



Sound & Vision 3

A Broadcasting Funding Scheme

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Contents

1. Introduction to Sound & Vision 3	3
2. Legislative Context for Sound & Vision 3	3
3. Role of the BAI	4
4. Objectives of Sound & Vision 3	5
5. Scope of Sound & Vision 3	6
5.1 Television and Radio	6
5.2 Programme Themes	6
5.3 Programme Formats and Genres	7
5.4 Eligibility Criteria	7
5.5 Public Access to Funded Programmes	9
5.6 Ancillary Measures	9
6. Funding	9
6.1 Allocation of funds within Sound & Vision 3	9
6.2 Maximum Percentage of funding available	9
6.3 European Commission guidelines on State Aid to cinematographic & audio-visual works	10
6.4 Funding Rounds	11
6.5 Funding of other Phases of Production	11
6.6 Recoupment of funding	12
6.7 Acknowledgement of Funding	12
7. Application, Assessment and Awards	12
7.1 The Application Process	12
7.2 The Assessment Process	12
7.3 The Award Process	13
8. Review of Sound & Vision 3	13
Appendix 1 – Legislative Framework	14
Appendix 2 – Assessment Criteria	17



1. Introduction to Sound & Vision 3

Sound & Vision 3 is a programming support scheme operated by the BAI and funded through the television licence fee. The Scheme was developed to operate for a period of five years, (2015-2019) and as such includes enhanced flexibility for the BAI to respond dynamically to challenges being faced by broadcasters and content producers who access support through this Scheme. This document sets out the key elements of the Scheme in terms of objectives, scope, available funding and the operational processes. The BAI will publish more specific operational information on an annual or bi-annual basis over the lifetime of the Scheme.

2. Legislative Context for Sound & Vision 3

Part 10 of the Broadcasting Act 2009 (“the Act”) makes provision for disbursement of 7% of the net television licence fee receipts (“the Broadcasting Fund”) through a funding scheme, or schemes developed and managed by the Broadcasting Authority of Ireland (“BAI”) and approved by the Minister for Communications, Energy and Natural Resources (“the Minister”). The Fund covers both the administration of any scheme, or schemes, and funding grants. In the event that the total funding allocation is not fully disbursed by the BAI in any given year, such monies may be carried forward for disbursement into the following year.

Section 154(1) of the Act provides that the BAI shall prepare and submit to the Minister a scheme or schemes for the granting of funds to support all or any of the following programming:

- (a) New television or sound broadcasting programmes including feature films, animation and drama on Irish culture, heritage and experience, including-
 - (i) History (including history relating to particular areas, groups or aspects of experience, activity or influence);
 - (ii) Historical buildings;
 - (iii) The natural environment;
 - (iv) Folk, rural and vernacular heritage;
 - (v) Traditional and contemporary arts;
 - (vi) The Irish language;
 - (vii) The Irish experience in European and international contexts;
- (b) New television or sound broadcasting programmes to improve adult or media literacy;
- (c) New television or sound broadcasting programmes which raise public awareness and understanding of global issues impacting on the State and countries other than the State;



- (d) Programmes under paragraphs (a), (b) and (c) in the Irish language and,
- (e) Such ancillary measures as are necessary to support schemes prepared under paragraphs (a), (b), (c) and (d) above.

Section 154(5) of the Act provides that the Authority, in preparing a scheme, may have regard to the developmental needs of community broadcasters.

Section 154(6) of the Act provides that the Authority, in preparing a scheme, shall have regard to the understanding and enjoyment of television programmes under the scheme by persons who are deaf or hard of hearing. The key provisions in the 2009 Act are set out in **Appendix One** of this document.

Sound & Vision 3 also requires notification at an EC level in the context of the regulation of State Aid to Film and other Audio Visual Works.¹

3. Role of the BAI

One of the key strategic goals of the BAI is to facilitate the provision of a diverse range of content on broadcasting services. The achievement of this goal is supported by a strategic objective to “develop and implement Schemes to support the production of high quality Irish content”.

In implementing the Broadcasting Funding Scheme, the BAI adopts a broadly strategic approach regarding the implementation of schemes under the Broadcasting Fund based on the following priorities:

- (i) Establish structures that focus on the primary objectives of Act and ensure the effective distribution of funding;
- (ii) Build strong links and establish mechanisms for dialogue with the broadcasting sector and with other public sector agencies in order to gauge trends in broadcasting and in relevant areas, and inform such decisions as the number and structure of schemes;
- (iii) Maintain flexibility within the structures of schemes to ensure the efficient administration and management of the fund in order to respond effectively to the needs of the broadcasting sector and to ensure that the objectives of the legislation are realised.

¹ Communication from the Commission on State aid for films and other audiovisual works (2013/C 332/01)



Key values which shape the BAI's thinking and inform its approach to the task of operating a scheme include the following:

- In all matters the BAI is motivated by the public interest.
- The BAI works to demonstrate fairness and balance in all processes, procedures and decisions.
- It aspires to best quality decision-making which uses evidence, consultation and judgment to arrive at fair conclusions.
- The BAI aims to balance the requirement for appropriate oversight with a desire to reduce the administrative burden for all stakeholders.
- BAI processes must inspire a high level of trust so that stakeholders can accept and respect its regulatory decisions.
- The BAI aims to demonstrate its commitment to, and belief in, continual learning for the broadcasting sector as a whole.

The BAI previously operated a programme support scheme, Sound & Vision II. This was prepared further to the provisions in Section 154 (1) and approved by the Minister in December 2009 for 5 years. A similar scheme, Sound & Vision, was operated by the Broadcasting Commission of Ireland under Section 2 of the Broadcasting (Funding) Act, 2003 between 2005 and 2009. Sound & Vision 3 has been developed to build on the successes of these previous schemes and is generally similar in terms of objectives, structure and approach.

4. Objectives of Sound & Vision 3

The objectives of Sound & Vision 3, as outlined in Section 155 of the Act, are as follows:

- a) develop high quality programmes based on Irish culture, heritage and experience,
- b) develop these programmes in the Irish language,
- c) increase the availability of programmes referred to in paragraphs (a) and (b) to audiences in the State,
- d) represent the diversity of Irish culture and heritage,
- e) record oral Irish heritage and aspects of Irish heritage which are disappearing, under threat, or have not been previously recorded, and
- f) develop local and community broadcasting.



5. Scope of Sound & Vision 3

5.1 Television and Radio

Sound & Vision 3 will support radio and television programmes on public, commercial and community broadcasting channels that meet the legislative requirements in terms of availability to Irish audiences, see eligible broadcasters in section 5.4 below.

5.2 Programme Themes

Sound & Vision 3 offers funding support for the production of new quality television and radio programmes on the following four themes. These reflect the provisions of the 2009 Act and the BAI accepts applications for programmes on either an individual theme or encompassing a number of themes.

(a) Irish culture, heritage and experience

The legislation offers the following examples of programme topics related to these themes and these are outlined below for reference.

- History (including history relating to particular areas, groups or aspects of experience, activity or influence);
- Historical buildings;
- The natural environment;
- Folk, rural and vernacular heritage;
- Traditional and contemporary arts;
- The Irish language; and,
- The Irish experience in European and international contexts.

These are not the only categories of programmes under this theme that can be supported by the Fund. The Authority takes a broad view of Irish culture, heritage and experience and includes all of its contemporary expressions. The statute offers examples of programme themes but applicants to the Fund need not limit their programme proposals to these areas. The ideal outcome for the Fund is one that has a balance between reflections of Ireland's past and its vibrant present.

(b) Adult Literacy or Media Literacy

Programme topics should be focused towards methods of improving adult literacy or media literacy. Adult Literacy is defined as involving speaking, listening, reading, writing, numeracy and using everyday technology to communicate and handle information. Media Literacy is defined as bringing about a better public understanding of the nature and characteristics of broadcast and related electronic media, the processes by which it is selected and produced, the available access systems and their regulation.



(c) Global issues

Programmes which raise public awareness and understanding of global issues impacting on the State and countries other than the State.

(d) Irish Language

Programmes under (a), (b) and (c) above in the Irish Language.

5.3 Programme Formats and Genres

The BAI accepts applications covering all programming formats and genres with the exception of programmes which are produced primarily for news and current affairs, as provided for under Section 154(d) of the Broadcasting Act 2009

5.4 Eligibility Criteria

Applications to Sound & Vision 3 may be submitted by television or radio broadcasters or by independent producers. The eligibility criteria set the minimum standard which must be achieved in order to be eligible to apply for funding.

(a) Requirement to Broadcast

The BAI will only fund the production of programmes that will be broadcast by an eligible broadcaster. At the application stage, the BAI will generally require applicants to provide confirmation that they have an agreement to broadcast the programme in line with the Scheme requirements e.g. suitable time slot. This agreement, or “broadcaster letter”, can be subject to the receipt of BAI funding and the acceptable delivery of the programme.

In accordance with the statutory provisions, funding is only available for programmes which will be broadcast by certain broadcasters, as follows:

Television: must be on a free television service, as defined in Section 153² of the Broadcasting Act 2009, which provides near universal coverage in the State, or on an appropriate network provider, as defined in Section 77(1) of the Broadcasting Act 2009, or MMD system as part of a community content provision contract under Section 72 of the Broadcasting Act 2009.

Radio: must be carried on sound broadcasting services as defined in the 2009 Act under a contract made by the Authority, or operated by RTÉ.

The BAI reserves the right to relax the requirement for a “broadcaster letter” at application stage in relation to certain applications or rounds if it is satisfied that this will assist in achieving the Scheme objectives.

² Free television service means a television broadcasting service for the reception of which no charge is made by the person providing the service, and reception of which is available to at least 90per cent of the population of the state.



(b) Peak Broadcasting

In accordance with the statutory provisions, all programmes must be broadcast at peak times. The BAI defines peak viewing and listening times as follows:

Television - 18.00 – 23.30

Radio - 07.00 – 21.00

Exceptions to this principle are listed below:

- i. Children's programmes are exempt from peak time requirement unless these programmes are broadcast on a dedicated children's channel. Peak time for such channels will be designated by the BAI with reference to factors such as the nature of the channel and the programming being supported. This general exemption excludes the 00.00 – 07.00 period.
- ii. Educational programmes (including but not limited to adult/media literacy programmes) are exempt from peak time. This general exemption excludes the 00.00 – 07.00 period.
- iii. The peak time requirement for programmes broadcast in the Irish language (whether radio or television), and long form programmes on television, extends to midnight.

(c) Access

In order to facilitate the understanding and enjoyment of television programmes by people who are deaf or with hearing difficulties, all funded programmes must make provisions for subtitling. The subtitling provided should conform with the BAI Subtitling Guidelines. It is intended that the accompanying subtitles would be broadcast each time the funded programme is broadcast.

Funding is available to applicants who wish to provide Irish Sign Language and/or audio description services. These services are important to facilitate the enjoyment of television programmes by persons who are deaf or blind or partially sighted. The BAI has guidelines relating to each of these services. These services are not currently mandatory within the Scheme, however the BAI will over the course of this Scheme aim to incentivise their provision, where appropriate.

(d) Exclusions

Funding will not be available to finance:

- Activities not directly related to programme-making or delivery,
- The purchase of equipment or premises (capital funding);³

³ However, where the applicant is a community broadcaster or a community group involved in programme production, some capital costs may be eligible for funding. This shall be assessed on a case-by-case basis



- Depreciation

5.5 Public Access to Funded Programmes

Public access to programming funded under the scheme is part of the key objective and the BAI will explore ways to ensure that material is available on an ongoing basis for audiences. This activity will be funded from the Broadcast Fund. All programming funded through Sound & Vision I and Sound & Vision II has been archived with the Irish Film Institute and can be accessed here. Material funded through Sound and Vision 3 will also be archived with the Irish Film Institute.

5.6 Ancillary Measures

The BAI will implement such ancillary measures as it deems appropriate to support the achievement of the objectives of this scheme. This could allow, but is not limited to, measures to assist community broadcasters to meet their social benefit obligations and/or the provision of some development support for programmes to addresses themes, genres or formats underrepresented in the general applications received.

6. Funding

6.1 Allocation of funds within Sound & Vision 3

The ratio of television and radio funding currently stands at 85%:15%. Given the high cost differential between television and radio production, this ratio is considered generally appropriate at this point. The BAI will actively monitor and review this ratio over the lifetime of the Scheme, in the context of the objectives, and it will be altered if required. A minimum of 20-25% of funding will be allocated to programming in the Irish language.

6.2 Maximum Percentage of funding available

In general, the BAI allocates grants under Sound & Vision 3 that represent up to 95% of the eligible costs for the programme. Applicants are required to provide full details regarding the level and source of other funding for all aspects of the budget. The following matrices provide an example of the possible percentages to be allocated:



Radio programmes

Minimum award	Maximum award	Grant awarded will not represent more than the following percentage of the total budget
	€20,000	Up to 95%
€20,001	€40,000	Up to 90%
€40,001	€55,000	Up to 85%
Greater than €55,001		To be negotiated on a case by case basis but will not exceed 85%.

Television programmes including film

Minimum award	Maximum award	Grant awarded will not represent more than the following percentage of the total budget
	€50,000	Up to 95%
€50,001	€250,000	Up to 90%
€250,001	€750,000	Up to 85%
Greater than €750,001		To be negotiated on a case-by-case basis but will not exceed 85%.

6.3 European Commission guidelines on State Aid to cinematographic and audio-visual works

Under European Commission (EC) regulations concerning state aid to films and other audiovisual works the maximum grant aid intensity permissible is limited to 50%. The European Commission has accepted that the programmes specified under the Broadcasting Act 2009 fall within the three exclusions to the 50% maximum contained in the EC guidelines. These exclusions relate to programmes which are difficult to make, low-budget or counteract the limited geographic extension of certain languages and cultures. The BAI's rationale under these exclusions is set out below.

(i) Difficult to make

The thematic areas outlined in the Act are culturally important but may not be commercially sustainable or attractive. The focus of Sound & Vision 3 is directed at high-quality programmes which are not currently being produced and broadcast to Irish audiences.



(ii) Low Budget

The funding of a programme under Sound & Vision 3 requires that it qualifies as low-budget in order to receive State Aid funding above 50% of the total budget. In an Irish context, it is the BAI's view that the amount of funding for programmes under the matrices above would be regarded as low, and therefore qualifies for this exemption to State Aid rules.

(iii) Counteract the limited geographic extension of certain languages and cultures

The Broadcasting Act 2009 requires the provision of funding to programmes on stated themes relevant to Irish culture, heritage and experience, and particularly to the support of programmes in these thematic areas in the Irish language. The European Commission has accepted that these "cultural products" have "limited circulation... within EU and world markets" and are therefore eligible for aid intensities in excess of 50%.

In addition, EU regulations provide that member states may require a minimum level of production activity to take place in their territory in order to qualify for grant aid. For difficult or low budget works, or works promoting the Irish language, the BAI generally requires that 160% of the grant aid awarded is spent within the territory of the Republic of Ireland. In circumstances where the aid provided by the BAI is in excess of 50% of the overall production budget, the BAI requires that 80% of the overall production budget is spent within the Island of Ireland.

A lower level may be acceptable in certain circumstances where, for example, there are justifiable editorial reasons or there is a conflict between the BAI's requirements and the requirements of other funders.

6.4 Funding Rounds

The BAI will generally allocate funding using a funding rounds system. The number of funding rounds depends on a range of factors, including operational imperatives for the BAI.

6.5 Funding of other Phases of Production

Funding allocated in respect of radio and television programming under Sound & Vision 3 is provided only in respect of programming which, in the opinion of the BAI, is likely to be broadcast. The BAI therefore generally offers grant-aid to support the production phase of programme-making only. However, the BAI may, in limited circumstances, allocate funding in respect of other phases of production where the BAI is satisfied that such support is required to meet the objectives of the scheme and the relevant programming meets all other eligibility criteria.



6.6 Recoupment of funding

The BAI will generally include a recoupment clause in all contracts made under *Sound & Vision 3*. All recouped funding will be re-assigned directly into the Broadcasting Fund and will be available for further disbursement.

6.7 Acknowledgement of Funding

Applicants in receipt of funding from the BAI are contractually required to formally acknowledge this support in a format acceptable to the Authority. The Authority reserves the right to issue applicants with guidelines specifying precise requirements in this regard.

7. Application, Assessment and Awards

The primary concern for the BAI is that the application, assessment and award processes are transparent, equitable and verifiable. The BAI has agreed and operated broad principles in respect of these processes as outlined below. The BAI will make information in relation to the processes and procedures for making applications, the assessment process, contracting and disbursement publicly available.

7.1 The Application Process

The BAI will publish information on upcoming funding activities and will include: details on how to make submissions, eligibility information, application timeframes, details of assessment criteria and other supplementary information as deemed appropriate.

7.2 The Assessment Process

The assessment process for *Sound & Vision 3* consists of the following four phases:

7.2.1 Preliminary Evaluation

The purpose of the preliminary evaluation is to ensure that an applicant is eligible for funding under the scheme. The focus here is to ensure that minimum criteria have been met and all required documentation has been submitted. Any applications which do not pass the preliminary evaluation stage are disqualified and are not subject to further consideration.

7.2.2 Qualitative Assessment

Each application is assessed on its own merits in the context of the scheme objectives and the assessment criteria set out in **Appendix Two**.

7.2.3 Strategic Assessment

In instances where there are more qualifying applications than funds available the BAI will have a second evaluation phase. This will focus on achieving a balance in the overall package of funded projects in the context of the scheme objectives. The recommendations for the



qualitative phase will also be considered here. Final recommendations are then submitted to the Authority for ratification.

7.2.4 Formal Ratification

The final stage sees the Authority make final decisions on the applications, taking into account recommendations emerging from the previous assessment phases.

7.3 The Award Process

Where the BAI has approved an application for funding the following steps apply:

- i. The BAI informs the applicant of the decision, setting out any condition(s) attaching to the offer.
- ii. The BAI will make public a list of the funding offers ratified by the Authority.
- iii. The successful applicant must confirm his/her acceptance of the offer of funding and any condition(s) attached thereto by the BAI.
- iv. A successful applicant is required to enter into a contractual agreement with the BAI, on terms to be specified by the BAI. Such terms include a schedule relating to the drawdown of funds by an applicant.

Funds are administered by the BAI in accordance with the terms of the contractual agreement. Where the BAI has rejected an application for funding, applicants are notified individually and provided with information on the performance of their application in the assessment process.

8. Review of Sound & Vision 3

As provided for under Section 158 of the Broadcasting Act 2009, the BAI will review the operation, effectiveness and impact of Sound & Vision 3 every three years, or at such other time as may be requested by the Minister, and make a written report to the Minister on the review.

The purpose of such a review is to measure the success of Sound & Vision II against its objectives. In order to be in a position to undertake a meaningful review, the BAI monitors all aspects of the scheme on an ongoing basis.



Appendix 1 – Legislative Framework

The Broadcasting Act 2009 provides the legislative framework for Sound & Vision II. The relevant sections of the legislation are listed below.

Section 154(1)

The Authority shall prepare and submit to the Minister for his or her approval a scheme or a number of schemes for the granting of funds to support all or any of the following:

- (a) New television or sound broadcasting programmes including feature films, animation and drama on Irish culture, heritage and experience, including
 - (i) History (including history relating to particular areas, groups or aspects of experience, activity or influence)
 - (ii) Historical buildings,
 - (iii) The natural environment,
 - (iv) Folk, rural and vernacular heritage,
 - (v) Traditional and contemporary arts,
 - (vi) The Irish language and
 - (vii) The Irish experience in European and international contexts,
- (b) New television or sound broadcasting programmes to improve adult or media literacy,
- (c) New television or sound broadcasting programmes which raise public awareness and understanding of global issues impacting on the State and countries other than the State,
- (d) Programmes under (a) (b) and (c) in the Irish language

Section 154(2)

A scheme-

- (a) May only fund television programmes under subsection (1) which are broadcast –
 - (i) On a free television service which provides near universal coverage in the State, or,
 - (ii) On an appropriate network provider or MMD system as part of a community content provision



contract under Section 72,

and which, other than in the case of programmes for children; educational programmes; or programmes in the Irish language broadcast by commercial and community broadcasters; are broadcast during peak viewing times,

- (b) May only fund sound broadcasting programmes under subsection (1) which are carried on sound broadcasting services under a contract made by the Authority or operated by RTÉ, and which, other than in the case of programmes for children or educational programmes or programmes in the Irish language broadcast by commercial and community broadcasters, are broadcast during peak listening times.
- (c) May not provide funding for programmes, which are produced primarily for news or current affairs. Section 154(3). A scheme may provide:
- (i) For the making of applications by persons for funding under a scheme,
 - (ii) General terms and conditions of funding, or
 - (iii) That funding in a particular year will be directed at-
 - Particular classes of television or sound broadcasting programmes referred to in subsection (1) including but not limited to programmes of a specified nature or subject matter, or broadcast by means of a particular medium (including media of a local or regional nature such as local or community television or radio) or,
 - Particular classes of projects referred to in subsection (1)(e) Section 154(4)

The Authority may attach to any particular funding under a scheme such particular terms or conditions as it considers appropriate in the circumstances.

Section 154(5)

The Authority, in preparing a scheme, may have regard to the developmental needs of community broadcasters.

Section 154(6)

The Authority, in preparing a scheme, shall have regard to the understanding and enjoyment of television programmes under the Scheme by people who are deaf or hard of hearing.



Section 155 (1)

The objectives of a scheme in relation to programmes referred to in Section 154(1)(a) are to –

- (a) Develop high quality programmes based on Irish culture, heritage and experience,
- (b) Develop these programmes in the Irish language,
- (c) Increase the availability of programmes referred to paragraphs (a) and (b) to audiences in the State,
- (d) Represent the diversity of Irish culture and heritage,
- (e) Record oral Irish heritage and aspects of Irish heritage which are disappearing, under threat, or have not previously been recorded, and
- (f) Develop local and community broadcasting.

Section 155(3)

The Authority, in preparing a scheme and in considering applications for funding, shall have regard to the objectives of a scheme.

Section 158(1)

The Authority shall review the operation, effectiveness and impact of a scheme not later than 3 years from the passing of this Act, and every 3 years thereafter, or at such other time as may be requested by the Minister, and make a written report to the Minister on the review.



Appendix 2 – Assessment Criteria

Scheme Objectives and Programme themes

Does the proposal further the objectives of the Scheme and deal with one of the programme themes described in the scope?

Quality of Proposal

Does the proposal clearly demonstrate in terms of content, approach and production processes that the programme(s) will be high quality and does it demonstrate innovation in terms of programming in Ireland?

New/Additionality

Does the content of the programme add to the range of viewing or listening options for audiences in Ireland?

Partnerships

Has the applicant concluded any partnerships, formal or informal, with relevant third parties?

Resources

Are the resources proposed clearly explained and are they adequate and realistic in the context of the proposed programme(s). Does the proposal represent value for money?

Community Broadcasters (only)

Is the proposal consistent with the definition of community broadcasting and will it deliver a social benefit?