



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 23/03/2016 **Time:** 11.00am **Venue:** BAI Offices

Minutes

Attendance

Authority: Pauric Travers (Chairperson), Maeve McDonagh, Alan McDonnell, Grace Smith, Mary Curtis, Seán Ó Mórdha, Rosemary Day, Denis Wolinski

Executive: Michael O'Keeffe, Celene Craig, Aoife Clabby (Secretary), Ciarán Kissane.

Recused: *Authority member Seamus Martin declared an interest in the item for discussion and consequently, did not attend the meeting.*

1. Codes, Rules and Policy

1.1. Media Merger Examination: Independent News & Media Holdings (Ireland) Limited and CNML Limited-Draft BAI Report

The Authority considered a draft BAI Report, prepared by the Executive, following the Authority's meeting on the 16th March. The draft report aimed to reflect Members' discussions and decisions, having had regard to the report prepared by Communications Chambers on the plurality implications of the proposed merger of Independent News & Media Holdings (Ireland) Limited (INM) and CMNL Limited (CMNL); the Advisory Panel Opinion and the submissions received in respect of the proposed merger.

Members expressed their satisfaction with the structure of the report and then went on to consider and discuss, in detail, the proposed content of each section. In considering the totality of the draft BAI Report and any proposals for amendment, the Authority had careful regard to the statutory provisions of the Competition and Consumer Protection Act 2014 ('2014 Act'), particularly the definition of 'plurality of the media' and the tests to be applied under the 'relevant criteria', contained in the 2014 Act. The Authority also considered the draft BAI report in the context of the Guidelines on Media Mergers, issued by the Department of Communications, Climate Change and Environment in May 2015.

Following lengthy and comprehensive discussion, the Authority requested a number of wording amendments to the sections of the report addressing context, ownership and control, content and market share. Having regard to section 5, *Conclusions and Recommendations*, the Authority proposed that a timeframe of three years should attach to:

- the condition relating to governance and management
- any decision by INM to close any of the paid-for CMNL titles, post transaction.

Having agreed the changes to the draft BAI Report, the Authority discussed the next steps in the process. It was noted that the draft Report would issue to the undertakings by the 27th March for their review and response. It was agreed that any response received and related issues arising



would be considered by the Authority at its meeting on 27th April. Thereafter, the draft BAI Report would be finalised and submitted to the Minister for his consideration and decision.

2. Date of Next Meeting

The next meeting of the Authority will be held on the 27th April at 11am in the BAI offices.

A handwritten signature in blue ink, which appears to read "Pauric Travers". The signature is written in a cursive style and is positioned above a horizontal line.

**Professor Pauric Travers,
Chairperson.
27th April, 2017.**