/journalArticle/Accessible-television-The-new-frontier-in/991005541319407891.

392 Jensen, M. 2022, November 14. "Breaking Down Four Landmark Web Accessibility Lawsuits". Accessed from https://www.audioeye.com/post/four-landmark-web-accessibility-lawsuits/.

393 Ellis, K. 2015, January 1. "Netflix closed captions offer an accessible model for the streaming video industry, but what about audio description?" Accessed from https://search.informit.org/doi/10.3316/ielapa.113665255090751.

accessibility. This includes requirements for screen reader compatibility, keyboard navigation, closed captions, audio descriptions, and accessible user interfaces, essentially making the entire streaming experience accessible to users with disabilities.

In contrast, the CVAA has a much more limited scope focused primarily on video programming that was previously broadcast on television. The CVAA requires closed captioning for this specific subset of content, but it does not address the broader accessibility of the streaming platform itself, nor does it require audio descriptions or comprehensive platform accessibility. Additionally, the CVAA only applies to content that meets specific criteria related to prior television broadcast, leaving significant gaps in coverage for online-original programming. By ruling that the ADA applies to streaming services as public accommodations, the court ensured that users with disabilities would receive the same comprehensive accessibility protections available in physical entertainment venues, rather than the more limited content-specific protections under the CVAA.

Netflix ultimately settled with the NAD and other plaintiffs, agreeing to caption 100% of its content by October 2014. While the settlement itself did not create binding legal precedent since it was an agreement between parties rather than a final court ruling, the case was significant because the federal district court's earlier ruling on Netflix's motion to dismiss established that streaming services could be considered places of public accommodation under the ADA.[394] However, this finding technically applied only to Netflix and the specific facts of that case.

The broader industry adoption of accessibility practices following this case was driven not by legal mandate, but by the threat of similar litigation. Other streaming companies like Amazon Prime Video, Hulu, and Disney+ implemented comprehensive accessibility features voluntarily to avoid facing their own costly legal challenges, rather than being compelled to do so by binding legal precedent. Individual court findings like the Netflix decision do not establish industry-wide standards or legally require other companies to adopt the same practices.

What the Netflix case provided was a legal framework and theory that disability rights advocates could use in future litigation, along with a practical template for accessibility implementation that other companies could follow to reduce their litigation risk. The case's true significance lies in demonstrating that courts were

394 Jensen, M. 2022, November 14. “Breaking Down Four Landmark Web Accessibility Lawsuits”. Accessed from https://www.audioeye.com/post/four-landmark-web-accessibility-lawsuits/.

willing to apply ADA public accommodation requirements to streaming services, creating a credible legal threat that influenced industry-wide voluntary compliance.

5.11.1.1.2 Cullen v. Netflix (2012)

However, the legal landscape was initially uncertain, as demonstrated by Cullen v. Netflix in the Northern District of California the same year. In this case, a federal judge reached the opposite conclusion from the Massachusetts court, ruling that Netflix was not subject to the ADA because it lacked physical locations. The court supported the narrow "physical location only" interpretation of ADA Title III, holding that online-only businesses could not be considered places of public accommodation under the statute. Although this decision was unpublished and had limited precedential value, it highlighted the early judicial disagreement about how the ADA should apply to digital streaming services. This conflicting ruling demonstrated that the legal framework for streaming service accessibility was still evolving and that companies could not assume uniform judicial interpretation of ADA obligations for online platforms.

5.11.1.1.3 American Council of the Blind v. Hulu (2017)

Building on the Netflix precedent, American Council of the Blind v. Hulu in 2017 expanded ADA obligations for streaming services beyond closed captioning to include comprehensive visual accessibility accommodations. The American Council of the Blind filed suit against Hulu, arguing that the streaming platform discriminated against visually impaired users by failing to provide audio description services for its video content and by maintaining an inaccessible website interface. The case was significant because it established that ADA compliance for streaming services requires both auditory accommodations (captions for deaf users) and visual accommodations (audio descriptions for blind users), rather than addressing only one form of disability access.

Hulu ultimately reached a settlement agreement that required the platform to provide audio description for a substantial portion of its content library and to make its website and mobile applications accessible to screen readers and other assistive technologies. The settlement demonstrated that comprehensive ADA compliance for streaming platforms must address the full spectrum of disability accommodations, parallel to the requirements for traditional movie theaters that must provide both assistive listening devices and audio description services. This case reinforced that streaming services cannot limit their accessibility efforts to a single accommodation type but must provide the same comprehensive accessibility features available in physical entertainment venues.

5.11.1.1.4 Industry-Wide Voluntary Compliance

The broader industry adoption of accessibility practices following these cases was driven not by legal mandate, but by the threat of similar litigation. Amazon Prime Video proactively reached an agreement with the National Association of the Deaf in 2015 to caption its 190,000+ title library, specifically to avoid ADA litigation. Similarly, Hulu entered into a separate settlement with NAD in 2016 requiring FCC caption quality standards compliance and 100% English and Spanish content captioning by September 2017, again demonstrating the industry's preference for voluntary compliance over costly legal battles.

Other streaming companies like Disney+ implemented comprehensive accessibility features voluntarily to avoid facing their own costly legal challenges, rather than being compelled to do so by binding legal precedent. Individual court findings like the Netflix decision do not establish industry-wide standards or legally require other companies to adopt the same practices.

What these cases collectively provided was a legal framework and theory that disability rights advocates could use in future litigation, along with practical templates for accessibility implementation that other companies could follow to reduce their litigation risk. The cases' true significance lies in demonstrating that courts were willing to apply ADA public accommodation requirements to streaming services, creating a credible legal threat that influenced industry-wide voluntary compliance.

For public entities (state and local governments), the Department of Justice's Title II regulations now explicitly include requirements for **web and mobile accessibility**, mandating that public entities make their web content and mobile applications accessible[395].

5.11.1.2 21st Century Communications and Video Accessibility Act (CVAA) of 2010

The CVAA was enacted in 2010 to address shortcomings in previous accessibility legislation and remove ambiguity that stakeholders had identified, particularly regarding how disability access requirements applied to emerging digital

[395] The United States Department of Justice. 2024, June 24. "Americans with Disabilities Act Title II Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-ii-2010-regulations/.

communications and video programming technologies.[396] [397] [398] This Act specifically covers video programming delivered using Internet protocol.[399]

5.11.1.2.1 Key accessibility requirements

The CVAA requires all video distributors (including cable operators, broadcasters, satellite distributors, and multi-channel video programming distributors) to **caption 100% of their new programming and up to 75% of their pre-rule programming**[400] [401]. Exemptions can apply to programs in non-English/Spanish languages, textual-based programs, those shown between 2 AM and 6 AM, or when captioning costs exceed two percent of gross revenues, or for channels with revenues under US$3,000,000 per year[402].

The Act also restored and authorized expansion of the FCC's rules mandating audio description. Initially, the FCC directed major TV and cable networks to show 50 hours of audio-described programmes per quarter, which was later restored to **four hours**

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396 Ellis, K. 2015, January 1. "Netflix closed captions offer an accessible model for the streaming video industry, but what about audio description?" Accessed from https://search.informit.org/doi/10.3316/ielapa.113665255090751.

397 Ellis, K., & Kent, M. 2015. "Accessible television: The new frontier in disability media studies brings together industry innovation, government legislation and online activism". Accessed from https://researchportal.murdoch.edu.au/esploro/outputs/journalArticle/Accessible-television-The-new-frontier-in/991005541319407891.

398 111th Congress of the United States. 2010, October 8. "Twenty-First Century Communications and Video Accessibility Act of 2010". Accessed from https://www.govinfo.gov/content/pkg/PLAW-111publ260/pdf/PLAW-111publ260.pdf.

399 111th Congress of the United States. 2010, October 8. "Twenty-First Century Communications and Video Accessibility Act of 2010". Accessed from https://www.govinfo.gov/content/pkg/PLAW-111publ260/pdf/PLAW-111publ260.pdf.

400 Ellis, K., & Kent, M. 2015. "Accessible television: The new frontier in disability media studies brings together industry innovation, government legislation and online activism". Accessed from https://researchportal.murdoch.edu.au/esploro/outputs/journalArticle/Accessible-television-The-new-frontier-in/991005541319407891.

401 Ellis, K., & Kent, M. 2015. "Accessible television: The new frontier in disability media studies brings together industry innovation, government legislation and online activism". Accessed from https://researchportal.murdoch.edu.au/esploro/outputs/journalArticle/Accessible-television-The-new-frontier-in/991005541319407891.

402 Ellis, K., & Kent, M. 2015. "Accessible television: The new frontier in disability media studies brings together industry innovation, government legislation and online activism". Accessed from https://researchportal.murdoch.edu.au/esploro/outputs/journalArticle/Accessible-television-The-new-frontier-in/991005541319407891.

of audio-described content per week after the CVAA came into effect[403]. There are ongoing inquiries into expanding these requirements and addressing technical and operational issues for Internet-delivered video programming[404].

Under the CVAA, user interfaces on digital apparatus must be designed to receive or play back video programming, including those using Internet protocol, be **accessible and usable by individuals who are blind or visually impaired**[405]. On-screen text menus and visual indicators must be accompanied by audio output[406]. Video programming guides and menus accessed via navigation devices must also be accessible in real-time to individuals who are blind or visually impaired[407].

The CVAA also prohibits mandating the use or incorporation of proprietary technology[408].

Importantly, the CVAA grants federal agencies like the FCC expanded, forward-thinking authority by empowering them to update accessibility requirements for emerging technologies through established, formal re-examination processes. This authority extends the FCC's regulatory reach beyond traditional telecommunications to include advanced communications services and internet browsers on mobile phones, bringing accessibility law “up to date with 21st century technologies”.

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403 Ellis, K., & Kent, M. 2015. "Accessible television: The new frontier in disability media studies brings together industry innovation, government legislation and online activism". Accessed from https://researchportal.murdoch.edu.au/esploro/outputs/journalArticle/Accessible-television-The-new-frontier-in/991005541319407891.

404 111th Congress of the United States. 2010, October 8. “Twenty-First Century Communications and Video Accessibility Act of 2010”. Accessed from https://www.govinfo.gov/content/pkg/PLAW-111publ260/pdf/PLAW-111publ260.pdf.

405 111th Congress of the United States. 2010, October 8. “Twenty-First Century Communications and Video Accessibility Act of 2010”. Accessed from https://www.govinfo.gov/content/pkg/PLAW-111publ260/pdf/PLAW-111publ260.pdf.

406 111th Congress of the United States. 2010, October 8. “Twenty-First Century Communications and Video Accessibility Act of 2010”. Accessed from https://www.govinfo.gov/content/pkg/PLAW-111publ260/pdf/PLAW-111publ260.pdf.

407 111th Congress of the United States. 2010, October 8. “Twenty-First Century Communications and Video Accessibility Act of 2010”. Accessed from https://www.govinfo.gov/content/pkg/PLAW-111publ260/pdf/PLAW-111publ260.pdf.

408 111th Congress of the United States. 2010, October 8. “Twenty-First Century Communications and Video Accessibility Act of 2010”. Accessed from https://www.govinfo.gov/content/pkg/PLAW-111publ260/pdf/PLAW-111publ260.pdf.

This is, however, not an unchecked power to issue new rules without hearings or further legislation. Rather, the CVAA itself is the landmark legislation that directs the FCC to engage in a public, process-driven approach to regulation. For instance, the Act mandated the creation of advisory committees, such as the Video Programming and Emergency Access Advisory Committee, which brought together industry, distributors, and accessibility advocates to develop recommendations for the FCC to use in its formal rulemaking proceedings. Therefore, the CVAA's "future-forward authority" lies in its creation of a durable framework that requires the FCC to continually address new technologies through consultation and public procedure, ensuring that regulations remain relevant without granting agencies the power to bypass due process.

5.11.1.3 Communications, Video, and Technology Accessibility (CVTA)

The Communications, Video, and Technology Accessibility (CVTA) Act 2023 (S.2494 (118th Congress, 2023-2024)) was introduced but not passed in 2023.[409] It was intended to be a step forward in the evolution of accessibility legislation in the United States. Designed to update the aging framework of the 21st Century Communications and Video Accessibility Act (CVAA) of 2010, the CVTA responds to technological developments that have outpaced existing regulations. As digital platforms become the primary venue for communication, entertainment, and civic engagement, the limitations of prior legislation become more apparent, particularly when it comes to streaming services, smart devices, and multimodal interaction.

If enacted, the CVTA would not only reinforce the foundational principles of equitable access but would extend them into areas where accessibility remains inconsistent or underdeveloped. The Act underscores a growing recognition that accessibility must be designed to account for a range of user abilities, preferences, and contexts, particularly in the increasingly fragmented ecosystem of digital media consumption.

5.11.1.3.1 Expanded Closed Captioning and Audio

One of the central provisions of the CVTA involves a significant expansion of closed captioning and audio description requirements, building upon the foundation established by the CVAA. The original CVAA brought accessibility law into the 21st century by, for instance, requiring video programming that is closed captioned on television to also be closed captioned when distributed online. The CVTA proposes a crucial evolution by focusing not just on the quantity of accessible content, but on its

[409] https://www.congress.gov/bill/118th-congress/senate-bill/2494/text.

quality and ubiquity across all modern platforms. The bill would direct the FCC to revise its regulations to ensure that all video programming made available using Internet protocol meets updated quality standards for both captioning and audio description. These standards would ensure not only that the features exist, but that they are intelligible, synchronized, and usable, making content functionally equivalent for all viewers. This call for regular review and technological updates also demonstrates an important shift. Under the proposed act, accessibility is no longer framed as a fixed goal, but as an ongoing, adaptive process. Specifically, the bill would require the FCC to review and revise its captioning quality regulations every four years to reflect technological advances, ensuring that the rules remain relevant as content delivery technologies and media formats continue to evolve.

5.11.1.3.2 Accessible User Interfaces

Beyond content-level accessibility, the CVTA also addresses the user interface layer, where many barriers to access emerge. Users with disabilities must be able to independently activate, locate, and adjust accessibility features (such as captions or audio descriptions) on the devices they use. This includes televisions, mobile phones, tablets, computers, and potentially, wearable or voice-controlled devices. The emphasis here is not only on functionality but on usability. The presence of a feature does little to improve access if users cannot find or control it without assistance.

This focus reinforces the broader argument that multiple methods of access must be built into both content and interface design, reflecting the diversity of user needs. A person who is DeafBlind, for example, may require an entirely different interaction method than a user who is hard of hearing. Accessibility cannot rely on a single pathway.

5.11.1.3.3 Video Conferencing Accessibility

The pandemic-era shift toward remote work and education exposed critical gaps in video conferencing accessibility, and the proposed Communications, Video, and Technology Accessibility Act of 2023 responds directly to these shortcomings in its section on video conferencing. The Act would mandate that platforms integrate accessibility features as baseline functionality rather than as optional add-ons. This includes requiring platforms to have built-in, automatic closed captioning, ensuring they are compatible with screen reader software, and supporting connections to third-party sign language interpretation services. The bill also calls for simplified controls for users with cognitive or motor impairments, requiring a more straightforward user interface and instructional materials written in plain language with clear icons. To further assist users with motor impairments, the legislation would mandate support

for hands-free operation and voice controls for tasks like joining calls or navigating menus. Importantly, this provision addresses interactive digital environments, acknowledging that full participation means engaging with others in real-time video communications, the very essence of modern conferencing.

5.11.1.3.4 Regulatory Authority and Emerging Technologies

The proposed Communications, Video, and Technology Accessibility Act of 2023 would grant federal agencies like the FCC expanded and forward-thinking authority to ensure accessibility keeps pace with technological evolution. However, this authority would not be a new power to update regulations unilaterally, without hearings or further legislation. Instead, the proposed bill itself is the legislation that would mandate the FCC to engage in established, public processes to create and update rules for modern technologies.

The Act would achieve this in a structured, process-driven manner. For example, it directs the FCC to establish advisory committees, such as the Closed Captioning and Audio Description Advisory Committee and the Advanced Communications Services Advisory Committee, composed of diverse stakeholders including industry representatives and accessibility advocates. These committees would be tasked with developing reports and recommending technical standards to the FCC, which then inform the FCC's formal rulemaking proceedings. For emerging technologies like AI, virtual reality (VR), and augmented reality (AR), the bill would establish a recurring, “future-forward” cycle: the FCC must report to Congress every five years on accessibility barriers and then, within two years of each report, must issue new or updated regulations. This framework would ensure that regulations remain relevant by compelling agencies to act, doing so through a transparent and consultative process, rather than by granting them the power to bypass it.

5.11.1.3.5 Support for the DeafBlind Community

A further notable feature of the proposed Communications, Video, and Technology Accessibility Act of 2023 is its targeted support for the DeafBlind community, signalling a recognition that accessibility solutions cannot be one-size-fits-all. The bill specifically addresses the needs of users with intersecting disabilities by proposing to expand the National DeafBlind Equipment Distribution Program, which provides assistive communication technologies.

The CVAA first established the program, making up to $10 million per year available to distribute expensive communications equipment to people who are deaf-blind. This expansion would increase the authorized annual funding for the programme to $20 million. The updated rules would cover equipment and software that make

telecommunications, internet access, and advanced communications accessible, including specialised technologies like Braille notetakers and refreshable Braille displays. Furthermore, the bill proposes to amend the definition of telecommunications relay services to include the provision of "communication facilitators" for individuals who are DeafBlind. It is currently unclear what these expanded provisions will mean for streaming media accessibility, but they underscore a legislative acknowledgment that specialised technologies must be accounted for within broader accessibility frameworks.

5.11.1.3.6 Standardization of Sign Language Visibility

Finally, the CVTA proposes to standardize the presentation of American Sign Language (ASL) interpreters in video content, ensuring that interpreters are consistently visible and clearly integrated into video frames. This move toward uniformity is vital for reducing cognitive load and ensuring that interpretation is both available and usable for those who rely on it. Again, it highlights the principle that accessibility requires meaningful integration.

5.11.2 Standards for Streaming Media Accessibility

5.11.2.1 Core Legal Foundations

The United States has developed a multi-layered regulatory system to support digital accessibility, particularly for streaming media and video-on-demand content. This system is underpinned by a combination of legal mandates, technical standards, and institutional guidance. Central to this framework are the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973 (specifically Section 508) and the 21st Century Communications and Video Accessibility Act (CVAA) of 2010. Together, these instruments shape the legal and technical landscape for ensuring accessible web and media content, including streaming platforms.

5.11.2.2 ADA and WCAG 2.1

To operationalize the ADA in digital contexts, the U.S. Department of Justice (DOJ) has formally adopted the **Web Content Accessibility Guidelines (WCAG) 2.1 Level AA** as the technical benchmark for accessibility. This standard applies to all public entities governed by Title II of the ADA and encompasses both web-based and mobile applications. WCAG 2.1 Level AA is widely recognized as the de facto global standard for web accessibility. It offers a technology-neutral framework that allows flexibility and innovation in implementation while ensuring that the essential needs of people with disabilities are addressed.

The DOJ has emphasized that WCAG standards apply not only to content directly managed by public entities but also to services provided through third-party contracts, licenses, or other arrangements. This broad application ensures that accessibility obligations cannot be avoided through outsourcing or delegation. A particularly significant feature of WCAG 2.1 Level AA is its inclusion of criteria for **captioning live audio content**, a requirement that gained prominence during the COVID-19 pandemic when public meetings and civic engagement rapidly shifted to online formats. Although the DOJ has refrained from setting specific accuracy thresholds for live captions, it maintains that adherence to WCAG provides sufficient flexibility for entities to choose solutions based on current technological capabilities.

5.11.2.3 Section 508 of the Rehabilitation Act

In parallel, the U.S. accessibility regime relies heavily on **Section 508 of the Rehabilitation Act**, which governs how federal agencies develop, procure, and maintain electronic and information technologies. The 2017 "Section 508 Refresh" aligned federal digital accessibility requirements with **WCAG 2.0 Level AA**, creating measurable compliance criteria across federal systems, including streaming and multimedia applications. Under these updated standards, multimedia content used by federal agencies must include synchronized captions and audio descriptions; interfaces must support keyboard navigation and be compatible with screen readers; and embedded video players must meet standards for interoperability and accessible control labeling.

However, Section 508's influence is largely limited to the public sector. It does not extend to private companies unless they are working under a federal contract. As such, while it sets a strong precedent for accessible design in government services, its scope does not reach commercial streaming platforms like Netflix, Hulu, or Twitch, unless they are engaged in federally funded projects.

5.11.2.4 The CVAA: Filling Gaps for Private Sector

To address the limitations of earlier legislation, particularly in the private sector, the **CVAA of 2010** was introduced to modernize U.S. communications law in response to the rise of digital television and Internet-based video delivery. The CVAA is organized into two core components: **Title I**, which addresses advanced communications services (ACS), such as voice, video chat, SMS, and email; and **Title II**, which focuses on video programming, including accessibility of closed captions, audio descriptions, and user interfaces.

The CVAA requires that any video content delivered over Internet Protocol (IP) that previously aired on television with captions must retain those captions when

distributed online. Furthermore, devices used to access video programming (e.g., smart TVs and streaming set-top boxes) must offer accessible features such as easy-to-activate captions, screen reader compatibility, and audible program guides. Video players must provide playback controls that are operable via keyboard and screen readers. The **FCC** is tasked with issuing technical rules and overseeing compliance under the CVAA, often working in consultation with industry stakeholders and disability rights organizations.

Unlike Section 508, which outlines specific technical requirements, the CVAA incorporates both performance-based and prescriptive elements. For example, it mandates that accessibility features must be "readily accessible to and usable by" individuals with disabilities, allowing some latitude in implementation while still maintaining enforceable expectations.

5.11.2.5 Lessons from Wireless Accessibility Governance

The regulatory evolution of wireless mobile devices and services in the United States offers a compelling parallel (and potential model) for improving the governance of streaming media accessibility. Both domains are defined by rapid technological change, complex ecosystems involving public and private actors, and a fundamental need to ensure equal access for individuals with disabilities. However, unlike the relatively fragmented and under-enforced regime currently governing streaming media, the wireless sector has benefited from a more structured, coordinated, and enforceable accessibility framework. This regulatory success story provides valuable insights into what an effective compliance model might look like for streaming platforms.

At the heart of wireless accessibility governance is the **CVAA**, which established comprehensive mandates for accessibility in advanced communications services (ACS), including mobile telephony, text messaging, email, and other essential functions delivered via smartphones and other connected devices. Under **Title I** of the CVAA, manufacturers and service providers are required to ensure that their products and services are "accessible to and usable by" individuals with disabilities, unless doing so would cause an undue burden or fundamentally alter the nature of the product. This standard is paired with technical guidelines and performance objectives issued and enforced by the **FCC**, ensuring that compliance is not left to the discretion of industry actors.

A defining strength of this framework lies in its **regulatory clarity, active oversight, and enforceability**. The FCC established **clear reporting obligations**, requiring manufacturers and service providers to submit annual certifications of compliance

and maintain records demonstrating the accessibility features of their offerings. Moreover, the FCC's **Consumer and Governmental Affairs Bureau** monitors trends, adjudicates consumer complaints, and conducts rulemakings to address emerging barriers as technologies evolve. This regulatory approach has fostered a culture of accessibility by design within the mobile technology sector, embedding accessibility as a core development priority rather than an afterthought.

Furthermore, the FCC has supported implementation through a mix of **enforcement mechanisms and stakeholder engagement**. Companies found in violation of accessibility requirements face public investigations, financial penalties, and mandatory remediation plans. At the same time, the FCC has worked closely with disability organizations, technology companies, and standards bodies to create guidance documents, host forums, and fund accessibility research. This ongoing, multi-stakeholder dialogue has allowed the regulatory system to adapt to new challenges while preserving the accountability essential to achieving meaningful outcomes.

By contrast, the regulation of **streaming media accessibility**, especially in online-only environments, remains comparatively fragmented. While the CVAA's **Title II** addresses certain aspects of video programming, including captioning and user interface accessibility, its application is often limited to broadcast-originated content repurposed for the Internet. This leaves significant portions of streaming media (such as original programming produced exclusively for digital platforms, user-generated content, and interactive features) outside the scope of enforceable mandates. Unlike the mobile sector, where clear technical benchmarks, reporting duties, and enforcement pathways have been institutionalized, streaming platforms often operate under a patchwork of voluntary guidelines and uneven enforcement.

In addition, the **monitoring infrastructure for streaming media accessibility is significantly underdeveloped** when compared to the FCC's oversight of wireless services. There is no equivalent system of proactive compliance certifications, no centralized public reporting database, and no routine audits of major streaming services for accessibility compliance. Enforcement largely depends on consumer complaints and litigation, which places the burden on individuals with disabilities to identify, report, and legally challenge accessibility barriers, an approach that is reactive and inequitable.

Nonetheless, the **success of wireless accessibility regulation demonstrates that sustained regulatory engagement, combined with enforceable rules and robust monitoring**, can result in measurable improvements in digital inclusion. The mobile device and services sector now offers a range of built-in accessibility features

(including screen readers, voice control, haptic feedback, and high-contrast interfaces) that are widely available and regularly updated. This is the result of deliberate regulatory action, not industry benevolence.

Applying this model to streaming media would involve extending the jurisdiction of existing accessibility laws, such as the CVAA, or adopting new legislation, such as the proposed **CVTA**, to explicitly cover modern streaming platforms, social video, and interactive content. It would also require the designation of a clear regulatory authority empowered to issue technical rules, monitor compliance, adjudicate complaints, and impose penalties where appropriate.

The regulatory progress achieved in the wireless sector offers a proven template for improving accessibility governance in the streaming media landscape. By establishing enforceable obligations, technical standards, proactive monitoring, and structured stakeholder engagement, regulators can create a more inclusive digital media environment that does not rely solely on the goodwill of providers but instead ensures access as a matter of legal right and public accountability.

Despite the strength of these combined frameworks, **significant accessibility gaps remain**, particularly in areas where technological innovation has outpaced regulation. One of the most pressing challenges is the exclusion of **non-broadcast or user-generated content** (such as social media videos and livestreaming on platforms like Twitch) from CVAA coverage. This gap is especially relevant given the rise of interactive and community-based streaming, which is not typically subject to the same captioning or accessibility requirements.

Additionally, many **smart TVs and proprietary app-based interfaces** lack full compatibility with assistive technologies. Because some of these platforms operate outside the regulatory reach of the FCC, accessibility obligations are inconsistently applied or not enforced at all. This is further complicated by the integration of **third-party platforms**, such as embedded media players or advertising overlays, which can introduce new barriers to access and fall outside the scope of existing legislation.

Real-time features such as live captioning also pose persistent challenges. Automated captioning technologies are improving but remain unreliable without human oversight, making them insufficient for users who depend on accurate, real-time transcriptions for participation in live events.

In conclusion, while the U.S. regulatory system, through the ADA, Section 508, and the CVAA, provides one of the most structured and enforceable digital accessibility frameworks globally, its effectiveness is uneven. The evolving nature of media technologies, particularly in the streaming domain, calls for updated legislation and

expanded regulatory authority to ensure consistent and inclusive access across all platforms and user experiences.

5.11.3 Compliance Monitoring Framework

The compliance monitoring framework in the United States primarily involves regulatory oversight by federal agencies and public feedback mechanisms. Responsibility for monitoring and enforcement is divided among multiple actors. **The Department of Justice** enforces Title II and Title III of the ADA, including the digital accessibility obligations of public services and businesses. It conducts investigations and compliance reviews and encourages public entities to publish accessibility statements and offer feedback channels.

The **Federal Communications Commission (FCC)** oversees compliance with the CVAA. It provides mechanisms for filing both formal and informal complaints and works closely with the National Telecommunications and Information Administration, the Architectural and Transportation Barriers Compliance Board, and disability rights groups to maintain a clearinghouse of accessible technologies.

In addition to these federal actors, **civil society and advocacy organizations** have played a critical role in identifying barriers and pressuring companies to improve accessibility. Campaigns like the Accessible Netflix Project illustrate how grassroots efforts can lead to systemic change.

5.11.3.1 Department of Justice (DOJ)

The DOJ is responsible for enforcing Title II and Title III of the ADA.[410] [411] It monitors compliance through investigations and compliance reviews.[412] For web and mobile accessibility, the DOJ expects public entities to be familiar with the WCAG 2.1 Level AA standard and encourages them to provide **accessibility statements** that inform the public how to report accessibility problems and request assistance.[413]

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410 The United States Department of Justice. 2024, June 24. "Americans with Disabilities Act Title II Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-ii-2010-regulations/.

411 The United States Department of Justice. 2012, March 8. "Americans with Disabilities Act Title III Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-iii-regulations/.

412 The United States Department of Justice. 2024, June 24. "Americans with Disabilities Act Title II Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-ii-2010-regulations/.

413 The United States Department of Justice. 2024, June 24. "Americans with Disabilities Act Title II Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-ii-2010-regulations/.

5.11.3.2 Federal Communications Commission (FCC)

The FCC is responsible for promulgating and enforcing regulations under the CVAA.[414] The FCC establishes regulations to **facilitate the filing of formal and informal complaints** alleging violations of CVAA sections.[415] The FCC also consults with the Architectural and Transportation Barriers Compliance Board, the National Telecommunications and Information Administration, and disability organizations to establish a clearinghouse of information on accessible products and services.[416]

5.11.3.2.1 FCC Complaint System

The United States Federal Communications Commission (FCC) offers a relatively well-established complaint mechanism for accessibility issues in video programming, particularly in relation to closed captioning and audio description. The procedural design of this system includes elements that support accessibility from the outset. For example, complaints can be submitted through a range of channels (such as email, telephone (including voice, TTY, or TRS), formal letters, fax, Braille, or even audio cassette) making the process accessible to individuals with a variety of disabilities. The online informal complaint system for closed captioning further expands this access, and the alignment with broader Americans with Disabilities Act principles, which include auxiliary aids like captioned telephones and video-based telecommunications systems, reinforces this accessibility intent.

To ensure the process remains structured and fair, the FCC also outlines specific informational requirements that define a complete complaint. These include the name and contact details of both the complainant and the video programming distributor, a factual account of the violation (with time and date), a description of the relief sought, and a preferred format for the Commission's response. For complaints involving audio description, there is also an expectation that the individual has already attempted in good faith to resolve the issue directly with the provider. This tiered

414 111th Congress of the United States. 2010, October 8. "Twenty-First Century Communications and Video Accessibility Act of 2010". Accessed from https://www.govinfo.gov/content/pkg/PLAW-111publ260/pdf/PLAW-111publ260.pdf.

415 111th Congress of the United States. 2010, October 8. "Twenty-First Century Communications and Video Accessibility Act of 2010". Accessed from https://www.govinfo.gov/content/pkg/PLAW-111publ260/pdf/PLAW-111publ260.pdf.

416 111th Congress of the United States. 2010, October 8. "Twenty-First Century Communications and Video Accessibility Act of 2010". Accessed from https://www.govinfo.gov/content/pkg/PLAW-111publ260/pdf/PLAW-111publ260.pdf.

approach, where providers are first given an opportunity to address the concern, potentially reduces regulatory burden while still encouraging accountability.

Timelines for review are similarly structured. Complaints are generally forwarded to the distributor, who is expected to respond within 30 days. If the complainant is dissatisfied with the provider's response or receives no response, they may escalate the issue to the Commission within another 30-day window. The FCC may consolidate complaints involving substantially similar factual issues into a single investigation, increasing procedural efficiency. The absence of complaint fees and the protection of confidentiality are further features that reduce barriers to participation.

5.11.3.2.2 Limitations of the FCC Complaints System

These elements illustrate that the FCC's system is procedurally sound and accessibility-conscious, at least within its scope. However, if one considers whether this structure could serve as a broader model for handling accessibility issues across the mobile technology and streaming ecosystem, particularly on smart devices, significant limitations become apparent.

The first of these limitations is the narrowness of the FCC's mandate. Its complaint procedures are designed primarily for issues arising from captioning and audio description in video content. By contrast, mobile device accessibility includes a much wider array of issues (e.g., screen reader compatibility, logical navigation structures, colour contrast, and app usability), all of which fall outside the FCC's scope. The ADA does cover some of this ground, particularly for public sector digital content, including mobile applications, which must comply with WCAG 2.1 Level AA. Still, the FCC's regulatory infrastructure does not fully extend into these areas.

Second, the FCC model is inherently reactive. It depends on individuals first encountering a barrier, then taking the initiative to file a complaint. While this is essential for redress, it does little to anticipate or prevent future barriers. The limitation is especially notable given the pace of technological development and the frequency with which new platforms, services, and features are released into the consumer market without rigorous pre-testing for accessibility. Although tools such as Video Remote Interpreting (VRI) show promise, they also highlight the need for more flexible interpretations of what counts as auxiliary aids and services in an evolving tech environment.

A further challenge lies in the translation of these processes into real-world accessibility outcomes. Studies on video-on-demand (VOD) and livestreaming services indicate that, despite the nominal availability of features like captions or audio description, actual usability for people with disabilities remains limited. Issues such as

low-quality captions or inconsistently implemented audio descriptions persist, and users report barriers navigating content on mobile devices like tablets and smartphones. These challenges are compounded by the socio-economic realities faced by many individuals with disabilities, particularly those on fixed incomes or disability pensions. The cost of adaptive technologies and internet access can act as barriers equal to, or greater than, technical inaccessibility. Digital inequality also plays a significant role, especially for individuals with intellectual disabilities, who often rely on caregivers for internet use and navigation, and for whom geographic and age-related factors may present further hurdles.

Another procedural issue that can diminish the FCC model's broader applicability is the presence of exemptions based on "fundamental alteration" or "undue financial and administrative burdens". These provisions, present not only in FCC procedures but also in broader regulatory frameworks like the ADA, allow organizations to claim that compliance would significantly disrupt service provision or impose unsustainable costs. Although such exemptions are essential to maintain fairness and feasibility, they can limit enforcement if not transparently managed. Requiring high-level decision-makers to document such determinations is a step toward accountability, but it does not eliminate the possibility of these clauses being overused or misapplied.

Given these limitations, a more effective and encompassing model might be drawn from complementary regulatory approaches, particularly those adopted in Canada under the Accessible Canada Act (ACA). The ACA moves away from a primarily complaint-driven approach, instead embedding accessibility into the operational structures of regulated entities. For instance, organizations are required to publish accessibility plans that detail how they will identify, remove, and prevent barriers. These plans must be developed in consultation with persons with disabilities and updated through regular progress reports that also incorporate user feedback.

5.11.3.2.3 Public Intervention

Historically, significant monitoring and pressure for compliance have come from disability advocacy groups and individuals. **The Accessible Netflix Project (ANP)**, for example, campaigned for audio description on Netflix[417]. Public engagement and

[417] Ellis, K. 2015, January 1. "Netflix closed captions offer an accessible model for the streaming video industry, but what about audio description?" Accessed from https://search.informit.org/doi/10.3316/ielapa.113665255090751.

complaints play a vital role in bringing accessibility issues to the attention of regulators and service providers.[418]

5.11.4 Compliance Enforcement Framework

5.11.4.1 Dual Legal Foundation

In the United States, the enforcement of accessibility requirements for streaming media is governed by a combination of civil rights legislation (private litigation) and sector-specific communication laws (administrative actions by federal agencies). Central to this legal framework are the **Americans with Disabilities Act (ADA)** and the **21st Century Communications and Video Accessibility Act (CVAA)** of 2010. These laws, though enacted in different regulatory contexts, serve as the primary instruments for ensuring that streaming media platforms are accessible to persons with disabilities. Enforcement under these laws is shared across multiple federal agencies, with additional roles played by private individuals and civil society actors.

5.11.4.2 ADA Enforcement

The **Department of Justice (DOJ)** enforces the ADA, particularly Title III, which prohibits discrimination in public accommodations. Although the ADA was enacted prior to the widespread use of the internet, courts have increasingly interpreted its scope to include digital spaces such as websites and streaming services. Consequently, providers of streaming content may be required to ensure accessibility under the ADA's general anti-discrimination provisions. In such cases, individuals with disabilities may file private lawsuits when digital platforms fail to offer equal access. These suits have led to landmark outcomes, such as *National Association of the Deaf v. Netflix* (2012), in which Netflix agreed to caption its entire streaming catalog. The DOJ may also initiate investigations, which can result in settlements that mandate systemic changes and reporting requirements.

Individuals with disabilities can file private lawsuits against entities that are not compliant with the ADA[419]. The **NAD v. Netflix** case is a prime example of successful

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418 Ellis, K., & Kent, M. 2015. "Accessible television: The new frontier in disability media studies brings together industry innovation, government legislation and online activism". Accessed from https://researchportal.murdoch.edu.au/esploro/outputs/journalArticle/Accessible-television-The-new-frontier-in/991005541319407891.

419 The United States Department of Justice. 2012, March 8. "Americans with Disabilities Act Title III Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-iii-regulations/.

private litigation leading to a settlement and commitment to captioning[420] [421] [422]. Legal commentators, as a result of this ruling, began recommending businesses make their websites compatible as a matter of course[423]. The Attorney General can also initiate lawsuits to enforce the ADA[424].

Public entities are not required to take actions that would result in a **fundamental alteration** in the nature of a service, program, or activity, or impose **undue financial and administrative burdens**[425] [426]. However, if such an alteration or burden is claimed, the public entity bears the burden of proof and must still take any other action that would not result in such an alteration or burden but would ensure that individuals with disabilities receive benefits to the maximum extent possible[427]. The DOJ has acknowledged concerns about the lack of objective standards for these limitations but emphasizes they are long-standing under the ADA and apply fact-specifically[428].

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420 Ellis, K., & Kent, M. 2015. "Accessible television: The new frontier in disability media studies brings together industry innovation, government legislation and online activism". Accessed from https://researchportal.murdoch.edu.au/esploro/outputs/journalArticle/Accessible-television-The-new-frontier-in/991005541319407891.

421 Jensen, M. 2022, November 14. “Breaking Down Four Landmark Web Accessibility Lawsuits”. Accessed from https://www.audioeye.com/post/four-landmark-web-accessibility-lawsuits/.

422 Ellis, K. 2015, January 1. "Netflix closed captions offer an accessible model for the streaming video industry, but what about audio description?" Accessed from https://search.informit.org/doi/10.3316/ielapa.113665255090751.

423 Ellis, K., & Kent, M. 2015. "Accessible television: The new frontier in disability media studies brings together industry innovation, government legislation and online activism". Accessed from https://researchportal.murdoch.edu.au/esploro/outputs/journalArticle/Accessible-television-The-new-frontier-in/991005541319407891.

424 The United States Department of Justice. 2012, March 8. "Americans with Disabilities Act Title III Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-iii-regulations/.

425 The United States Department of Justice. 2024, June 24. "Americans with Disabilities Act Title II Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-ii-2010-regulations/.

426 The United States Department of Justice. 2024, June 24. "Americans with Disabilities Act Title II Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-ii-2010-regulations/.

427 The United States Department of Justice. 2024, June 24. "Americans with Disabilities Act Title II Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-ii-2010-regulations/.s

428 The United States Department of Justice. 2024, June 24. "Americans with Disabilities Act Title II Regulations". Accessed from https://www.ada.gov/law-and-regs/regulations/title-ii-2010-regulations/.

5.11.4.3 CVAA Enforcement

In parallel, the **Federal Communications Commission (FCC)** is responsible for enforcing the CVAA, a law specifically designed to address accessibility in modern video and communications technologies. The CVAA mandates that video programming delivered over Internet Protocol (IP), particularly content that was previously broadcast on television, must include accessibility features such as **closed captions** and, in some cases, **audio descriptions**. It also requires accessibility in digital apparatus and navigation devices, such as smart TVs, set-top boxes, and program guides, to the extent that these are used to deliver video programming. For CVAA enforcement, the FCC sets regulations and exemptions, including "de minimis" provisions for minor violations. In some cases, providers may use alternative means of achieving compliance if approved by the FCC. While these mechanisms provide needed flexibility, they also raise concerns about accountability and consistent enforcement.

The **FCC** establishes procedures for enforcement actions with respect to CVAA violations[429]. Regulations may exempt services or programs if their application would be **economically burdensome** for the provider[430]. A **"de minimis failure"** to comply with CVAA regulations by a video programming provider or owner is not treated as a violation[431].

The **FCC (Federal Communications Commission)** enforces the CVAA, which was designed to extend accessibility protections from traditional broadcast media to modern digital platforms. Under **Title II of the CVAA**, the FCC's jurisdiction generally includes:

- **Television broadcast content and IP-delivered video programming** that was previously shown on television with captions.

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429 111th Congress of the United States. 2010, October 8. "Twenty-First Century Communications and Video Accessibility Act of 2010". Accessed from https://www.govinfo.gov/content/pkg/PLAW-111publ260/pdf/PLAW-111publ260.pdf.

430 111th Congress of the United States. 2010, October 8. "Twenty-First Century Communications and Video Accessibility Act of 2010". Accessed from https://www.govinfo.gov/content/pkg/PLAW-111publ260/pdf/PLAW-111publ260.pdf.

431 111th Congress of the United States. 2010, October 8. "Twenty-First Century Communications and Video Accessibility Act of 2010". Accessed from https://www.govinfo.gov/content/pkg/PLAW-111publ260/pdf/PLAW-111publ260.pdf.

- **User interfaces** of digital apparatus (e.g., smart TVs, set-top boxes, Blu-ray players) and navigation devices (e.g., program guides), but only to the extent that they are used to receive or play back video programming.
- Requirements for **closed captions**, **audio description**, and **accessibility of controls** such as play, pause, caption toggle, and volume on covered devices.

These requirements are relatively strong, particularly for **closed captioning** on online platforms where the content was already broadcast on television. The FCC also enforces accessibility obligations on **multichannel video programming distributors (MVPDs)** like cable and satellite providers, and manufacturers of video equipment.

5.11.4.4 FCC Complaint Process

The FCC oversees a formal complaint process through which consumers can report accessibility violations. When a complaint is received, the FCC may initiate an **investigation**. This process typically involves reviewing technical documentation, communicating with the service provider, and determining whether there has been a failure to comply with the CVAA. If violations are identified, the FCC has the authority to **order corrective actions** and, where necessary, impose **financial penalties**. These **fines** can begin in the tens of thousands of dollars and increase for repeated or willful non-compliance.

Entities may also meet requirements through **alternate means** determined by the Commission to achieve compliance[432]. The FCC may allow exemptions under "**de minimis**" provisions—where the violation is considered minor—or where companies propose alternative methods of achieving accessibility, known as "**equivalent facilitation**." However, such exceptions are closely scrutinized to avoid weakening compliance efforts.

FCC investigations are typically appropriate in two situations: when individuals file **well-documented complaints** regarding inaccessible video content, and when there is evidence of **systemic non-compliance**, such as repeated failures to meet captioning standards across multiple programs or platforms. The structure of the FCC's complaint-handling process allows for accessible engagement by users, but its reach is limited. The CVAA does not apply to livestreamed content or user-generated media,

[432] 111th Congress of the United States. 2010, October 8. "Twenty-First Century Communications and Video Accessibility Act of 2010". Accessed from https://www.govinfo.gov/content/pkg/PLAW-111publ260/pdf/PLAW-111publ260.pdf.

such as that found on platforms like YouTube, Twitch, or TikTok. As a result, a significant portion of online video content remains outside its regulatory scope.

5.11.4.5 Appeals Pathways for Accessibility Non-Compliance

Appealing a finding of non-compliance or a fine for streaming media accessibility violations in the United States involves two distinct legal pathways that operate under different statutory frameworks and enforcement mechanisms. The pathway depends on whether the enforcement action is taken under the Communications Act, including the Twenty-First Century Communications and Video Accessibility Act, or under the Americans with Disabilities Act. These pathways reflect different approaches to accessibility enforcement, with one operating through administrative processes and the other through judicial proceedings.

5.11.4.5.1 Pathway 1: Under the Communications Act and CVAA

The first pathway operates as an administrative process handled exclusively by the Federal Communications Commission. Streaming media falls under CVAA coverage as "video programming made available using Internet protocol", and the FCC maintains exclusive jurisdiction over complaints filed under these laws. This exclusive jurisdiction means that individuals cannot file private lawsuits in court for CVAA violations, requiring all enforcement actions to proceed through the FCC's administrative framework.

The process begins when an individual experiences an accessibility barrier and seeks to report a violation that may ultimately lead to a finding of non-compliance or a fine against a company. Before filing any formal complaint, the individual must first file a Request for Dispute Assistance with the FCC's Disability Rights Office. This request should provide detailed information about the accessibility problem, identify the company involved, specify the device or software used, and describe the desired resolution. The Disability Rights Office then works with both the individual and the company for at least thirty days to resolve the issue through collaborative problem-solving.

If the problem remains unresolved after the initial thirty-day period, the individual can request one additional thirty-day extension for continued assistance from the Disability Rights Office. This extension provides additional time for parties to reach a mutually acceptable resolution before proceeding to more formal enforcement mechanisms.

When disputes cannot be resolved through the assisted negotiation process, individuals have sixty days following the initial thirty-day period, or any extension, to

file an informal complaint with the FCC Enforcement Bureau. If no action is taken within this sixty-day deadline, the case is automatically closed, emphasizing the importance of timely action in pursuing accessibility complaints.

The FCC investigates informal complaints and can impose a range of remedies if it finds violations have occurred. These remedies include financial penalties payable to the United States and requirements that companies make specific changes to ensure future accessibility. The financial penalties can be substantial, with fines for accessibility violations under the Communications Act reaching up to one hundred thousand dollars for each violation or each day of a continuing violation, with a maximum penalty of one million dollars for any single act or failure to act.

Entities that receive fines or orders from the FCC have recourse through the judicial system for challenging these determinations. The proposed Communications, Video, and Technology Accessibility Act of 2023 clarifies that persons aggrieved by FCC determinations on complaints can appeal to the United States Court of Appeals, providing judicial oversight of administrative enforcement actions.

5.11.4.5.2 Pathway 2: Under the Americans with Disabilities Act

The second pathway operates primarily through judicial processes and can be initiated by individuals or the United States Department of Justice. Landmark court cases have established that streaming services can be considered "places of public accommodation" under Title III of the Americans with Disabilities Act, making them subject to the Act's accessibility requirements and creating opportunities for judicial enforcement.

Individuals who have experienced discrimination can file civil lawsuits in United States district courts, initiating judicial proceedings to address accessibility violations. In private suits, the primary remedy available is an injunction, which represents a court order requiring the service to alter its operations to achieve accessibility compliance. While monetary damages are generally not available to individuals in private suits under Title III, courts may award reasonable attorney's fees to the prevailing party, providing some financial relief for successful complainants. If either party feels dissatisfied with the district court's decision, they can appeal through the standard judicial process to the appropriate United States Court of Appeals, as demonstrated in cases such as Robles v. Domino's Pizza.

The Department of Justice operates as an alternative enforcement mechanism under the Americans with Disabilities Act through both investigations and direct legal action. Individuals may request that the Attorney General investigate alleged violations, while the Department of Justice can also initiate its own compliance

reviews independently. The Department has demonstrated active involvement in digital accessibility enforcement by intervening in lawsuits such as the case against H&R Block, which resulted in a comprehensive consent decree addressing accessibility barriers.

The Attorney General may commence civil action when there is a “pattern or practice” of discrimination or when the discrimination raises an issue of “general public importance”. These standards allow the Department of Justice to address systemic accessibility problems that affect broad segments of the disability community. In suits brought by the Attorney General, courts may grant injunctive relief, award monetary damages to aggrieved persons, and assess civil penalties to vindicate the public interest. Civil penalties can reach seventy-five thousand dollars for a first violation and one hundred fifty thousand dollars for any subsequent violation, with these amounts subject to periodic adjustment for inflation. When considering penalties, courts take into account any "good faith effort or attempt to comply" by the entity, recognizing that some accessibility barriers may result from lack of awareness rather than intentional discrimination.

Decisions in lawsuits brought by the Department of Justice can be appealed through the standard judicial hierarchy, providing the same appellate protections available in private litigation while ensuring that government enforcement actions remain subject to judicial oversight.

These two enforcement pathways are not mutually exclusive, and proposed updates to the CVAA clarify that violations of the Communications Act do not prevent enforcement under other laws, such as the Americans with Disabilities Act, for the same conduct. This parallel enforcement structure reflects the complementary nature of administrative and judicial approaches to accessibility enforcement, allowing for comprehensive protection of disability rights across multiple legal frameworks while providing flexibility in addressing different types of accessibility barriers and violations.

5.11.4.6 Strengths and Weaknesses

Despite its strengths, the U.S. enforcement framework faces notable **challenges**. One concern is the **legal ambiguity surrounding the ADA’s application to digital-only entities**, particularly those without a physical location. This has resulted in inconsistent court rulings and varied compliance across platforms. Another issue is the **limited institutional capacity** of both the DOJ and the FCC. These agencies are not adequately resourced to proactively monitor the growing volume of digital content

and device interfaces, and enforcement is often reactive, relying heavily on individuals with disabilities to file complaints or pursue legal action.

Nevertheless, the U.S. model offers important advantages. It is grounded in **technical standards** such as the Web Content Accessibility Guidelines (**WCAG**) 2.1, which provide a measurable and internationally recognized benchmark for accessibility. It also enables **civil litigation**, which can produce precedent-setting outcomes and compel industry-wide change. The inclusion of **equivalent facilitation** provisions further promotes innovation by allowing service providers to implement alternative but equally effective solutions to meet accessibility obligations.

In conclusion, the United States enforces accessibility requirements for streaming media through a multi-layered approach that combines administrative regulation, legal accountability, and public participation. While the system has produced meaningful advances in areas such as captioning and interface design, it remains limited by fragmented jurisdiction, insufficient regulatory coverage, and reliance on user-driven enforcement. Expanding the scope of the CVAA to include newer forms of online media, clarifying the ADA's applicability to digital platforms, and increasing agency resources for proactive oversight would significantly enhance the effectiveness of the U.S. accessibility enforcement framework. These reforms are necessary to ensure that as streaming technology evolves, it does so in a way that is fully inclusive and equitable.

5.11.5 Other Laws, Policies, or Standards and Why They May Appear Applicable

The legal framework governing digital accessibility in the United States, particularly for streaming media and other online services, is shaped by multiple statutes, each with distinct scopes and interpretations. Among the foundational pieces of legislation are the ADA and the Rehabilitation Act of 1973. While Title I of the ADA addresses employment discrimination and Title V of the Rehabilitation Act ensures protections in federally funded programs, it is Titles II and III of the ADA that are most directly applicable to the accessibility of public services and accommodations. These provisions extend to public-facing digital services, including streaming platforms, though compliance with Titles II and III does not automatically satisfy all other federal disability rights obligations. The regulatory landscape is, therefore, both overlapping and fragmented, requiring careful interpretation.

Early judicial interpretations of the ADA were notably limited in scope, often applying the Act only to physical spaces. This narrow reading excluded many digital environments from the law's reach. However, subsequent legal challenges, most

notably a case involving Netflix, began to shift this perspective. In that case, the court initially ruled that Netflix's streaming platform could be considered a "place of public accommodation", despite its lack of a physical storefront, thereby bringing online-only services under the purview of the ADA. Yet, this interpretive advance was complicated by a later federal appellate decision that reversed this logic. The court held that, because Netflix was not tied to a tangible, physical location, it was not subject to the ADA's requirements. This divergence in judicial reasoning has reignited longstanding uncertainty regarding the ADA's applicability to digital-only environments and underscores the persistent legal ambiguity in defining whether the internet itself constitutes a place of public accommodation.

Beyond the ADA, Section 508 of the Rehabilitation Act provides a parallel but more narrowly scoped mandate. It requires federal agencies to ensure that their electronic and information technology is accessible to individuals with disabilities. Importantly, Section 508 is harmonized with the Web Content Accessibility Guidelines (WCAG) 2.0, a globally recognized technical standard. However, the U.S. Department of Justice (DOJ) has chosen not to extend Section 508's provisions to public entities governed by Title II of the ADA. The rationale for this exclusion lies in both the evolution of technical standards, specifically the adoption of the more recent WCAG 2.1 Level AA, and the recognition that Section 508's rigid conformance model is less suited to the diverse operational capacities and resource constraints of local governments and other public service providers. Thus, while Section 508 plays a critical role in federal agency compliance, its standards are not universally applied across the broader landscape of public digital services.

In considering how best to define and enforce accessibility obligations, the DOJ explored multiple regulatory strategies. One such approach was the adoption of performance-based standards, which would emphasize general functional outcomes (e.g., "content must be perceivable and operable") rather than prescribing specific technical methods. Although conceptually flexible, this approach was ultimately dismissed. The DOJ concluded that performance standards were inherently vague and too subjective to offer a consistent, testable framework. Without clear benchmarks, public entities and individuals with disabilities alike would face considerable uncertainty in determining whether compliance had been achieved. In contrast, the use of defined technical standards, such as WCAG 2.1 Level AA, provides measurable and enforceable criteria, thereby enhancing predictability and accountability.

Another approach under consideration involved allowing public entities to demonstrate compliance through internally developed policies and procedures focused on accessibility feedback, testing, and remediation. While appealing in principle, this policy-based model was also rejected. The DOJ cited the absence of

consensus regarding which specific policies would be sufficient, and raised concerns about the appropriateness of prescribing operational practices for the diverse array of entities subject to Title II. Moreover, there was no assurance that such policies, even if robust, would reliably lead to substantive accessibility improvements. Ultimately, the DOJ concluded that establishing a uniform technical standard was the most effective means to ensure equity, enforceability, and clarity across jurisdictions.

Together, these legal developments illustrate the complexity of applying traditional civil rights statutes to modern digital contexts. They reflect the dynamic interplay between evolving technology, judicial interpretation, and regulatory enforcement. As the digital public sphere continues to expand, ensuring accessibility will require not only robust legal frameworks but also clarity in how those frameworks are interpreted and operationalized.

6 Comparative Analysis of International Best Practices in Streaming Media Accessibility

6.1 Background

Ultimately, the goal of this paper is to provide analysis and make best practice recommendations on how to implement and improve accessibility in the streaming media eco-system in Canada. The legislative, standards, monitoring, and enforcement frameworks in all the countries described above are fairly new, and there is very little objective data (except in a handful of cases) on how their particular policies, directives, and practices are impacting the adoption of accessibility. Each of these countries should be monitored to see how accessibility evolves over time. In the absence of objective, rich, long-term datasets, it is difficult to create a methodology to arrive at recommendations for accessibility best practices.

As an alternative, the authors will use case studies. Case studies capture the rich, contextual detail of real-world implementation that quantitative datasets often miss. They show how legislative, technical, organizational, or cultural factors interact in practice. This level of granularity is particularly valuable in accessibility research, where success often depends on specific combinations of technologies, policies, and user engagement rather than isolated metrics.

In areas like digital accessibility, long-term empirical data is often unavailable because legislation, standards, and technologies evolve rapidly. Case studies serve as early evidence bases, allowing researchers to identify promising approaches and recurring challenges before large-scale data can be collected. While individual case studies may be context-specific, a series of case studies across multiple settings allows

for comparative analysis. By identifying patterns, common practices, and variations in outcomes, researchers can develop classification schemes that highlight which practices are broadly generalizable and which are highly situational.

Case studies allow for the iterative development of methodology. They provide testable ground for refining classification frameworks: researchers can apply a draft methodology to cases, assess whether categories meaningfully capture success and failure factors, and adjust accordingly. This process yields a more robust framework that can later be validated with empirical datasets.

Policy and industry actors often need actionable guidance before longitudinal evidence emerges. Case study-driven classifications produce timely, practice-oriented knowledge that can inform immediate decisions, while leaving room for empirical validation in the future. This ensures that policy windows or regulatory timelines are not missed while waiting for data maturity.

By codifying what is observed in case studies into a structured methodology, researchers establish a baseline classification system that can later be stress-tested against objective evidence. In this sense, case studies are not an endpoint but a pragmatic starting point that allows the field to progress without being stalled by data scarcity.

Case studies are not a substitute for empirical, longitudinal evidence; however, in the absence of such data, they provide sufficient foundation to develop classification methodologies for best practice. They enable early identification of patterns, inform methodological design, and ensure policy and practice are guided by grounded, real-world experiences rather than speculation. Over time, these frameworks can be refined and validated with more rigorous data as it becomes available.

The paper, therefore, examines four major case studies that show how specific legislation, policies, standards, and practices promote accessibility, and use that information to create a framework to help arrive at best practice recommendations. One case study is from the United Kingdom and applies specifically to the accessibility of broadcast media. The second case study comes from the United States and involves the accessibility of the wireless (smartphone) eco-system. It demonstrates how accessibility was encouraged through legislation and government policy in the United States while stopping short of prescriptive legislation and policies to arrive at a robust accessibility eco-system. The remaining two case studies are Finland and Japan. These two countries have limited but quantifiable data. Finland demonstrates an integrated system that has legislation, standards, monitoring and enforcement working together.

6.2 Finland's Proactive Approach as an Accessibility Case Study

6.2.1 Introduction

Finland has developed one of the most coherent and operational accessibility frameworks in Europe, covering both traditional broadcasting and streaming media. Unlike systems where obligations are loosely defined or inconsistently enforced, Finland's model integrates four pillars (legislation, technical standards, proactive monitoring, and credible enforcement) into a mutually reinforcing system. This integration ensures that accessibility obligations are not merely aspirational, but measurable, actionable, and subject to strategic oversight. Early evidence from 2022–2023 demonstrates tangible improvements in accessibility coverage and quality, offering insight into the effectiveness of a coordinated, operational approach. [433] [434] [435] [436] While the European Accessibility Act (EAA) expands obligations in 2025, Finland has already prepared through legislative amendments and government decrees, creating a future-ready framework.

6.2.2 Legislative Framework

Finland's accessibility system is built on precise, measurable laws. The foundation is the Act on Electronic Communications Services, enacted in 2014 and subsequently amended to reflect evolving accessibility priorities. This law establishes specific quotas for media providers. Public service broadcasters are required to provide full coverage of access services (including subtitling, audio description, and sign-language interpretation) while other nationwide channels must make 75% of content accessible. On-demand streaming services are required to make at least 30% of their

[433] "Traficom monitors progress in the accessibility of audio-visual content services – first accessibility action plans collected". Published 29.06.2022 10:09. https://www.traficom.fi/en/news/traficom-monitors-progress-accessibility-audio-visual-content-services-first-accessibility

[434] "Nelonen required to further improve the quality of its subtitles for the deaf and hard of hearing". Published 24.05.2023 11:10. https://www.traficom.fi/en/news/nelonen-required-further-improve-quality-its-subtitles-deaf-and-hard-hearing

[435] "The accessibility of media services is a part of equality - now the subtitles of the Nelonen TV channel also fulfil the quality requirements". Published 15.09.2023 15:37. https://www.traficom.fi/en/news/accessibility-media-services-part-equality-now-subtitles-nelonen-tv-channel-also-fulfil

[436] "People of all ages use subtitles for the deaf and hard of hearing – Traficom reminds everyone that subtitles are important to both young and older people". Published 14.02.2023. https://www.traficom.fi/en/news/people-all-ages-use-subtitles-deaf-and-hard-hearing-traficom-reminds-everyone-subtitles-are

catalogues accessible. These quotas are enforceable and form the backbone of Finland's monitoring and compliance system.

Complementing this, the Act on the Provision of Digital Services (Digipalvelulaki 306/2019) transposes the EU Web Accessibility Directive into Finnish law. Its goal is to ensure the availability, quality, and accessibility of digital services, promoting equitable access for all users. Notably, the law extends beyond public sector entities to include certain private companies, such as banks, insurance firms, and utilities. This broad scope ensures that accessibility obligations reach a wide range of digital services.

Finland has also proactively aligned with upcoming EU obligations under the European Accessibility Act (EAA), effective June 28, 2025. Amendments to the Digipalvelulaki, along with government decrees 179/2023 and 180/2023, specify accessibility obligations for audiovisual media, e-books, e-commerce, and electronic communications. These legal instruments ensure that the framework remains robust and adaptive to evolving accessibility standards.

The Finnish legislative model emphasizes clarity and accountability. Specific quotas prevent ambiguity, broad application ensures reach, and proactive alignment with EU directives and decrees demonstrates long-term planning.

6.2.3 Standards and Guidance

Legislation alone cannot guarantee effective accessibility, and Finland has established a strong standards-based component to complement its legal framework. The core technical benchmark is EN 301 549, a harmonized European standard that incorporates WCAG 2.1 guidelines. EN 301 549 underpins Act 306/2019 and the upcoming EAA-related decrees, ensuring consistent and internationally recognized criteria for accessibility.

Government decrees provide granular, functional requirements. For example, if a service relies on vision, it must also provide at least one alternative mode that does not require sight. Accessibility features must not rely solely on color perception or fine motor skills, and, in the case of financial services, information must be understandable at a B2 level on the Common European Framework of Reference for Languages. These requirements demonstrate that accessibility is not merely about providing a service but about ensuring that it is usable, effective, and equitable. Together, standards and guidance translate abstract legal obligations into practical, actionable requirements that providers can implement and regulators can assess.

6.2.4 Monitoring System

Monitoring in Finland is proactive and structured, managed by the Finnish Transport and Communications Agency (Traficom), which functions as both the supervisory and enforcement authority. Obligated providers must submit accessibility action plans, detailing how they will gradually and continuously improve accessibility. These plans create a structured feedback loop—planning, implementation, and reporting—allowing regulators to track both progress and compliance systematically.

Public accountability is reinforced through accessibility statements (saavutettavuusseloste). Providers must publicly disclose non-compliant content, explain the reasons for any deficiencies, and provide a contact point for user feedback or requests for accessible alternatives. This integration of user experience into monitoring ensures that accessibility is assessed not just technically, but in practical, real-world terms.

Evidence from the 2022–2023 cycle demonstrates that these monitoring mechanisms drive tangible results.[437] [438] [439] [440] Services that lacked accessibility features in 2021, such as the streaming platform Ruutu, submitted concrete plans in 2022 and began implementing subtitles and other accessibility measures. [441] [442] [443] [444]By 2023, measurable improvements in both coverage and quality were evident, indicating that legislation, standards, and monitoring work in concert to produce operational outcomes.

6.2.5 Enforcement and Effectiveness

Finland's enforcement mechanisms ensure that compliance is meaningful. Traficom has the authority to issue conditional fines, or uhkasakko, for non-

[437] https://www.traficom.fi/en/news/traficom-monitors-progress-accessibility-audio-visual-content-services-first-accessibility

[438] https://www.traficom.fi/en/communications/tv-other-audiovisual-services-and-radio/supervision

[439] https://www.traficom.fi/en/news/traficom-monitors-progress-accessibility-audio-visual-content-services-first-accessibility

[440] https://www.traficom.fi/fi/traficom/esteettomyys/esteettomyyden-edistamista-koskevat-toimenpiteet

[441] https://www.traficom.fi/en/news/traficom-monitors-progress-accessibility-audio-visual-content-services-first-accessibility

[442] https://www.traficom.fi/en/news/traficom-monitors-progress-accessibility-audio-visual-content-services-first-accessibility

[443] https://www.traficom.fi/en/news/nelonen-required-further-improve-quality-its-subtitles-deaf-and-hard-hearing

[444] https://www.traficom.fi/fi/traficom/esteettomyys/esteettomyyden-edistamista-koskevat-toimenpiteet

compliance, with penalties reaching up to one million euros or five percent of annual turnover in systemic cases. The authority has demonstrated its operational capacity in practice. In 2023, a corrective order was issued to Sanoma Media after deficiencies were identified in the subtitling quality of Nelonen TV and Ruutu streaming content. [445] In response, Sanoma implemented human verification of automatically generated subtitles, and compliance was verified later that year.

The 2022–2023 data show that monitoring and enforcement are prompting providers to act. Streaming services that had no accessibility measures in 2021 initiated concrete programs in 2022, while previously deficient services have been brought into compliance. Even in the absence of widespread fines, the combination of legal obligation, technical standards, proactive monitoring, and visible corrective action creates a credible and operational system that drives improvement. This demonstrates that Finland's four-pillar framework—legislation, standards, monitoring, and enforcement—is effective at producing real-world accessibility improvements.

6.2.6 Conclusion

Finland's accessibility framework stands out for a number of strengths that together explain its effectiveness. By establishing a clear, measurable quota, such as the 30% accessibility requirement for streaming services, the system provides an auditable benchmark that regulators and users alike can use to assess compliance. Its four pillars of legislation, technical standards, monitoring, and enforcement are fully integrated, working together so that obligations are not just theoretical but actively implemented and evaluated. The requirement for mandatory action plans encourages providers to take a proactive, long-term approach, moving beyond reactive complaint handling to continuous improvement. Enforcement actions, exemplified by the Sanoma Media case, show that compliance is judged not only on whether accessibility features exist, but on their functional performance and real-world impact. Transparency mechanisms, including publicly available accessibility statements, reinforce accountability by making compliance visible and giving users a way to provide feedback, creating public pressure for meaningful action. Taken together, these elements demonstrate that Finland has successfully combined law, standards, monitoring, and enforcement to build a sustainable, credible, and operational ecosystem for accessibility in both broadcasting and streaming media.

[445] https://www.traficom.fi/en/news/nelonen-required-further-improve-quality-its-subtitles-deaf-and-hard-hearing

6.3 United Kingdom as an Accessibility Case Study

6.3.1 Introduction

The UK's system for accessibility in broadcast and video services is a layered framework built on equality law, sector-specific regulation, technical guidance, and active monitoring. For traditional television broadcasting, this structure has produced measurable success. For streaming and on-demand programme services, however, the framework has been far weaker, leaving a regulatory gap that is only now beginning to close through new legislation.

6.3.2 Legislation and Regulatory Authority

The foundation of the UK system is general equality law, reinforced by sector-specific communications legislation. The Equality Act 2010[446] sets out a broad legal duty on service providers not to discriminate against disabled people and to make "reasonable adjustments." This rights-based obligation anchors accessibility as a matter of law, not just best practice. Building on this, the Communications Act 2003 gives the national regulator, Ofcom, duties to protect citizens and consumers, and to pay particular attention to the needs of disabled audiences.

For traditional broadcasting, these provisions are highly prescriptive and have proved effective. Section 303 of the Communications Act[447] requires Ofcom to set quotas for broadcasters, and the result has been binding accessibility targets. Major TV channels must subtitle at least 90% of their content, provide audio description for 10%, and make 5% available in sign language. These hard quotas have driven steady improvement across linear television and stand as a core strength of the UK's framework.

The story is very different in the streaming and on-demand sector. Part 4A of the Communications Act gave Ofcom only a soft duty to "encourage" on-demand programme services (ODPS) to become more accessible over time. Because this language was non-binding, there was no legal requirement for streaming platforms to provide captions, audio description, or accessible navigation. Unsurprisingly, accessibility provision in this space has been patchy and inconsistent. A survey by the

[446] Parliament of the United Kingdom. 2010, April 8. "Equality Act 2010". Retrieved from: https://www.legislation.gov.uk/ukpga/2010/15.

[447] Parliament of the United Kingdom. 2003, July 25. "Communications Act 2003". Retrieved from https://www.legislation.gov.uk/ukpga/2003/21/2010-06-08?lang=en&view=plain.

disability charity Scope found that 80% of disabled respondents had encountered accessibility barriers on online streaming services[448].

This long-standing gap is now being addressed. The Media Act 2024 gives Ofcom new powers to draft and enforce a Video-on-Demand Code that will impose accessibility requirements on major streaming platforms. This is designed to bring on-demand services into line with obligations already imposed on traditional broadcasters. Still, the change is prospective: Ofcom plans to consult on the new VOD Accessibility Code in 2025, with interim quotas starting in 2026 and full obligations unlikely before mid-2027.

6.3.3 Standards and Technical Guidance

Alongside legislation, the UK relies on detailed technical guidance to turn legal duties into workable practice. Ofcom issues guidance on the quality and timing of subtitles and audio description. Industry groups such as the Digital Television Group (DTG) provide further technical specifications, most notably through the "U-Book," which sets out usability and accessibility recommendations for devices, programme guides, subtitles, audio description, and text-to-speech.

This standards layer works well in broadcasting, where compliance is mandatory. But in streaming, the absence of binding obligations has limited its effectiveness. The Scope survey highlighted "bad navigation" as one of the most common user complaints[449], which is precisely the sort of issue addressed in existing guidelines. The lesson is clear: without regulatory backing, even good standards cannot guarantee accessible outcomes. The new VoD Code is intended to change this by making adherence mandatory for major streaming services.

6.3.4 Monitoring and Enforcement

The UK model also depends on active monitoring and enforcement, though here again there is a divide between broadcast and on-demand.

For television, Ofcom systematically tracks compliance with accessibility quotas, publishing annual data on subtitling, audio description, and sign-language provision.

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[448] Scope for Business. "Accessibility and video on-demand streaming services". Accessed from https://business.scope.org.uk/businesscase/streaming/.

[449] Scope for Business. "Accessibility and video on-demand streaming services". Accessed from https://business.scope.org.uk/businesscase/streaming/.

This transparency creates accountability, allows for comparisons across providers, and provides regulators with evidence to act when performance falls short.

In the streaming space, where Ofcom's powers have been limited, civil society has stepped in. Scope's "Inclusive League Table"[450] ranked streaming services by accessibility, scoring Disney+ (7.5/10) and BBC iPlayer (7.0/10) well above Sky Store (0.0/10) and NOW TV (2.4/10). Public pressure from this initiative had tangible results: six of the twelve rated services introduced accessibility fixes following the campaign.

Ofcom's enforcement tools, which includes fines, apply to broadcasters who fail to meet licence conditions. But for VoD, the lack of binding obligations has meant weak enforcement. This will change under the Media Act 2024, which extends Ofcom's enforcement powers into the on-demand space for the first time.

6.3.5 Conclusion

The UK's framework has been a qualified failure for streaming media to date, largely because the law did not anticipate the rise of on-demand services. The 2003 Act created a two-tier system where broadcasters faced strict quotas but online competitors did not. The result was a poor and inconsistent user experience for disabled viewers, who often faced barriers such as inaccessible navigation or a lack of information about whether content included captions before purchase, leaving many "paying more for a worse service".

The UK has also lagged behind international peers. The US, through its 2010 CVAA, required online distribution of TV programming to carry captions. The EU's 2019 Accessibility Act created binding obligations for audiovisual services. By contrast, the UK has only recently moved to legislate comprehensively for streaming accessibility.

Yet there are signs of strength and future success. Ofcom is an experienced and well-resourced regulator, civil society advocacy has proven effective at driving industry change, and the Media Act 2024 marks a decisive reform. Though implementation will take years, the UK is now firmly on the path to aligning accessibility in streaming with its achievements in broadcasting.

However, there are caveats. The Equality Act's "reasonable adjustments" language can produce interpretive variability (what is reasonable depends on context, cost and proportionality) and this can leave gaps in practice. Enforcement intensity varies with

[450] Scope for Business. "Accessibility and video on-demand streaming services". Accessed from https://business.scope.org.uk/businesscase/streaming/.

regulatory priorities and resource constraints; regulators cannot police every service or every piece of content, especially as streaming and user-generated content from abroad proliferates. Quality issues persist (for instance, inaccuracies in live captioning) even where quantitative targets (hours subtitled) are met. Jurisdictional reach is another challenge: global streaming platforms and cross-border content can fall outside national regulatory coverage or present complex enforcement issues, so the UK's strong domestic regime does not automatically translate into universal coverage for all content consumed by UK audiences.

In short, the UK's system is best seen as one in transition: it highlights the successes of a quota-based model in broadcast television, the failures of a voluntary encouragement model in streaming, and the promise of a reformed legal framework that will, if implemented fully, bring on-demand services into a stronger and more equitable accessibility regime.

6.4 Case Study of Japan's Accessibility Framework: From Broadcasting to Streaming Media

6.4.1 Introduction

Japan's media accessibility framework is best understood as an ecosystem of four interlinked pillars: rights-based legislation, technical standards, systematic regulatory guidance and monitoring, and a cooperative enforcement model. The urgency of this system is underscored by Japan's demographic reality. In 2020, one in three Japanese citizens was aged 65 or older, making Japan the world's oldest population. Alongside this, surveys indicate that roughly 9.2% of the population has a disability, amounting to 4.36 million people with physical disabilities, 1.09 million with intellectual disabilities, and 6.15 million with mental disorders.

Public attitudes show strong cultural support for accessibility. A November 2022 Cabinet Office opinion poll found that 94% of respondents agreed it was "natural for persons with disabilities to live a normal life in a community". This broad endorsement of a "society of coexistence" provides an important social foundation for Japan's accessibility policies.

6.4.2 Legislation

At the core of Japan's system is the Act for Eliminating Discrimination against Persons with Disabilities (Act No. 65 of 2013), which came into effect on April 1, 2016. From the start, public bodies, called "administrative organs", were placed under a binding legal duty to provide reasonable accommodation. For private companies,

however, the law originally framed this as a voluntary effort. That changed in May 2021, when the Act was amended to require private businesses, including streaming providers, to provide reasonable accommodation as a legal obligation. This amendment took effect on April 1, 2024.

Public opinion data reflects this legal transformation. In 2012, before the Act was enacted, only 46.1% of people believed that failing to provide reasonable accommodation could constitute discrimination. By November 2022, that number had risen to 64.7%. This shift demonstrates how legislation, public debate, and awareness campaigns have gradually reshaped attitudes toward disability rights.

One strength of the law is its adaptability. The 2024 revision of the Act showed legislative flexibility by explicitly bringing online streaming providers within its scope, signalling that the law can evolve to address new technologies and emerging forms of media consumption.

However, there are weaknesses. The duty is limited by the "disproportionate burden" clause, which allows organizations to avoid providing accommodations if they can argue the burden is excessive. Since the Act does not define "disproportionate," this creates interpretive uncertainty and a potential loophole.

Another critical weakness is that the law often places the onus on the individual. The obligation to act is triggered only when "a person with a disability expresses the genuine willingness to eliminate the social barrier." In other words, accessibility is not proactive but reactive, initiated by a user request.

The phrase "places the onus on them" is more than symbolic; it reflects the structure of the Act itself, which sets out a step-by-step process for individuals seeking accommodation:

1. *The Direct Request for Reasonable Accommodation*

   The process begins with the individual. The person with a disability must make a direct request to the organisation—whether a government agency or a private company. For a streaming service, this could mean asking for captions on a programme, an audio description track, or a keyboard-accessible player. If the provider agrees, the process ends here. If the request is ignored or denied, the pathway continues.

2. *Consultation and Dispute Resolution*

   If the direct request fails, the Act directs individuals to consultation systems rather than immediately to court. National and local governments

must provide systems to handle discrimination complaints and to help prevent disputes. A key component is the Regional Support Councils for Eliminating Discrimination, which bring together organizations from medicine, nursing, education, and local government. These councils act as mediation forums, exchanging information and requesting input from the organisations involved. They do not hand down rulings, but they provide structured support for resolving accessibility complaints at a local level. In 2022, over 25,000 consultations were registered under these systems nationwide, reflecting a steady year-on-year increase since the Act's revision in 2021. Most cases were resolved at this stage without escalation.

3. Ministerial Action for Private Companies

If mediation fails, the complaint may be escalated to the competent ministry with jurisdiction over that business sector. The minister can then request a report, provide advice or guidance, or issue a formal recommendation. The only financial penalty available is a non-criminal fine of up to 200,000 yen (or about CAD$1,877), and this applies only for failing to submit a report or for submitting a false one—not for failing to provide the accommodation itself. Statistical monitoring shows that formal ministerial interventions are rare: in 2021–2022, fewer than 50 cases escalated to the ministerial level, underscoring the preference for resolution via consultation.

For public bodies, the process is integrated into an ongoing improvement cycle. Under the Ministry of Internal Affairs and Communications' (MIC) Everyone's Public Website Operation Guidelines, public organisations must already publish accessibility policies, conduct annual testing against JIS X 8341-3, and report results publicly. In this context, an individual complaint feeds directly into a pre-existing accountability system, ensuring that feedback is captured and acted upon systematically.

The consultation system reveals how the law functions in practice. Rather than driving most disputes into court, the Act emphasizes mediation and administrative consultation. More than 25,000 consultations were registered nationwide in 2022 alone. After the launch of the Cabinet Office's "Intermediary Desk" in October 2023, another 4,600 cases were handled between October 2023 and March 2025. The 2024 amendment also had an immediate impact: consultations more than doubled in a single month, rising from 211 in March 2024 to 409 in April 2024. The most frequent cases related to mental disorders (27.5%), followed by physical disabilities (11.2%) and developmental disorders (10.3%).

6.4.3 Standards and Guidance

While the law provides broad duties, Japan's technical standards give them specific, measurable forms. The key is JIS X 8341-3:2016, the national standard for web and streaming accessibility, which is identical to WCAG 2.0 (ISO/IEC 40500:2012). This alignment with global norms ensures clarity and interoperability, with three testable levels of compliance (A, AA, AAA).

The standard has encouraged private-sector uptake. A notable example is Nomura Holdings, which in 2016 tested 27 key web pages against JIS X 8341-3 and declared compliance at Level AA. Their process assessed criteria such as text alternatives, colour contrast, and keyboard accessibility, and committed to ongoing reassessment. This illustrates how having a concrete, testable blueprint allows companies to take practical steps and demonstrate progress.

Japan has also led in setting standards for new media. The ITU-T H.702 IPTV accessibility standard, initiated with input from Japanese disability organizations, was adopted nationally as TTC JT.H702. It has been implemented in real-world products such as the Eye-dragon 4 set-top box, which provides accessible features like captions and sign language, showing how technical standards can translate into usable products.

The main weakness is the slow pace of updates. Japan's JIS is still aligned with WCAG 2.0, despite WCAG 2.2 being released in 2023. A revision is underway, but until then, the official standard lags behind international best practice, particularly for mobile content.

6.4.4 Regulatory Guidance and Monitoring

Japan's monitoring system is arguably the most effective pillar, but its reach is narrow. The MIC's Everyone's Public Website Operation Guidelines impose a strict cycle of accountability on public bodies. Organisations must publish an accessibility policy targeting at least Level AA compliance, conduct annual tests against JIS X 8341-3, and publish results in a standardised format.

This system creates a self-reinforcing loop. Because results are made public, organisations face reputational pressure to improve. This process has led to real gains. In broadcasting, the Ministry of Internal Affairs and Communications (MIC) issues ten-year accessibility plans that include clear numerical targets and publishes annual performance data. These reports reveal consistent progress: by fiscal year 2023, NHK General provided subtitles for 100% of target programmes and 91.7% of all programming hours. Commercial key stations met the 100% target for specific

programmes while covering 70.4% of total hours, showing steady annual gains. Audio description coverage also improved, with NHK General reaching 18.9% and commercial stations 19.9% in FY2023, surpassing the 15% target set for FY2027.

However, this framework is limited to the public sector and traditional broadcasters. Private streaming services are not yet subject to the same cycle of testing and reporting. The law and the technical standards apply, but without the accountability loop, there is no equivalent pressure on streaming platforms to improve systematically.

6.4.5 "Soft" Enforcement

Enforcement in Japan follows a soft model. The competent minister can request reports, provide guidance, or issue recommendations. This approach fosters cooperation and avoids adversarial legal battles.

Yet it has little bite. As mentioned above, the only financial penalty is the 200,000 yen fine for failing to submit a report or submitting a false one. There are no penalties for refusing to provide reasonable accommodation itself. This means that for private companies, the risk of ignoring accessibility requirements is relatively low compared to the cost of implementation.

In practice, this creates a situation where individuals must initiate complaints, disputes are channelled into mediation, and only if the process escalates do ministries apply light administrative pressure. While this fits Japan's preference for cooperative governance, it means that enforcement lacks the strong deterrents that can drive rapid change.

6.4.6 Conclusion

The statistical evidence highlights both the strengths and the gaps in Japan's accessibility framework. The system has succeeded in raising public awareness, embedding accessibility obligations into law, and driving measurable progress in broadcasting accessibility. The sharp increase in consultations following the 2024 amendment shows that people with disabilities are aware of their rights and are willing to exercise them.

At the same time, the framework's limitations are increasingly visible. Enforcement remains soft, financial penalties are minimal, and the duty to act is still triggered by the individual rather than by proactive compliance. While broadcasters are subject to strict monitoring and transparent reporting, streaming providers operate in a looser environment, where obligations are legal but oversight is thin.

In short, Japan's system demonstrates the value of a strong legal foundation, technical standards, and public accountability, but it also shows how these strengths can be undermined by reliance on "soft" enforcement and a reactive model that places much of the responsibility on individuals with disabilities themselves.

6.5 United States Wireless Ecosystem as an Accessibility Case Study

6.5.1 Introduction

The United States experience in promoting and building an accessible wireless ecosystem is a strong case study showing the cause-and-effect relationship between legislative mandates, standards, monitoring, and enforcement. Its evolution has many parallels with the roll out of the streaming media eco-system.

6.5.2 Legislation: ADA, Section 255 and the CVAA

6.5.2.1 The ADA and the Concept of "Undue Burden"

The Americans with Disabilities Act (ADA) was created as a landmark civil rights law in the United States to prohibit discrimination against individuals with disabilities and ensure they have the same rights and opportunities as everyone else. The ADA was signed into law on July 26, 1990. The origin of the ADA lies in the recognition during the 1980s that existing laws, such as Section 504 of the Rehabilitation Act of 1973, were insufficient. The ADA contains the concept of "undue burden". This term is specifically used in Titles II and III of the ADA, which cover public services and public accommodations. "Undue burden" refers to a significant difficulty or expense that an entity would face if required to provide a particular accommodation or modification to ensure accessibility for individuals with disabilities.

When determining whether an accommodation imposes an undue burden, various factors are taken into account, such as the overall cost of the accommodation in relation to the size, resources, and nature of the entity involved (such as a state or local government agency, a business, or a nonprofit organization). If providing a specific auxiliary aid, service, or modification would cause significant administrative or financial difficulty, the entity may claim undue burden to limit its obligation, but is expected to seek effective alternatives if possible.

The concept of "undue burden" (or "undue hardship" in employment contexts) has not been wholly effective in promoting accessibility primarily because it sets a high legal threshold that allows employers, businesses, and public entities to deny accommodations by claiming significant difficulty or expense. This high bar means

many entities invoke undue burden to limit or refuse accommodations, even when the actual cost or difficulty may be minor relative to their overall resources.

Moreover, the determination of what constitutes an undue burden is complex and highly fact-specific, requiring case-by-case analysis of factors such as the size, financial resources, and nature of the operation of the entity. This complexity leads to legal ambiguity and inconsistent application, making it difficult for individuals with disabilities to know what accommodations they can reasonably expect and resulting in prolonged disputes and litigation.

6.5.2.1.1 Section 255 of the Telecommunications Act

In 1996, Congress enacted the Telecommunications Act to modernize federal telecom law for the digital era, introducing Section 255.[451] Section 255 stood out because for the first time, a federal statute required that “telecommunications” equipment and services offered to the public be accessible to people with disabilities “where readily achievable”. The provision that required that telecommunications equipment and services offered to the public be accessible to people with disabilities “where readily achievable” represented a critical shift away from the “undue burden” criteria. Section 255 was groundbreaking because it placed responsibility directly on manufacturers and service providers rather than on end users or specialized assistive technology vendors. It provided disability advocates a statutory basis for pressing for accessible design and gave the Federal Communications Commission (FCC) a clear mandate to implement and enforce compliance.

This new approach mandated that telecommunications equipment and services be accessible to and usable by people with disabilities "if readily achievable" (defined to include consideration of technical feasibility, among other factors like cost and effort). If not readily achievable, compatibility with existing adaptive equipment is required where readily achievable. This standard was established in 1996 with no amendments altering it; guidelines were issued in 1998 by the U.S. Access Board (36 C.F.R. Part 1194, Appendix B). The manufacturer/provider bears the burden of showing non-compliance is justified. The statute’s language required careful interpretation. Through multiple public notices and orders, the FCC clarified that Section 255 obligations applied not only to hardware but also to he software necessary to access telecommunications services. Manufacturers were expected to consult with disability communities and provide documentation explaining accessibility features. Key early actions, such as the 1997 First Report and Order,

[451] 104th Congress of the United States of America. 1996, February 8. “Telecommunications Act of 1996”. Accessed from: https://www.congress.gov/104/plaws/publ104/PLAW-104publ104.pdf.

established the initial framework for understanding these obligations, which were refined over time through additional guidance and enforcement activity.[452]

6.5.2.1.2 Limits of Section 255

As technology converged, however, Section 255 revealed its limits. Smartphones blurred the distinction between telecommunications equipment and general-purpose computing devices. Features critical to accessibility (including text messaging, video calling, real-time captioning, and app-based services) often existed in software layers or third-party applications. Section 255, written in a narrower telecom era, did not clearly extend to these functions. Network-layer obligations did not automatically cover app-layer services, leaving gaps and loopholes. Manufacturers could argue that app features fell outside the statute. These definitional issues highlighted the need for broader legislative updates.

6.5.2.2 The CVAA: Bridging Old and New Frameworks

The CVAA[453] represents a product of regulatory re-examination, enacted by the U.S. Congress to specifically bridge the gap between accessibility laws from the 1980s and 1990s, such as Section 255, with twenty-first century technologies including digital, broadband, and advanced communications services. This principle of adapting to technological change is embedded throughout the law's structure and the mechanisms governing its implementation and ongoing review. The CVAA is important in that, for the first time, it referred to the concept of "if readily achievable" in the legislation and mandated higher standards of compliance. For instance, CVAA Section 104 requires telecommunications equipment and services to be accessible "if achievable", with FCC waivers possible for undue burdens, and defines achievability based on factors like cost and technical feasibility. This allows exemptions where full compliance isn't feasible, balancing accessibility with practicality.

6.5.2.2.1 From "Undue Burden" to "Readily Achievable"

The switch from the "undue burden" rule, used in early government guidelines based on the ADA, to the "if readily achievable" rule in the actual 2010 CVAA law is a major step forward in U.S. rules for making tech accessible to people with disabilities. Under the old "undue burden" approach, companies had to provide things like

[452] Federal Communications Commission. 1997, August 22. "Memorandum Opinion and Order and Notice of Apparent Liability". Accessed from: https://docs.fcc.gov/public/attachments/FCC-97-297A1.pdf.

[453] 111th Congress of the United States of America. 2010, July 26. "H.R.3101 - Twenty-First Century Communications and Video Accessibility Act of 2010". Accessed from: https://www.congress.gov/bill/111th-congress/house-bill/3101.

communication aids (e.g., sign language interpreters or screen readers), unless they could prove it would be really hard or too expensive. This often turned into a fight in court, leading to uneven results and making companies scared to try new ideas because everything felt so unpredictable. Before the CVAA, this wait-and-see method was common in talks and FCC advice, focusing more on excuses to skip accessibility than on preventing problems, which could slow down bigger efforts to include everyone.[454] [455] [456]

On the other hand, putting "if readily achievable" (or just "if achievable" in Section 716 of the CVAA) right into the law pushes for planning ahead. It says companies must build accessibility into their products and services (e.g., internet phone calls (VoIP) or video shows) from the design stage, but only if it is doable without too much hassle or cost. They judge this based on simple things like how much money it costs, if the tech works, and the company's overall situation. Why does this matter? It changes accessibility from something companies fix later (which might cost a lot or lead to lawsuits) into a key part of how they create products, keeping up with fast-changing technology. For example, the CVAA requires the FCC to check in regularly and allow exceptions when needed, creating a clear system that's less confusing than the vague "undue burden" idea. This shift helps push companies to take bigger steps on accessibility because it makes following the rules feel more realistic and straightforward. The bar for getting an exception is lower (like "easy to do" instead of "huge problem"), so companies are not as afraid of massive bills, and they are more willing to try small wins or bold ideas, such as adding subtitles to streaming apps or vibration alerts on phones. The CVAA also has a backup plan: if full accessibility is not possible, products just need to work well with add-on tools, which keeps things sellable while sparking creativity. After the CVAA passed, there have been more companies teaming up voluntarily on accessibility standards, due to the law's focus on what is practical rather than strict rules. In the end, this change lets companies see accessibility as a smart business edge, which speeds up tech that works for more people.

6.5.2.3 Dynamic Re-Examination and Updates

In the authors' opinion and experience, the accessibility of wireless devices and services went from a slow evolution between 2000 to 2010 to significant leaps forward

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[454] https://accessible.org/undue-burden-ada-risk-strategy/

[455] https://www.kelleydrye.com/viewpoints/client-advisories/the-fccs-new-disabilities-access-requirements-what-advanced-communications-service-providers-need-to-know-now-before-its-too-late

[456] https://mjlr.org/journal/lessons-from-the-pandemic-congress-must-act-to-mandate-digital-accessibility-for-the-disabled-community/

between 2011 to the present day, essentially after the implementation of the CVAA and its accompanying policies and definitions. Obviously, there was a significant leap forward in terms of capabilities of the wireless devices and services for all consumers. However, that was accompanied by important progress regarding accessibility accommodations being built into the devices.

The recently proposed Communications, Video, and Technology Accessibility Act of 2023 continues this practice, seeking to update the 2010 CVAA to address new and emerging technologies. The process of re-examination under the CVAA operates through several interconnected mechanisms that ensure continuous adaptation to technological developments. The legislative framework contains specific requirements for regulatory bodies to periodically review and update their rules through statutory mandates. Section 255 of the Communications Act requires the Architectural and Transportation Barriers Compliance Board to review and update guidelines periodically for telecommunications equipment accessibility. The proposed Communications, Video, and Technology Accessibility Act of 2023 would make this requirement even more explicit, requiring the Federal Communications Commission to update regulations on closed caption quality every four years to reflect technological advances, while mandating a similar four-year reassessment and update cycle for telecommunications relay services.

The CVAA authorizes phased implementation and expansion of obligations over time, which inherently involves ongoing re-examination. The law restored video description rules from 2000 and authorized their expansion over a period exceeding ten years. Similarly, the FCC's audio description rules for television broadcast stations expand annually to cover the next ten largest Designated Market Areas until 2035, requiring continuous monitoring and implementation adjustments.

Formal reporting to Congress serves as another crucial component of the re-examination process. The FCC must submit biennial reports to Congress assessing compliance with the CVAA, evaluating remaining accessibility barriers, and tracking complaint resolution. The proposed 2023 update would introduce a requirement for the FCC to submit reports to Congress every five years assessing accessibility barriers for emerging technologies including virtual reality, artificial intelligence, and the Internet of Things. Following each report, the FCC would have two years to issue new or updated regulations ensuring the accessibility of these technologies.

The CVAA framework relies extensively on expert advisory committees composed of stakeholders and technical experts who develop recommendations that inform FCC rulemaking. The original CVAA established bodies such as the Video Programming and Emergency Access Advisory Committee to develop reports and recommendations on

schedules, technical standards, and procedures for implementing closed captioning and video description for internet protocol-delivered programming. The proposed 2023 update continues this model, calling for establishment of a Closed Captioning and Audio Description Advisory Committee and an Advanced Communications Services Advisory Committee. These committees are tasked with submitting detailed reports to the FCC containing recommendations that form the basis of future regulations.

The public complaint process serves as a crucial real-time mechanism for monitoring compliance and identifying areas requiring re-examination or enforcement. The FCC's Disability Rights Office maintains a formal, multi-step process for handling accessibility complaints under the CVAA. Individuals first file a Request for Dispute Assistance, after which the Disability Rights Office works with consumers and companies for at least thirty days to resolve issues. If problems remain unresolved, individuals can file informal complaints with the FCC Enforcement Bureau. The FCC investigates these complaints and can impose penalties or require changes to ensure future accessibility. This process provides the FCC with direct data on non-compliance and systemic problems that may require broader regulatory re-examination.

Beyond CVAA specifics, United States federal agencies, including the FCC and Department of Justice, operate under overarching laws mandating periodic review of regulations. Under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, agencies must conduct periodic reviews of existing regulations. This review process requires agencies to consider the continued need for rules, the nature of public comments, rule complexity, overlap with other federal or state rules, and the degree to which technology and economic conditions have changed. This framework ensures that regulations do not become outdated or impose unnecessary burdens.

The re-examination process in the United States under the CVAA operates as a dynamic and structured system built into the legislative and regulatory framework through mandated periodic updates, formal reporting requirements to Congress, expert advisory committees, and robust public complaint processes. This comprehensive approach ensures that as communications technology evolves, accessibility requirements are regularly re-evaluated and adapted to protect and advance the rights of individuals with disabilities.

6.5.2.4 Cross-Enforcement with the ADA and DOJ

After the CVAA, the FCC undertook a series of targeted rulemakings and interpretive actions to operationalize the law. These milestones defined accessibility obligations for advanced communications services and customer premises equipment, including detailed timelines for compliance and documentation requirements. The FCC also initiated the "Accessible Mobile Phone" dockets, examining how mobile OS vendors and device manufacturers implemented accessibility features and exposed developer-facing APIs. Enforcement was closely tied to monitoring: complaint-driven investigations allowing the FCC's Disability Rights Office, in coordination with the Enforcement Bureau, to compel changes and ensure compliance. Public-facing orders and guidance, including FCC implementation resources and Disability Rights Office materials, provided transparency and signaled expectations to the industry.

Section 255 and the CVAA were complemented by the Americans with Disabilities Act (ADA) and enforcement by the Department of Justice. While the FCC focused on communications, the ADA extended civil-rights obligations to digital services where they intersected with public accommodations. DOJ consent decrees and enforcement actions against companies with inaccessible websites or apps (including retail and ticketing platforms) demonstrated that accessibility compliance extended beyond telecommunications features. This cross-enforcement amplified pressure on platform owners to adopt accessible design across their entire service offerings, reinforcing that accessibility was a legal and operational imperative rather than a siloed initiative.

6.5.3 Standards and Guidance

Statutory obligations alone are insufficient without technical guidance, but the American approach used a unique model. The CVAA told the FCC to make rules so advanced communications services (ACS) and interconnected VoIP work for people with disabilities "to the extent possible" and "if technically feasible." Instead of writing detailed technical specs for every technology, the FCC made targeted rules in a few areas (for example, relay services, emergency communications, captioning for online video, and some interoperability features). For everything else, the law and the FCC focused on outcomes and feasibility and left the technical details to industry.

6.5.3.1 What the CVAA and the FCC Required

The CVAA and subsequent FCC rules established both explicit mandates and broader, outcome-focused obligations to improve access to communications for people with disabilities. Providers of interconnected VoIP and advanced communications services were required to make their services and equipment

accessible “when technically feasible,” and the FCC insisted on a degree of interoperability with assistive technologies, along with accessible user interfaces and informational materials in some situations. The rules also mandated support for relay services (including video relay) so people who are deaf or have speech disabilities can communicate effectively. For online video, the FCC extended captioning responsibilities to certain online video providers for content that had already been captioned in other formats, later clarifying which offerings and exceptions applied. Emergency communications received specific attention: ACS providers may not block access to 911, and text-to-911 and location-support capabilities should be provided and made interoperable where possible. The FCC also imposed hearing-aid compatibility requirements, specifying testing and labeling rules to ensure mobile handsets function properly with hearing aids (addressing RF emissions and coupling - referred to as Hearing Aid Compatibility (HAC)). Where the Commission opted not to prescribe detailed technical specifications, it relied on feasibility-based duties and guidance to achieve accessibility outcomes.

6.5.3.2 Industry-led and Informal Standards

The CVAA’s outcome-oriented approach, combined with rapid technological change, meant that industry and nonprofit actors largely shaped the technical details in practice. Standards bodies such as the W3C (through WCAG), 3GPP, and others published specifications that guided how devices and applications were built. The 3GPP (3rd Generation Partnership Project) is a global standards organization that develops and maintains technical specifications for mobile telecommunications technologies, including GSM, UMTS (3G), LTE (4G), and 5G. Industry consortia (e.g., Telecommunications Industry Association (TIA) and European Telecommunications Standards Institute (ETSI)) produced guidance on interfaces, Application Programming Interfaces (APIs), and testing approaches. Major platform vendors including Apple, Google, and Microsoft implemented accessibility APIs (VoiceOver, TalkBack, etc.) and published developer documentation that functioned as de facto standards. Advocacy organizations and testing labs contributed practical resources (test scripts, procurement checklists, and user-centered design guidance) that informed real-world deployment.

Together, these informal standards addressed APIs and protocols, design conventions (contrast ratios, touch target sizes, labeling), and testing and certification methods. Because they evolved more rapidly and in finer detail than formal regulation, they became the primary means of operationalizing the CVAA’s accessibility goals.

6.5.3.3 Why Informal Standards Grew

Informal standards grew because technology moved faster than government rules could. Devices, operating systems, and apps were updated so quickly that strict regulation became impractical, so companies and groups filled the gap. A few big platform owners (like major mobile OS makers) controlled how apps could use accessibility features, and their programming interfaces (APIs) became the common way developers built accessible apps. At the same time, market pressures and concerns about brand reputation motivated some firms to make accessibility a priority. Multi-stakeholder groups, bringing together industry, advocates, and experts, also produced practical, user-focused solutions much faster than formal rulemaking. This approach had several positive effects. It let the industry adapt quickly to new technologies such as voice assistants, wearables, and AR/VR. Platform APIs standardized how developers add accessibility features, which made implementing those features easier and more consistent. Working directly with disability communities produced useful, usable features like screen-reader gestures and accessible keyboards. And by following international guidelines such as WCAG, companies could build solutions that worked across many countries, reducing duplicated effort.

6.5.3.4 Negative effects and barriers

Informal standards brought real benefits but also created several problems that affected users. One of the primary issues has been fragmentation. Fragmentation occurred because vendors added their own, sometimes optional, accessibility features. That meant people could have very different experiences depending on their device, carrier, or app — something that makes daily use unpredictable and frustrating. At the same time smaller companies and older systems often deprioritize accessibility because they lack resources or incentive. This “incentive gap” leaves many products without good accessibility even when bigger firms improve theirs.

The phrase “technical feasibility” was vague, and providers sometimes used it to delay changes or interpret obligations narrowly. That ambiguity led to disputes and slow enforcement.

Because there were few mandatory tests or measurable standards, it was hard to tell who was actually compliant. Enforcement and compliance therefore varied widely. Legacy barriers also mattered: older systems and infrastructure frequently remained incompatible with newer accessibility features, which excluded users who relied on those older technologies. Finally, accessibility was often an afterthought. With few

specific rules requiring it early in design, accessibility features were sometimes added late in development and tended to be weaker or less usable.

Examples of success are: hearing aid compatibility, platform-level accessibility on mobile operating systems accessibility tools and rules for captioning video.

Hearing-aid compatibility (HAC) stands out as a clear regulatory success. When the FCC required testing and labeling, manufacturers began using specific radio-frequency emission and coupling tests to demonstrate compliance. Handset designs shifted—better shielding and revised earpiece layouts reduced interference—and consumers gained reliable labels that made it easier to choose devices that actually worked with their hearing aids. Still, not every model or price tier meets HAC, and compatibility can vary by carrier and handset revision.

Platform-level accessibility on mobile operating systems also produced major improvements. Built-in screen readers like VoiceOver on iOS and TalkBack on Android, system magnifiers, high-contrast and large-text settings, and switch-access APIs gave users consistent features and developers standardized ways to support them. Software Developr Kits (SDKs), documentation, and automated testing tools helped flag common problems. In practice, however, many apps still have accessibility problems such as miss semantic labels, have poor focus order, or use custom controls that aren't exposed to assistive technologies. In addition updates to platform features often arrive before apps adopt them, leaving users waiting to get accessible access.

Captioning for video improved for much professionally produced content, but the ecosystem remains uneven. Regulations and industry standards increased caption availability across broadcast and many streaming catalogs, and production tools exist to create and sync captions. Yet streaming libraries are inconsistent; some titles have high-quality captions while others do not. International content introduces extra complexity. Live and user-generated streams are especially problematic: real-time captioning is expensive and error-prone, and many livestreams and User Generated Content (UGC) either lack captions or rely on low-quality automatic captions. Speech-to-text tools vary in accuracy across accents, background noise, and overlapping speakers, so human correction is often required for reliable captions. Additional accessibility elements such as thoughtful caption positioning, speaker labels, and audio descriptions are still frequently missing.

6.5.3.5 Policy trade-offs

Policy choices involve trade-offs between clarity and flexibility. Prescriptive or performance based standards set clear baselines and enable stronger enforcement, which helps ensure consistent access for people who need it. Allowing flexibility,

however, lets industry innovate and adapt quickly as new technologies emerge. Relying heavily on platform vendors can produce useful tools fast but also risks vendor lock-in, making accessibility dependent on corporate priorities. Vendor lock-in is when a customer becomes dependent on a single company's products, services, or platform in a way that makes switching to a different provider difficult, costly, or risky.

It should be noted that the flexibility built into the American approach, in the opinion of the authors, contributed to the delay in the development and deployment of the broad range of accessibility accommodations we see today. With no formal standards (prescriptive or performance based) to measure compliance against, there were no definitions of what accessibility looked like and what was needed to support specific disability groups. Over time there was developed an implicit but not explicit understanding of what accessibility features were being demanded by the disability community, In the interim though, the fact finding and development process was very ad hoc and chaotic. In some ways that confusion was used as an excuse for not developing solutions in a timely manner.

A hybrid approach (establishing minimum, technology-neutral baselines while leaving technical specifics to industry standards) strikes a balance: it provides legal certainty and enforceable rights while preserving space for rapid innovation and detailed, practical implementation. The model can and should be improved though.

6.5.3.6 Recommendations

It is important to make accessibility rules both measurable and flexible. It starts with a clear, accepted baseline so regulators can check compliance, and then it needs to allow different technical solutions that still deliver the same user outcomes.

A good baseline is EN 301 549. It is a widely used standard that covers both software and hardware accessibility (things like web and app content, physical interfaces, and generic user interface requirements) and it already incorporates WCAG 2.1. Using EN 301 549 as the starting point gives everyone a common set of checkpoints to measure against, which makes monitoring and enforcement practical instead of vague.

But relying only on prescriptive rules can be too rigid as technology changes. To keep innovation possible, it is necessary to add a performance-based alternative that focuses on whether real people can complete real tasks. In this approach, domain experts would define a handful of representative "personas" (users with different disabilities) and specific tasks for each product or service type (for example, signing up for an account, making a purchase, or using a device feature). If each persona can reliably complete the tasks, the product would be judged to provide an equivalent

level of accessibility, even if it does not meet every prescriptive checkpoint. That gives companies room to invent new ways to meet user needs while still proving they deliver the same outcomes.

It is important to put this into practice by publishing a conformance test suite tied to EN 301 549, and by creating standard persona and task lists for common categories (websites, mobile apps, kiosks, IoT devices). Require evidence from a mix of automated checks, expert review, and usability testing with people who have disabilities. Allow companies to make documented equivalence claims when they can show, with testing results, that an alternative solution meets the performance goals. It is also important to require regular public accessibility reports and remediation plans so problems get fixed on a clear timetable.

This combined model works because it gives regulators the measurable benchmarks they need while allowing industry to adapt quickly. EN 301 549 provides the broad, accepted coverage needed for consistent baseline enforcement, and the persona-based performance tests provide a formal, testable path for innovative or non-standard solutions. Strengthening enforcement, clarifying what “technical feasibility” means, and supporting small vendors and legacy systems will make the system fairer and more effective.

6.5.4 Monitoring and Enforcement

In the American system there is very little active monitoring performed by the FCC, the responsible agency. Rather monitoring is done through complaints.. The FCC handles consumer complaints through its complaint portals and the Disability Rights Office, which collects reports and initiates investigations. The FCC may conduct targeted reviews or audits in specific cases, such as when implementing new rules or following up on systemic issues identified through complaints. Separately and independently , civil society organizations like the National Federation of the Blind (NFB) and American Foundation for the Blind (AFB) take an active role in auditing products, publishing findings, and filing complaints or briefs to promote enforcement. These organizations are not funded to do the auditing by the government or FCC. The involvement of organizations like NFB and AFB is critical, as they often identify systemic issues that the FCC may not detect through complaints alone.

The FCC complaint system for accessibility in the wireless ecosystem operates primarily through the FCC’s Disability Rights Office (DRO) and a structured procedure for filing disputes and complaints. Users who experience accessibility problems with wireless devices or services can first contact the company, then request dispute assistance from the FCC Disability Rights Office. The DRO works with the consumer

and the company for at least 30 days to resolve the issue. If unresolved, the complainant can file an informal complaint with the FCC's Consumer and Governmental Affairs Bureau (which is separate from the Enforcement Bureau), within 60 days. The 60 day is a limitation imposed in practice though, It is not mandated in legislation. If the informal complaint does not resolve the issue, it may escalate to a formal complaint, which is handled by the Enforcement Bureau. The FCC has 180 days to resolve such complaints and can impose fines or require remedial measures for noncompliance

Pros of the FCC complaint system include formal regulatory backing, a clear stepwise process encouraging resolution before formal complaints, specialized handling of disability-related issues by the DRO, and ability to impose significant penalties ensuring enforcement. It also provides multiple contact channels, including email, voice, and videophone, improving accessibility of the complaint submission process.

Cons include the potentially lengthy resolution timeline with multiple waiting periods (30 days for dispute assistance plus up to 60 days to file informal complaints), which may delay relief. The process can be complex for complainants unfamiliar with regulatory procedures, requiring persistent follow-up and documentation. Additionally, there is no private right of action in courts; enforcement relies solely on FCC procedures. Limited resources may slow complaint investigation, and some complainants may find company cooperation insufficient in initial stages. Thus, the FCC complaint system operates as a formal governmental mechanism, while the civil society organizations function independently to monitor and push for enforcement through their audits and advocacy. This shows a clear distinction between the regulatory complaint process and the monitoring role of civil society organizations within the U.S. ecosystem.

Enforcement gave the statutory framework real teeth. The FCC investigated complaints, issued remedial orders, and, when necessary, imposed penalties. Simultaneously, the Department of Justice applied the Americans with Disabilities Act to cases where digital services intersected with public accommodations, negotiating settlements and consent decrees that mandated accessibility measures. Private litigation, including class actions, further reinforced compliance, clarifying legal risks and incentivizing proactive adoption of accessible design. These overlapping enforcement channels ensured that legal obligations were not merely aspirational but operationalized in practice.

6.5.5 Conclusion

The combination of legislation, standards, monitoring, and enforcement produced systemic changes across the wireless ecosystem. Platform vendors integrated accessibility features at the system level—VoiceOver, Switch Control, Dynamic Type, and system-wide captions in iOS; TalkBack, magnification, captioning, and accessibility services in Android. These system-level features cascaded through app ecosystems, enabling third-party developers to build accessible applications without bespoke adaptations. App stores and government procurement policies further reinforced compliance, requiring accessible apps for contracts and reviews.

The result is a wireless ecosystem in which accessibility is embedded at multiple layers. Mainstream smartphones now ship with robust features such as screen readers, switch access, voice control, and captioning, and developer APIs make accessible app development feasible. The U.S. wireless-device accessibility experience illustrates a replicable model for other sectors. The key elements are: establishing clear obligations with adaptable definitions, providing technical standards and guidance to translate law into practice, ensuring robust monitoring through regulatory systems and civil society engagement, enforcing compliance with credible penalties and litigation risk, and leveraging system-level platform effects to cascade accessibility across ecosystems. When these components interact effectively, accessibility advances in a measurable, sustainable way, even in rapidly evolving technological contexts.

The U.S. approach has driven clear improvements, but challenges remain. Some developers still neglect accessibility or implement it poorly. Emerging technologies (including augmented and virtual reality, AI-driven interfaces, and ephemeral content) pose new challenges for existing standards and enforcement mechanisms. Global variations in procurement further mean that accessibility gains in the U.S. ecosystem may not automatically translate to other markets. Nevertheless, systematic audits and advocacy reports consistently demonstrate both measurable progress and persistent gaps.

7.0 Recommendations for Canada

Canada already has two main laws to regulate the accessibility of streaming media—the Accessible Canada Act (ACA) and the Online Streaming Act. These laws set

good aspirational goals and give the CRTC (the federal regulator) the power to make rules for streaming services. But the policies and regulations based on those laws in regards to streaming media are only now being established. In the past because of limitation on the reach of the CRTC or due to self imposed limitations (forbearance) for other product or service categories the policies and regulations didn't always produce consistent, measurable results. The rules were sometimes vague and or not defined, many parts were voluntary, no standards were adopted, monitoring was mostly passive, and enforcement wasn't always consistent or had not been defined yet. Because of this, many people with disabilities could continue to face barriers when they try to use content, apps, and devices. Canada could fall behind countries that have stronger systems, where clearer rules and better follow-through have improved accessibility and user experience. The revised Canadian Broadcast Act gave the CRTC new mandates that should overcome many of those limitations.

To fix this, Canada should move to a more connected and enforceable approach based on what has worked elsewhere. Case studies from Finland, Japan, the United Kingdom, and the U.S. wireless sector show that the best results come when the following four pieces work together as one system: strong legislation, clear technical standards, active monitoring, and credible enforcement. When these elements are treated separately—or left to voluntary efforts—progress is slow and uneven. The recommendations in this report turn Canada's high-level promises into practical steps that encourage innovation, make organizations accountable, and improve real-world outcomes. If adopted, Canada can become a leader in digital accessibility and ensure that streaming media works for everyone as technology and society continue to change.

A good set of recommendations for Canada should therefore follow global best practices and the lessons from those case studies. The most effective systems link the four pillars—laws, standards, monitoring, and enforcement—so they support each other. Each pillar needs to be active and aligned; none of them can carry the load on its own.

7.1 Legislative Recommendations

Canada has a solid foundation for making streaming media accessible to people with disabilities, thanks to laws like the Accessible Canada Act (2019) and the Online Streaming Act (2023). Policies under these laws may ensure features like captions and audio descriptions are available on platforms like Netflix or Disney+ if crafted properly. The CRTC is currently exploring the creation of rules and policies for streaming media. So, the way Canada handles this is critical. The authors recommend the following initiatives be adopted in any future policies and/or legislation. It is recognized that legislation takes a long time to craft and pass. In the absence of new legislation, it is recommended that these initiatives be adopted as much as possible into existing and new policies. The four initiatives are: 1) adopt the concept of “if technically feasible” as a criteria for the degree of accessibility accommodation that is required 2) develop and adopt policies and procedure to implement a periodic re-evaluation process 3) adopt EN 301 549 as a standard formally along with a performance based standard to facilitate the measurement of the degree of accessibility and 4) create a centralized contact point to deal with all aspects of the accessibility of the streaming media eco-system.

7.1.1 Adopt the Concept of “If Technically Feasible”

The adoption of the concept of "if technically feasible" as a test of the degree of accessibility mandated in Canada’s accessibility framework for streaming media offers a pragmatic path to the accessibility of streaming media. Originating in U.S. legislation, the CVAA, the term has driven measurable accessibility gains by aligning mandates with technological realities. Its implications—fostering innovation, ensuring phased compliance, and promoting equity—address Canada’s current legislative gaps. By embedding this clause in ACA amendments or CRTC policies, supported by audits and public reporting, Canada can balance rigorous accessibility standards with the dynamic nature of streaming media, ultimately advancing its vision of a barrier-free society by 2040.

The concept of "if technically feasible," as highlighted in this report under the American case study offers a critical mechanism to achieve this balance. The rationale for adopting this term traces its origins in accessibility legislation, evaluates its implications, and proposes practical strategies for its integration into Canada’s legislative and policy framework. By incorporating the terminology "if technically feasible," Canada can enhance the accessibility of streaming media while fostering innovation and ensuring equitable outcomes.

7.1.1.1 Arguments for "If Technically Feasible"

This document provides compelling arguments for the use of "if technically feasible" by contrasting the United States' Twenty-First Century Communications and Video Accessibility Act (CVAA) with Canada's more rigid accessibility mandates. The CVAA, enacted in 2010, mandates accessibility for advanced communications and video programming, including streaming media interfaces and content, but qualifies these obligations with the phrase "if technically feasible and achievable" (, Section 7.2, p. 269). This clause ensures that requirements, such as closed captioning or screen reader compatibility, are scaled to current technological capabilities, preventing unrealistic demands on providers. The document highlights that this flexibility has driven systemic changes in the U.S. wireless ecosystem, fostering innovations like platform-level accessibility APIs (e.g., Android's TalkBack) that enhance user experiences without stifling technological progress. In contrast, Canada's Accessible Canada Act (ACA) and Online Streaming Act impose broad obligations to remove barriers without explicit feasibility provisions, leading to operational gaps and inconsistent compliance, particularly for private over-the-top (OTT) platforms like Netflix. The absence of such a clause risks overburdening smaller providers or those navigating complex technologies like live streaming, where real-time captioning or audio descriptions may not yet be fully viable.

7.1.1.2 Origins of "If Technically Feasible"

The origins of "if technically feasible" in accessibility legislation can be traced to the U.S., specifically within the CVAA, though its conceptual roots may extend to earlier laws like Section 508 of the Rehabilitation Act (1998). The CVAA introduced the term to address the practical challenges of implementing accessibility features across diverse and rapidly evolving digital platforms, such as video programming guides and mobile applications ([web:1], https://www.fcc.gov/consumers/guides/21st-century-communications-and-video-accessibility-act-cvaa). The phrase was designed to ensure that accessibility mandates were realistic, requiring providers to demonstrate infeasibility through evidence of technical or economic barriers ([web:2], https://www.federalregister.gov/documents/2024/08/15/2024-17479/accessibility-of-user-interfaces-and-video-programming-guides-and-menus). While the document does not pinpoint the exact first use, it implicitly ties the term to the CVAA's

framework, which built on Section 508's precedent of balancing accessibility with practicality ([web:3], https://www.section508.gov/manage/laws-and-policies).

7.1.1.3 Implications of Adoption

The implications of adopting "if technically feasible" are profound, as evidenced by the U.S. experience and comparative international models. In the U.S., the CVAA's feasibility clause has accelerated accessibility by allowing phased implementation, enabling providers to prioritize achievable outcomes while experimenting with innovative solutions. For instance, the document notes that the CVAA's flexibility facilitated the integration of accessibility features into mobile operating systems, significantly improving usability for persons with vision and hearing disabilities. Web sources corroborate this, highlighting near-universal captioning in professional streaming content and advancements in live stream accessibility ([web:4], https://www.3playmedia.com/blog/us-laws-video-accessibility/). Conversely, the document contrasts this with Japan's "soft" enforcement model, which lacks binding penalties or feasibility qualifiers, resulting in slower accessibility improvements and increased burdens on individuals to advocate for access. In Europe, the EN 301 549 standard, adopted under the European Accessibility Act (EAA), incorporates feasibility assessments to harmonize compliance across member states, reducing market fragmentation and enabling scalable accessibility solutions. These examples demonstrate that a feasibility clause promotes compliance by aligning mandates with technological realities, encourages innovation by reducing the risk of punitive enforcement, and ensures equitable access by focusing on achievable outcomes.

7.1.1.4 Practical Adoption in Canada

To adopt "if technically feasible" in Canada's legislative or policy framework, practical steps can be drawn from this document's recommendations and international precedents. The document advocates for a dual-standard framework combining the prescriptive EN 301 549 standard with performance-based criteria to accommodate innovation, discussed below. Incorporating "if technically feasible" could operationalize this flexibility by amending the ACA or CRTC regulations to include a feasibility clause, modeled on the CVAA. Specifically, the CRTC could revise its

conditions for online undertakings to require accessibility features—such as synchronized captions or audio descriptions—only when technically feasible, with providers required to submit evidence of infeasibility for exemptions ([web:5], https://www.fcc.gov/sites/default/files/Twenty-First-Century-Communications-and-video-Accessibility-Act-CVAA.pdf). This clause could be integrated into the CRTC's proposed accessibility action plans, mandating that providers document technical barriers and remediation timelines. Additionally, the authors recommendation for independent third-party audits offers a mechanism to verify feasibility claims, ensuring accountability and preventing misuse of the clause. For example, audits could assess whether a provider's claim of infeasibility for accessible remote controls is valid, based on current technology and cost analyses. Public reporting of audit outcomes, as recommended, would further enhance transparency, aligning with Finland's uhkasakko model where enforcement actions are publicized to drive compliance.

A potential counterargument is that "if technically feasible" could be exploited by providers to delay or avoid compliance. The document addresses this by advocating for robust enforcement mechanisms, such as graduated fines and mandatory remediation plans, to ensure accountability. The CVAA mitigates this risk by requiring providers to substantiate infeasibility claims with clear evidence, a practice Canada could adopt through CRTC guidelines or ACA amendments. Furthermore, integrating the clause with the document's proposed centralized feedback platform, discussed below, would allow users to report persistent barriers, enabling regulators to scrutinize claims of infeasibility.

7.1.2 Implement a Periodic Re-Examinarion Process

A periodic re-examination process is a formalized, cyclical review mechanism embedded in legislation or policy. It mandates periodic assessment of how accessibility requirements are applied and whether they remain fit for purpose as technology and user needs evolve. In European media law, for example, this approach involves regular data-driven evaluation of compliance, consultation with stakeholder and disability groups, and adaptation of legislation to address market changes or technological advances. In the U.S., the CVAA and its updates require federal agencies to report biennially on the status of video accessibility, update standards via advisory committees, and revise regulations to address emerging technologies such as AI or virtual reality.

The implementation of a "Periodic Re-Examination Process" for accessibility in streaming media within Canadian legislation or policy would provide a dynamic, adaptive governance system that ensures ongoing improvement and accountability in digital access for persons with disabilities. Such a process – modeled after mechanisms found in Europe's Audiovisual Media Services Directive (AVMSD) and the American CVAA – regularizes formal review, consultation, and regulatory updating cycles. This mechanism is essential for Canada, where streaming media accessibility currently faces major compliance gaps and static or fragmented enforcement under the Accessible Canada Act and CRTC oversight. Instituting a re-examination process for streaming media accessibility in Canada would bring multiple important changes to the way laws and policies are developed and enforced. This section outlines these implications and suggests concrete steps for legislative and policy adoption, rooted in academic analysis and international best practice.

7.1.2.1 Implications of Adopting the Re-Examination Process

The adoption of a re-examination process fundamentally shifts accessibility regulation from a static, inflexible framework toward an adaptive, evidence-driven system. As technology advances and new forms of streaming media emerge, regular reviews ensure that regulations address the latest innovations, devices, and content types. Persistent accessibility gaps—such as missing captions, inconsistent audio descriptions, or user interface barriers for assistive technology users—are identified and corrected in a timely manner, thus protecting users from being left behind by technological change. Stakeholder engagement is a cornerstone of the re-examination approach. Mandating regular consultation with Canadians who use accessibility features, advocacy organizations, technical experts, and industry representatives means that lived experiences and practical challenges directly inform future standards. Such inclusivity results in regulations which more accurately address the real needs of those affected, building trust and legitimacy in the policy process.

Systematic cycles of review also promote accountability and transparency. Regular audits, compliance reports, and public data collection not only make progress visible to regulators and the public but also support the identification of persistent failures and drive corrective actions. These cycles encourage organizations to continuously improve, rather than simply comply with outdated minimum requirements. Crucially, a formal re-examination process offers legal certainty and creates well-defined routes for appeals. If standards are proven to be obsolete, too costly, or technically

impossible to implement, regulated entities can pursue appeals or propose modifications. This ensures that the regulatory system remains balanced—fostering accessibility while recognizing innovation and economic realities.

7.1,2,2 Adoption in Canadian Legislative or Policy Frameworks

While Canada's Accessible Canada Act (ACA) and Canadian Radio-television and Telecommunications Commission (CRTC) policies currently require organizations to update and publish accessibility plans every three years, these mechanisms lack the structured, cyclical review process evident in international models. To truly embed re-examination, several reforms are necessary.

First, a legislative mandate is needed—either through amendments to the ACA or new CRTC regulations—requiring scheduled reviews every three to five years of key accessibility obligations. These reviews would cover features like captioning, audio description, and user interface design for streaming media, and would explicitly account for technological change and emergent accessibility barriers. Second, the process must be driven by diverse advisory committees. These committees should include individuals with disabilities, technical experts, representatives from media organizations, and advocacy groups. The committee's role would be to guide each cycle of review, recommend improvements, and assess the effectiveness of existing measures. Comparable practices in the United States and Europe have shown such bodies to be effective in keeping standards current and relevant. Third, transparent reporting and public consultation must be guaranteed. Regulations should enshrine public access to compliance data and accessibility audits, and establish mandatory consultation periods when new legal proposals are made. This not only fosters community trust, but also invites valuable feedback that helps pinpoint real-world barriers and practical solutions. Fourth, the re-examination mechanism should be used to align Canadian standards with evolving international best practice. For example, referencing standards like EN 301 549 and WCAG ensures that Canadian requirements benefit from the largest global advances in accessibility, and remain compatible with technologies and content produced internationally. Finally, outcomes from re-examination must be directly tied to enforcement. Updated regulations should include proportionate penalties for non-compliance and accessible processes for appeals—so that organizations and users can formally contest decisions or seek additional accommodations as circumstances change. Historically parts of these processes have been done on an ad hoc basis for other products and services under

the mandate of the CRTC, but they need to be formalized and made mandatory to be effective.

7.1.3 Create a Single Contact Point

Right now, three different groups—the Canadian Radio-television and Telecommunications Commission (CRTC), the Accessibility Commissioner, and Innovation, Science and Economic Development Canada (ISED)—share the job of overseeing accessibility. This split can potentially cause confusion, with overlapping or conflicting rules and policies that make it hard for companies to follow and for people to file complaints. A single coordinating authority, like the CRTC, could simplify things by handling everything clearly and consistently.

Accessibility tasks for federal sectors (including streaming media under broadcasting/telecom) are divided among at least three entities: (i) the CRTC (broadcasting/telecom reporting, monitoring, and enforcement); (ii) ISED (technical standards for devices and spectrum); and (iii) the Accessibility Commissioner/CHRC (general complaints, compliance promotion, and penalties across ACA priority areas). For streaming, this split means CRTC handles content accessibility (e.g., captions on platforms like Netflix), while ISED oversees device compatibility (e.g., smart TVs), and the Commissioner manages cross-cutting complaints.

The ACA's sector approach creates "complexity and the potential for conflicting obligations," including duplicative plans/feedback requirements for streaming media entities. Examples include inconsistent enforcement timelines (e.g., CRTC's "as soon as feasible" responses vs. Commissioner's structured penalties) and overlaps in outage reporting between CRTC and ISED, deemed "inefficient" for providers. This mirrors broader critiques of federal accessibility silos, delaying barrier removal. Canada would benefit from giving the CRTC full control over accessibility for streaming media. This includes managing complaints, appeals, monitoring, enforcement, and setting standards. Right now, these tasks are split across three groups, which creates inefficiencies. By looking at how other countries manage this and why a single authority makes sense for Canada, we can see a path to a better system. Canada's Accessible Canada Act (ACA) mandates the CRTC to oversee accessibility reporting, feedback processes, and enforcement in telecom/broadcasting. The CRTC has historically only dealt with imposing standards especially those that involve physical devices in limited. This has historically been through ISED. Currently, Canada’s accessibility rules for streaming are handled by multiple players. The CRTC makes rules

for broadcasters and streaming platforms, monitors how well they're followed, and enforces them, like ensuring captions are accurate, as outlined in its 2023-2025 Accessibility Plan. The Accessibility Commissioner, part of the Canadian Human Rights Commission, can deal with complaints and checks if companies are meeting accessibility goals, as shown in their 2024-2025 report. ISED, meanwhile, sets broader policies and plans, focusing on innovation and inclusion and may set accessibility and technical standards for hardware devices as seen in its 2023-2025 Accessibility Plan. This setup means if someone has an issue, like missing captions on a show or an inaccessible remote control, they might need to deal with multiple agencies, which can be confusing and slow.

The reason to centralize these tasks under the CRTC is to make things simpler and faster. When different groups handle parts of the same job, they can repeat work or have different standards. For example, the CRTC might monitor caption quality, while the Commissioner investigates complaints about the same issue, leading to delays. Research shows that splitting tasks like this can slow things down. [457]By putting the CRTC in charge of everything—making rules, checking compliance, handling complaints, coordinating the establishment of standards and enforcing penalties—Canada could avoid these problems. This would also make it easier for companies to know what's expected and for people with disabilities to get help quickly. Plus, the CRTC's experience with media rules makes it a good fit to lead.

This idea would work well in Canada for a few reasons. First, the CRTC is already set up to regulate media under Canada's laws, so it has the tools to take on more responsibility. It's used to working independently but still reports to the government, which keeps things balanced. Second, Canada's diverse population, including English, French, and Indigenous communities, needs accessibility that respects different languages. The CRTC already handles multilingual content rules, so it could ensure things like Indigenous-language captions are included. Third, with streaming services earning over $10 billion in Canada, a single agency could use resources more efficiently, as ISED's plans suggest. Any pushback from other agencies could be managed by gradually shifting responsibilities to the CRTC.

Other countries show how a single authority can work better. In the United States, the Federal Communications Commission (FCC) handles all accessibility for streaming, from setting rules (like 95% accurate captions) to fining companies that don't comply, achieving near-perfect compliance. In the United Kingdom, Ofcom oversees TV and streaming, ensuring things like 80-100% subtitling and handling complaints through

[457] JOSEPH KALMENOVITZ, MICHELLE LOWRY, EKATERINA VOLKOVA. "Regulatory Fragmentation". The Journal of Finance. 30 January 2025. https://onlinelibrary.wiley.com/doi/10.1111/jofi.13423

one system, which improved accessibility by 2024. Australia's Communications and Media Authority (ACMA) does the same, enforcing caption rules and encouraging companies to go beyond the minimum, integrating global standards like WCAG. These examples show that one agency can make rules clearer, enforce them better, and keep up with new technology—something Canada could achieve by empowering the CRTC.

Beyond the recommendation of better coordination through a centralizing coordinating agency, the Canadian legislative system could benefit from the experience in Finland and the United Kingdom. The comparative evidence from those two countries shows that principles-based legislation is most effective when accompanied by explicit operational mandates. Finland's legislative framework, for example, not only ensures accessibility is a public right but goes further, specifying numeric quotas (e.g., minimum percentages of captioned or audio-described content for streaming providers). The UK's new Media Act similarly moves from encouragement to explicit quotas for subtitles, sign language, and audio description for both broadcasters and major video-on-demand services. Given that most streaming media companies are international in scope it is not a difficult reach to require similar quotas as those established in other countries, specific English and French speaking countries. This recommendation is out of scope for this specific research paper, but since all parts of the stream media eco-system are so intertwined it would be unproductive to not comment on this topic in passing. Making the rest of the eco-system accessible while ignoring the accessibility of the media itself results in inaccessible streaming media. Under the existing legislation and policies the CRTC has the authority to implement measurable accessibility quotas for streaming media, aligning with Canada's laws and global best practices. Rules apply only to registered platforms; fines may need stronger legislative backing; sign-language quotas may require funding.[458]

7.2 Standards Recommendations

Accessibility standards are the cornerstone of any effective initiative to ensure equitable access to digital services, including streaming media, as they establish measurable criteria for evaluating compliance. By defining clear, testable

[458] ttps://crtc.gc.ca/eng/archive/2023/2023-139.htm

benchmarks—such as requirements for captions, audio descriptions, or navigable interfaces—standards enable both passive and proactive monitoring, ensuring that accessibility obligations are not merely aspirational but enforceable. Without such standards, monitoring becomes inconsistent, and enforcement lacks teeth, leading to fragmented implementation and delayed adoption of accessibility features. This report underscores this, noting that jurisdictions with robust standards, like EN 301 549 in Europe or JIS X 8341-3 in Japan, achieve faster and more consistent accessibility gains For example, Finland's use of EN 301 549 under the Act on the Provision of Digital Services (306/2019) has driven measurable improvements in streaming platforms like Ruutu through audited action plans, with compliance verified via conditional fines. Similarly, the UK's Ofcom enforces WCAG-based quotas under the Communications Act 2003, achieving 71.7% subtitling compliance by 2024 through systematic monitoring. [459] In the U.S., Section 508's Functional Performance Criteria enable proactive audits, fostering innovations like platform-level APIs while ensuring enforceable outcomes. [460] Conversely, Japan's weaker enforcement, despite JIS X 8341-3, illustrates how standards without robust monitoring result in slower progress, with private streaming services lagging behind public broadcasters. These examples demonstrate that standards are critical for enabling effective monitoring and enforcement, thereby accelerating the adoption of accessible features globally.

In the context of Canada's evolving streaming media policy, as articulated in the Accessible Canada Act (2019) and the Online Streaming Act (2023), a dual-standard framework would work to enhance accessibility for persons with disabilities. The explicit adoption of EN 301 549—a harmonized European standard—as a prescriptive baseline, complemented by a parallel performance-based standard employing user personas and task-oriented assessments is recommended. This approach recognizes that prescriptive standards expedite compliance and equity, while performance-based alternatives accommodate technological innovation and adaptability. Notably, Canada has adopted EN 301 549 as a national standard (CAN/ASC - EN 301 549:2024) through Accessibility Standards Canada in May 2024, with amendments to the Accessible Canada Regulations in December 2024 incorporating it for ICT accessibility. [461] However, while this adoption applies broadly to information and communication technologies (ICT) under the ACA, its explicit linkage to streaming media remains limited, primarily operationalized through federal procurement and accessibility

[459] https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/tv-access-services

[460] https://www.access-board.gov/ict/

[461] Accessibility Standards Canada, 2024; https://accessible.canada.ca/standards; Government of Canada, 2024; https://laws-lois.justice.gc.ca/eng/acts/A-0.6/

planning rather than direct mandates in broadcasting regulations. Drawing from the comparative analysis in this report on global accessibility frameworks, as well as external examples from Europe, the United States, and other jurisdictions, this approach is a viable pathway for Canadian policy reform, balancing rigor with flexibility in a rapidly changing digital landscape.

EN 301 549, formally titled "Accessibility requirements for ICT products and services," serves as a robust prescriptive foundation, integrating the Web Content Accessibility Guidelines (WCAG) 2.1 at Level AA while extending to hardware, software, and audiovisual elements critical to streaming media. [462] In Europe, its adoption under the European Accessibility Act (EAA, effective 2025) and the Web Accessibility Directive (WAD) mandates accessibility for ICT, including streaming platforms, across EU member states. [463] The standard's prescriptive criteria—such as synchronized captions (Clause 7.1.1), audio descriptions (Clause 7.3), and user interface operability (Chapter 11)—address streaming-specific barriers, like incompatible video players or non-navigable interfaces, as highlighted in this report's literature review on inconsistent captioning and DRM conflicts. For instance, Finland's integration of EN 301 549 into the Act on the Provision of Digital Services (306/2019) has yielded measurable gains, with streaming services like Ruutu achieving subtitle improvements through audited action plans, demonstrating how prescriptive mandates drive systematic progress. Similarly, the UK's alignment with WCAG via Ofcom's Video-on-Demand Code under the Media Act 2024 mandates 80-100% subtitling quotas, resulting in 71.7% compliance by 2024. [464]

Canada's adoption of EN 301 549 positions it advantageously within this global context, as the standard now forms part of the national framework for achieving a barrier-free Canada by 2040 under the ACA (Accessibility Standards Canada, 2024; https://accessible.canada.ca/standards). [465] In principle EN 301 549 applies to federally regulated entities, including those in broadcasting and telecommunications, mandating accessibility in ICT products and services such as apps, websites, and digital interfaces used for streaming. However, its explicit application to streaming media is not fully delineated in primary legislation; rather, it operates implicitly through ACA

[462] ETSI, 2021; https://www.etsi.org/deliver/etsi_en/301500_301599/301549/03.02.01_60/en_301549v030201p.pdf

[463] European Commission, 2025; https://digital-strategy.ec.europa.eu/en/policies/web-accessibility

[464] Ofcom, 2024; https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/tv-access-services)

[465] Government of Canada, 2024; https://www.canada.ca/en/employment-social-development/programs/accessible-canada.htm

requirements for accessibility plans and procurement. For example, while EN 301 549 covers live streaming through clauses on real-time text and media synchronization, Canadian implementation focuses on federal sectors, leaving private streaming media platforms like Netflix to align voluntarily unless enforced via CRTC policies or ACA audits. This partial explicitness accelerates baseline compliance in regulated areas but risks gaps in live content.

The prescriptive nature of EN 301 549 accelerates accessibility by providing unambiguous, auditable requirements that minimize interpretive ambiguity and facilitate enforcement, as evidenced in European jurisdictions where it has unified compliance efforts across web, mobile, and smart TV platforms for streaming media services. [466] In Germany and France, for example, EN 301 549's application under the EAA has compelled broadcasters and streamers to retrofit content with features like real-time captions, reducing market fragmentation and socioeconomic barriers. However, prescriptive standards risk stagnation in dynamic fields like streaming, where innovations such as AI-driven captioning or immersive audio emerge rapidly; rigid criteria may deter experimentation, as seen in the report's critique of WCAG's inconsistent adoption across devices, leading to gaps in live streaming.

To mitigate this, a parallel performance-based standard, allowing compliance through demonstrated outcomes rather than strict adherence to technical prescriptions is recommended. This draws from the U.S. Section 508 standards, which incorporate Functional Performance Criteria (FPC) as an alternative pathway when technical provisions are inapplicable. [467] The FPC evaluates ICT usability across disability categories—such as operability without vision (e.g., screen reader compatibility) or with limited manipulation (e.g., voice control)—focusing on functional equivalence rather than specific methods. [468] This performance-oriented approach has proven effective in diverse product classes, including U.S. wireless ecosystems, where the Communications and Video Accessibility Act (CVAA, 2010) emphasized achievable outcomes, fostering innovations like platform-level APIs (e.g., Android's TalkBack) without prescriptive mandates, as detailed in this report's case study on U.S. wireless accessibility. In Japan, the Act for Eliminating Discrimination

[466] Spicy Mango, 2025; https://www.spicymango.co.uk/resources/insights/the-european-accessibility-act-the-impact-to-broadcast-and-ott-services

[467] U.S. Access Board, 2025; https://www.access-board.gov/ict/#chapter-3-functional-performance-criteria

[468] (Section508.gov, 2025; https://www.section508.gov/develop/mapping-wcag-to-fpc/

(2013, amended 2024) employs a "reasonable accommodation" framework, akin to performance-based evaluation, requiring providers to adapt services based on user needs, resulting in measurable increases in consultations and features like accessible set-top boxes.

Extending this to streaming, a persona-based system—common in usability testing—could define compliance through predefined user profiles (e.g., a deaf individual navigating live streams or a low-vision user selecting content) and task lists (e.g., activating captions, pausing via voice), verified through audits or user testing. [469] Australia's Disability Discrimination Act (1992) exemplifies this hybridity, referencing WCAG prescriptively but allowing performance based defenses in litigation, promoting innovations in OTT platforms while enforcing baselines. Similarly, the UK's Equality Act (2010) uses "reasonable adjustments" as a performance metric, supplemented by Ofcom's quotas, enabling flexible adaptations in video-on-demand services. [470] For Canada, this dual framework aligns with the report's recommendations for measurable compliance while incentivizing innovation. Building on the existing adoption of EN 301 549 would harmonize with international norms, facilitating compliance for global streamers like Netflix, as seen in Europe's EAA-driven improvements. Yet, to address the current lack of explicit application to streaming—where EN 301 549 is binding for federal ICT but not yet codified in CRTC streaming-specific policies—a performance-based parallel could bridge gaps, perhaps via CRTC guidelines incorporating personas from U.S. FPC mappings. This would ensure comprehensive coverage of live streaming and hardware interfaces, allowing AI innovations without prescriptive constraints. [471] Ultimately, prescriptive standards like EN 301 549 ensure swift, equitable baselines, while performance-based mechanisms sustain adaptability, positioning Canada as a leader in inclusive streaming policy.

7.3 Monitoring Recommendations

Canada's current system for monitoring accessibility compliance in broadcast media, a close parallel to streaming media, largely operates on a complaint-based framework, where enforcement actions are typically triggered by specific grievances

[469] Global App Testing, 2025; https://www.globalapptesting.com/blog/world-digital-accessibility-legislation-one-place

[470] AudioEye, 2025; https://www.audioeye.com/post/international-accessibility-law-repository/

[471] W3C, 2018; https://www.w3.org/blog/2018/wcag-2-1-adoption-in-europe/

filed by individuals or advocacy groups. While this system serves a fundamental role in identifying accessibility barriers, it is insufficient to advance proactive, systemic improvements in the accessibility of streaming media platforms. To achieve a meaningful and sustainable level of accessibility, Canada must transition towards a proactive monitoring system, supplemented by robust legislation, formal standards, and consistent enforcement. This approach aligns with global trends and best practices across digital and non-digital product classes, where periodic compliance monitoring has demonstrated clear benefits in accessibility outcomes. Canada should move toward a proactive monitoring regime requiring (1) mandatory, regularly publicized accessibility action plans and progress reports; (2) independent third-party audits at periodic intervals; (3) central public feedback and complaint platforms with response obligations; (4) transparency through mandatory public accessibility statements. The limitation of complaint-based systems lies in their reactive nature. Accessibility barriers often persist unaddressed unless a complaint is raised, requiring affected users to expend considerable effort and time. This reactive model also misses latent issues that may affect many users but have not yet been formally reported. Streaming media, as an expanding and critical communication resource, serves diverse populations including people with hearing, vision, cognitive, and mobility disabilities. Relying on complaints alone fails to anticipate and prevent barriers before they impact consumers broadly.

Internationally, the shift to proactive monitoring systems for accessibility has shown promise. For example, the United States enforces Section 508 of the Rehabilitation Act with periodic compliance audits for federal agencies' digital content, rather than relying solely on complaints. Similarly, the European Union's EN 301 549 ICT Standard mandates systematic accessibility assessments that companies must regularly report on, supported by formal enforcement frameworks. Outside streaming media, other service industries with accessibility obligations, such as banking and telecommunications, increasingly engage in regular third-party accessibility validation and government-led inspections, leading to documented improvements in compliance and user experience. These monitored approaches ensure issues are identified and remediated promptly, reducing the reliance on user reports and enabling broader systemic oversight.

In Canada, legislative and regulatory frameworks are evolving towards stronger accessibility conformity. The Accessible Canada Act (ACA) outlines obligations for federally regulated organizations, emphasizing the need for accessibility in digital

services including broadcasting and telecommunications. However, recent consultation materials and provincial regulations (e.g., Manitoba's Accessibility Information and Communication Standard) are beginning to require routine compliance checks and random or sector-specific audits beyond a complaint-driven method. The Accessible Canada Directorate's proposed amendments anticipate mandatory accessibility conformance assessments with gap analyses for digital technologies, placing accountability for ongoing accessibility squarely on organizations rather than on disabled users to initiate action. Empirical data from jurisdictions with established pro-active monitoring systems reinforces the benefits of this approach. These benefits include increased conformance with Web Content Accessibility Guidelines (WCAG), improved integration with assistive technologies, and greater accessibility awareness among content creators. Evaluations following EN 301 549 implementation document fewer persistent barriers and better overall accessibility in digital services. Australia's hybrid model — combining prescriptive WCAG adherence with performance-based defenses under its Disability Discrimination Act and supplemented by voluntary and regulatory surveillance — demonstrates an innovative balance fostering both baseline accessibility and technological innovation.

Canada's adoption of proactive monitoring would signal a critical evolution in accessibility governance. When combined with clear legislative mandates, formal standards such as the CAN/ASC-EN 301 549 (which aligns with WCAG 2.1 AA), and committed enforcement mechanisms, monitoring ensures continual adherence to accessibility principles and early problem detection. It reinforces a culture of proactive accessibility in streaming media platforms, reducing reliance on victim-initiated complaints and ensuring sustainable, effective accessibility over time. The transition to proactive monitoring in Canada would mark a foundational enhancement of accessibility governance. The interplay of enforceable legislation, standardized compliance criteria such as CAN/ASC-EN 301 549 (aligned with WCAG 2.1 Level AA), and regular, independent monitoring supports ongoing adherence to accessibility principles. It further allows early detection of emerging issues, cultivates a proactive accessibility culture in streaming media providers, and minimizes reliance on reactive complaints. Over time, this supports sustainable, effective, and evolving accessibility.

Drawing on international precedents and lessons from other sectors, mandatory publication of accessibility plans with progress reports, regular independent audits, public feedback mechanisms with formal response duties, and transparency through

accessible statements form the pillars of this approach. This integrated model, backed by robust legal and regulatory frameworks, is fundamental to nurturing an accessible digital environment that is equitable, innovative, and resilient.

Independent third-party audits conducted at periodic intervals offer substantial value in enhancing and sustaining digital accessibility compliance. This practice, supported by growing empirical evidence and professional consensus, is critical for creating a reliable, objective, and ongoing mechanism to identify and remediate accessibility barriers—benefits that Canada should prioritize adopting in its streaming media accessibility framework. The primary rationale for independent third-party audits stems from the need for impartiality and expertise. Unlike internal reviews, independent audits bring specialized knowledge and fresh perspectives, ensuring comprehensive assessments aligned with recognized standards such as the Web Content Accessibility Guidelines (WCAG). Studies demonstrate that audits performed by external experts not only uncover more nuanced accessibility issues but also provide actionable, prioritized recommendations that organizations often miss internally. An academic study evaluating the effectiveness of web accessibility audits found that these external evaluations motivated organizations to advance their accessibility strategies and helped bridge knowledge gaps among content creators and developers, ultimately leading to measurable improvements.[472]

Another critical advantage is accountability and credibility. Independent audits create an environment of transparency where organizations publicly demonstrate their commitment to accessibility through audit results and remediation plans. This transparency fuels stakeholder trust, including among users with disabilities, regulators, and advocacy groups. Audits framed as health assessments assess the "accessibility health" of websites and applications, focusing on critical WCAG violations affecting diverse user needs. They deliver detailed but understandable reports that empower developers and leadership teams to effectively remediate issues and plan for ongoing compliance. This comprehensive feedback loop is vital for sustaining accessibility through iterative development cycles, which is essential in dynamic digital environments like streaming media platforms where content and features constantly evolve. [473] Moreover, periodic third-party audits mitigate risks associated with sole reliance on reactive complaint mechanisms. Audits proactively

[472] "The effectiveness of the web accessibility audit as a motivational and educational tool in inclusive web design". https://discovery.dundee.ac.uk/en/studentTheses/the-effectiveness-of-the-web-accessibility-audit-as-a-motivationa

[473] https://allyant.com/blog/what-is-a-digital-accessibility-audit-report/

identify issues before users are adversely impacted or complaints escalate to formal legal challenges. This preventative approach reduces harm, enhances user experiences broadly, and protects organizations' reputations and legal standing. The educational impact of audits is also notable; they serve as training tools where developers and content creators gain a deeper understanding of accessibility best practices through guided remediation. [474] Internationally, the practice of mandated independent audits has proven effective. Regulatory frameworks incorporating independent validation, such as the U.S. Section 508 periodic evaluations and the European Union's mandatory EN 301 549 accessibility conformity assessments, report significant gains in digital and service accessibility. These gains result not only from enforcement but also from the continuous improvement focus that audits incentivize. Canada can leverage these lessons, integrating mandatory independent audits as part of a broader monitoring system that includes legislative mandates, public reporting, and user feedback mechanisms.

The frequency of audits is also important. Independent third-party audits conducted regularly are instrumental to achieving and sustaining high accessibility standards. Their impartiality, educational value, accountability function, and proactive identification of barriers directly address limitations inherent in complaint-driven systems. For Canada, adopting this practice within the streaming media sector promises enhanced compliance with evolving accessibility standards, improved user experiences for persons with disabilities, and a strengthened culture of inclusive digital governance.

A centralized public feedback and complaint platform, coupled with formal response obligations, constitute a crucial mechanism in advancing accessibility initiatives. This approach enhances transparency, accountability, and responsiveness in accessibility governance, making it a necessary practice for Canada to adopt within its streaming media accessibility framework. The value of central public platforms lies primarily in amplifying the voices of users with disabilities and providing them with a clear, consolidated channel for reporting accessibility barriers. Dispersed or obscure feedback mechanisms often discourage reporting, allowing persistent issues to remain unaddressed. Centralizing complaint intake reduces fragmentation and confusion, enabling users to direct concerns efficiently and consistently. Importantly, such

[474] "WCAG & ADA Compliance: The Importance of Accessibility Audits".https://www.a11y-collective.com/blog/accessibility-audits/

platforms serve as a structured repository of lived accessibility experiences, creating a rich data source for policymakers, regulators, and service providers. Research on Learning Management Systems (LMS) highlights the persistent gaps in accessibility compliance despite existing standards like WCAG and Section 508, emphasizing the crucial role of transparent, consistent feedback channels in revealing real-world usability barriers and guiding improvements.[475]

The obligation for organizations or regulators to respond to complaints ensures these concerns are taken seriously and addressed within defined timelines. This formalized response duty fosters trust among disabled users who might otherwise become disillusioned by unacknowledged grievances. Accountability breeds motivation for continuous improvement as organizations must transparently document remediation efforts or justify constraints. The feedback-response interplay transforms reactive complaint handling into an iterative process of engagement, learning, and enhancement. Internationally, centralized complaint systems with mandated response timelines exist in leading jurisdictions, reinforcing their effectiveness. For instance, the United States' Federal Communications Commission (FCC) maintains publicly accessible portals for disability-related complaints in telecommunications and media, complemented by investigations and enforcement actions where warranted. The European Union advocates for similar centralized mechanisms as part of EN 301 549 compliance frameworks, ensuring accessible communication routes between users and providers. These systems have demonstrated improved issue resolution rates, higher user satisfaction, and informed policy refinement. Furthermore, aggregated data from complaint platforms enable trend analysis and systemic issue identification, opening proactive regulatory and organizational responses beyond individual cases. This broader perspective helps prioritize resource allocation and policy development targeting widespread or emerging accessibility challenges. Thus, a well-implemented central feedback platform functions not only as a corrective mechanism but also as a strategic tool for ongoing accessibility advancement. The integration of centralized public feedback and complaint platforms with mandatory response obligations is a vital complement to proactive monitoring and independent audits in Canada's accessibility governance. It empowers users, assures accountability, enhances transparency, and generates actionable insights that drive sustained improvements in streaming media accessibility. By adopting this model, Canada aligns with best practices internationally,

[475] "Systematic Review of Accessibility Compliance in LMS Platforms for Inclusive Online Learning". https://www.allmultidisciplinaryjournal.com/uploads/archives/20250610125202_MGE-2025-3-231.1.pdf

fostering an accessible digital environment where barriers are identified, addressed, and prevented systematically.

7.4 Enforcement Recommendations

Canada should fully implement a clear system of fines and penalties to enforce accessibility laws, especially regarding streaming media. This system must be fair, transparent, and able to adjust penalties over time based on the severity of violations and whether organizations fix problems quickly. A lot can be learned from how other countries enforce their accessibility rules, especially Finland and the U.S.

In Finland, authorities use a system called "uhkasakko," which means conditional penalty payment system. If a company doesn't meet accessibility standards, like those for streaming subtitles or user interfaces, they may be fined. Fines are decided on a case by case basis and depend on how serious the issue is and the size of the company. Fines of €150,000 can occur. But Finland's system doesn't just punish. It also encourages companies to fix problems quickly by reducing fines if the company shows it is actively making changes. If a company keeps ignoring the rules, fines get bigger. In addition, all enforcement actions are made public, so companies face both legal and reputational pressure to comply. Finland also has a clear appeal system where companies can challenge enforcement actions in a transparent way, ensuring fairness. Early results show that this combination of fines, public reporting, and appeals helps companies improve accessibility faster than systems without such strict measures.

The United States has a strong enforcement model for wireless and internet accessibility. The Federal Communications Commission (FCC) and the Department of Justice can issue large fines and force companies to make corrections when they fail accessibility standards under laws like the Americans with Disabilities Act (ADA) and the Communications and Video Accessibility Act (CVAA). Importantly, complaints and enforcement actions are public, which motivates better compliance across industries. There is also a formal process where companies can appeal decisions, which helps balance enforcement with fairness and prevents misuse of power.

On the other hand, Japan mainly uses "soft" enforcement—giving guidance instead of penalties. This has resulted in slower and less reliable improvements in accessibility because companies don't have strong pressures to change quickly. In such a system, people with disabilities often have to fight for access on their own, which puts a heavy burden on them and slows progress overall.

These comparisons reveal important reasons for Canada to set up a similar transparent enforcement system. First, enforcement only works if the consequences are clear and visible. If a company knows that it will be publicly named and could face large fines, it is more likely to act quickly. Second, the system must be fair, including a chance to appeal penalties or findings of violations, so that companies can correct mistakes without being unfairly punished. Third, fines should be scaled to the size and turnover of the company, so small companies aren't disproportionately hurt, but large companies face serious consequences if they ignore accessibility.

Canada already has key laws like the Accessible Canada Act and the Online Streaming Act, but these laws need stronger enforcement mechanisms with clear penalties and public reporting. Setting up a centralized appeal system where companies can fairly contest non-compliance findings is crucial to maintaining trust in the system. Regulatory bodies like the Canadian Radio-television and Telecommunications Commission (CRTC) and the Accessibility Commissioner should work together to create a single, transparent tribunal that quickly reviews appeals while ensuring ongoing accountability. Penalties should start with warnings and support for fixing problems, but escalate to significant fines if companies continue to violate accessibility laws. Canada can improve accessibility enforcement by combining graduated fines, public transparency, and a fair, centralized appeals process. Learning from Finland's uhkasakko model and the U.S. regulatory framework will help create a balanced system that motivates companies to improve streaming media accessibility quickly while protecting their rights to fair treatment. Such a framework would demonstrate that accessibility is a public priority and a legal right, driving lasting change and inclusion for Canadians with disabilities.

8.0 Conclusion

The document looked at the ways the accessibility of streaming media is supported through legislation, standards, monitoring policies and enforcement policies in jurisdictions from around the world. After covering the background information in each of these four topic areas for eleven countries, the authors provided a comprehensive exploration of the challenges of developing methodologies to assess the most effective accessibility policies and practices. The analysis begins by situating the problem within the broader context of rapidly evolving legislation, standards, and technologies, which often leave gaps in empirical data that could otherwise anchor robust policy frameworks. The background material highlights the critical role of timely, practice-oriented knowledge in guiding decisions, particularly when longitudinal evidence is still maturing.

The analysis process leverages case studies as a foundational approach to identify patterns, common practices, and recurring challenges across multiple settings. By examining specific contexts, such as the United Kingdom's broadcast media accessibility and the United States' smartphone ecosystem, the study demonstrates how these case studies provide early evidence for developing classification methodologies. These frameworks are not static but iterative, allowing researchers and policymakers to refine their approaches based on real-world experiences.

The main findings of this analysis reveal several key insights. First, it underscores the effectiveness of legislation and policies in promoting accessibility when paired with proactive measures such as complaint tracking systems and structured methodologies. Second, the study highlights the importance of maintaining a balance between immediate actionable guidance and future empirical validation. By codifying observations from case studies into a structured framework, policymakers and practitioners can develop baseline classification systems that are both practical and robust.

The recommendations emerging from this analysis call for a multi-faceted approach to enforcement and compliance. These include establishing an enforcement ladder that progresses from informal resolution to more formal mechanisms like corrective action plans and administrative monetary penalties (AMPs). Additionally, beyond the case study methodology, the importance of aggregating findings across platforms and years is stressed, as systemic patterns often require a broader perspective than individual complaints can provide.

Looking across eleven countries in North America, Europe, and Asia, the authors found systems in transition. The United States often relies on broad civil rights laws and lawsuits to push platforms toward accessibility. The European Union is building a detailed, harmonized system across its member states. The United Kingdom has had

strong rules for broadcast TV for years but is only now extending them to on-demand streaming. Each place offered valuable insights, but none provided a perfect model. The clearest lesson from this comparison is that countries making real progress are not simply passing laws, but creating full systems where the pieces reinforce each other. An effective framework for digital accessibility depends on four connected parts:

Clear and comprehensive laws: Strong legislation must cover the whole streaming ecosystem, not just shows and movies but also apps, websites, smart TVs, and remote controls. As the UK's experience shows, focusing only on broadcast television leaves gaps that exclude people with disabilities.

Technical standards: Laws need to be backed up by mandatory, practical standards that explain how to comply. International standards like WCAG and EN 301 549 fill this role, giving companies a common language and testable requirements. A parallel performance based standard promotes innovation and allow for "equivalent" accessibility accommodations by be consider to be compliant.

Active oversight: Progress depends on more than waiting for complaints. Systems like Finland's include regulators that audit services, test accessibility, and publish the results, creating accountability and driving improvements.

Enforcement with consequences: Companies need to face meaningful penalties if they fail to comply. But enforcement is not just about punishment. The most effective approaches combine fines with mandatory plans to fix problems, including timelines and independent verification.

Canada already has a solid legislative base through the Accessible Canada Act and the Online Streaming Act, which give the CRTC authority to regulate streaming media accessibility. But gaps remain: streaming platforms still lack a clear standard to follow, and there is no systematic way to check whether they are meeting their obligations. The next step is to build out the missing pieces of the system.

This report recommends a five initiative tailored to Canada:

Adopt the concept of "if technically feasible" as a metric for determining the degree of compliance required.

Create a single entry point for coordination for all involved agencies and departments across the stream media eco-system so the establishment of standards ,reporting, complaints, compliance monitoring, appeal and enforcement is handled by one entity, preferably the CRTC

Specify mandatory technical standards by officially adopting global rulebooks like EN 301 549 and WCAG 2.2, ensuring industry has clear, testable targets. Supplement that standard with a performance base standard that allows for innovation.

Verify compliance proactively by auditing platforms regularly, using risk-based checks, and publishing public scorecards instead of relying on user complaints.

Enforce rules effectively with a mix of penalties and mandatory, publicly tracked plans to fix problems, so improvements are not only made but sustained.

In conclusion, this study provides a pragmatic approach to navigating the complexities of developing accessible policies and practices for streaming media. It underscores the importance of leveraging case studies as a foundation for actionable knowledge while acknowledging the need for ongoing empirical validation. By adopting a structured methodology that aligns with best practices identified through case studies, policymakers can ensure timely and informed decision-making, ultimately contributing to more inclusive and equitable outcomes.

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