

# Short News Reporting

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## BAI Code of Practice

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ÚDARÁS  
CRAOLACHÁIN  
NA hÉIREANN | BROADCASTING  
AUTHORITY  
OF IRELAND

# 1. Introduction

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- 1.1 The Broadcasting Authority of Ireland (BAI) prepares and publishes codes for broadcasters, as required by law.
- 1.2 The Audiovisual Media Services Directive (“the AVMS Directive”)<sup>1</sup> sets out the requirements on EU Member States in respect of the use of short news extracts. A short news extract is an extract of coverage of an event that is of high interest to the public which is retransmitted by a television broadcaster which does not hold the rights to the broadcast of that event. The right to use such extracts for the purposes of news broadcasts is recognised in the AVMS Directive and is subject to certain restrictions.<sup>2</sup>
- 1.3 S.I. 258/2010, EC (Audiovisual Media Services) Regulations 2010, as amended by S.I. 247/2012, EC (Audiovisual Media Services) (Amendments) Regulations 2012 (the “AVMS Regulations”) implements the short news extract provisions in the AVMS Directive into Irish law.
- 1.4 The purpose of this Code is to give expression to requirements upon the BAI under Regulation 17(6) of the AVMS Regulations which provide that: -  
  
*“the BAI shall ensure that the modalities and conditions regarding the provision of such short extracts are defined, in particular with regard to any compensation arrangements, the maximum length of short extracts and time limits regarding their transmission by the development of a code of practice. Where compensation is provided for, it shall not exceed the additional costs directly incurred in providing access.”*
- 1.5 This Code of Practice defines the modalities and conditions regarding the provision of short news extracts and fulfils the BAI’s obligation to develop a code of practice further to the AVMS Regulations.

# 2. Access to short news extracts

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- 2.1 With a view to satisfying the right of the public to be informed about public events, a television broadcaster under the jurisdiction of the State that has acquired exclusive television broadcasting rights for an event that is of high interest to the public shall ensure that other television broadcasters established in the State or in another EU Member State have access to short extracts for inclusion as a short news report in general news programmes.
- 2.2 A television broadcaster that has acquired exclusive broadcasting rights for an event that is of high interest to the public shall ensure access to short extracts on a fair, reasonable and non-discriminatory basis.
- 2.3 Access is guaranteed by allowing television broadcasters to freely choose short extracts from the transmitting television broadcaster’s signal.
- 2.4 In the case of a television broadcaster seeking to use short news extracts, the extract shall be chosen first from a broadcaster established in the same Member State having exclusive rights to the event of high interest to the public.  
  
If this is not possible, the extract shall be chosen from the relevant broadcaster established in another Member State, in which case the law of the Member State where the broadcaster supplying the initial signal (that is, giving access) is established shall apply.
- 2.5 Access to short news extracts shall be free of charge.

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<sup>1</sup> ‘Council Directive’ means Council Directive 89/552/EEC of 3rd October 1989 on the co-ordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities as amended by Directive 97/36/EC of the European Parliament and of the Council of 30th June 1997 and by Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007. A simplified and codified version of these Directives was introduced in 2010: the Audiovisual Media Services Directive 2010/13/EU.

<sup>2</sup> See Article 15 and Recitals 55 – 57 of the AVMS Directive.

## **3. Events of high interest to the public**

- 3.1 The BAI considers events of high public interest to include, among other things, those events that are newsworthy and/or those which would appeal to a large number of people and/or those that are of interest to people other than those who usually follow events of a similar nature. This also includes events which, by their nature, may be expected to have a significant impact on the interests of citizens. It also includes those sporting and cultural events designated by the Minister for Communications, Climate Action and Environment as being of major importance to society.<sup>3</sup>
- 3.2 Notwithstanding the above, the BAI acknowledges that a determination as to what constitutes an event of high public interest is an editorial decision that will be made on a case-by-case basis by a broadcaster. For this reason the BAI will, in determining any complaint received in respect of this Code of Practice, have regard to the editorial criteria used by the broadcaster and to the characteristics set out in section 3.1.

## **4. General news programmes**

- 4.1 A general news programme is characterised by the fact that it comprises newsworthy events and discusses more than one topic or one event during the programme.
- 4.2 It does not cover the compilation of short extracts into programmes serving entertainment purposes.

## 5. Use of extracts

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The exercise of the right to produce short news reports shall be subject to the following conditions:

- 5.1 A television broadcaster which has been granted right of access, may freely select the parts of the programme it intends to broadcast in a short news report. However, the extracts may not be used to compile programming for entertainment purposes.
- 5.2 The permitted length of short news reports will depend on the amount of time needed to convey the newsworthy information but should not exceed 90 seconds except by agreement between the broadcaster and the rights holder.
- 5.3 The right to use short news extracts shall not arise until transmission of the event, from which short extracts are derived, has ended.
- 5.4 Short news extracts may be used for as long as they are newsworthy. However, the extracts may not be sold and while they may be included in the archive of the broadcaster who has used the extracts, the broadcaster must put measures in place to ensure that they are not sold or reused after their newsworthiness has ended.
- 5.5 The broadcaster benefiting from the right to use a short news extract shall clearly identify the source, unless this not possible for reasons of practicality.
- 5.6 Short news extracts shall be used solely for general news programmes and may be used in on-demand audiovisual media services only if the same programme is offered on a deferred basis by the same media service provider.
- 5.7 The conditions set out in this Code of Practice for the use of short news extracts do not restrict broadcasters and rightsholders from reaching agreements once such agreements do not infringe on the public interest objectives of this Code of Practice or the rights of rightsholders.

## 6. Complaints

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The BAI will consider complaints from broadcasters in respect of this Code of Practice. Complaints must be in writing and specify the manner in which the complainant believes apparent non-compliance occurred, with specific reference to this Code of Practice and with reference to the relevant broadcast.

Where the BAI believes there is evidence of apparent non-compliance with this Code of Practice, the matter will be addressed in the context of the BAI's Compliance and Enforcement Policy. The BAI's decision will only relate to compliance with this Code of Practice and the BAI will not arbitrate disputes between broadcasters and rightsholders.

This Code of Practice comes into effect from the 1st September 2017.