



ÚDARÁS  
CRAOLACHÁIN  
NA hÉIREANN

BROADCASTING  
AUTHORITY  
OF IRELAND

# **Draft BAI Media Plurality Policy Public Consultation**

December 2018

### The Broadcasting Authority of Ireland

The Broadcasting Authority of Ireland (BAI) is the body responsible for the regulation of broadcasting in Ireland. Its functions and responsibilities are set out in the Broadcasting Act 2009 (“the 2009 Act”). Section 25 (1) of the 2009 Act requires the BAI to endeavor to ensure:-

- a) That broadcasting services serve the needs of the people of Ireland, bearing in mind their languages and traditions and their religious, ethical and cultural diversity;
- b) That the democratic values of the Constitution are upheld;
- c) The provision of open and pluralistic broadcasting services.

In that context, a key deliverable of the BAI’s Strategy Statement (2017-2019) is to “promote a plurality of voices, viewpoints, outlets and sources in Irish media”. In view of this, the BAI has developed its draft Media Plurality Policy and is now seeking the views of the public and interested stakeholders in the draft policy provisions.

### The Consultation

This consultation document is concerned with the draft Media Plurality Policy (“the draft Policy”). The Policy articulates the BAI’s understanding of the meaning and importance of media plurality and details the measures that it takes and will continue to take to foster a plurality of voices, viewpoints, news outlets and sources in Irish media. The draft Policy has been informed by the Broadcasting Act 2009, the Competition and Consumer Protection Act 2014 and by the BAI’s Strategy Statement. Additionally, the draft Policy has also been informed by research undertaken by Deirdre Kevin of Comm Sol Ltd. This research entailed a jurisdictional review examining key issues in media plurality having regard to practices in the EU. A copy of this review is available on the BAI’s website at [www.bai.ie/en/consultations/](http://www.bai.ie/en/consultations/).

The purpose of consulting on the draft Policy is to elicit the views of the public and interested stakeholders, including broadcasters and media owners and practitioners on how the BAI views media plurality. The submissions received in response to this public consultation 2018 will inform the Authority’s decisions in respect of the final Policy to be published in the first half of 2019.

The draft Policy contains five sections and an appendix detailing key legislative provisions and the BAI’s Strategic Objectives in respect of media plurality. These are as follows:-

- Introduction;
- Media Plurality Definition;
- Why Media Plurality is Important;
- Objectives of the BAI Media Plurality Policy;
- How the BAI will support and promote Media Plurality;
- Appendix - Broadcasting Act 2009 and BAI Strategy Statement 2017-2019.

A number of consultation questions are included, and your views are invited on all or any of these questions. Details on how to respond to the consultation are provided below and on the BAI’s website at [www.bai.ie/en/consultations/](http://www.bai.ie/en/consultations/).

### How to make a submission

The BAI invites you to submit your responses to the consultation questions by **30<sup>th</sup> January 2019**. You can e-mail your response to [consultations@bai.ie](mailto:consultations@bai.ie) or you can complete a form online at [www.bai.ie/en/consultations](http://www.bai.ie/en/consultations). Postal responses can be submitted to:-

Media Plurality Policy Consultation,  
Broadcasting Authority of Ireland,  
2 – 5 Warrington Place,  
Dublin 2,  
D02 XP29.

If you have any queries in relation to this consultation, please email [consultations@bai.ie](mailto:consultations@bai.ie) or phone (01) 6441200.

### Publication of Submissions

The BAI will publish the submissions received in this consultation on [www.bai.ie](http://www.bai.ie) after the publication of the final Media Plurality Policy and subject to consideration of information that may be deemed of a personal nature, sensitive or given in confidence, as provided for by the Freedom of Information Act 2014 and the Data Protection Acts and Regulations.

### Freedom of Information

The Broadcasting Authority of Ireland (BAI) undertakes to use its best endeavours to hold confidential any information provided by you in this proposal subject to the BAI's obligations under law, including under the Freedom of Information Act 2014. Should you wish that any of the information supplied by you in your submission should not be disclosed because of its sensitivity, you should, when providing the information, identify the same and specify the reasons for its sensitivity. The BAI will consult with you about this sensitive information before making a decision on any Freedom of Information request received.

### Data Protection

The Broadcasting Authority of Ireland shall comply with their obligations under the Data Protection Acts 1988 and 2003 (as amended) and any other applicable data privacy laws and regulations.

- 1. Introduction.....5**
  
- 2. Media Plurality Definition.....6**
  
- 3. Why Media Plurality is Important.....8**
  
- 4. Objectives of the BAI Media Plurality Policy.....9**
  
- 5. How the BAI will support and promote Media Plurality.....10**
  
  
- Appendix - Broadcasting Act 2009 and BAI Strategy Statement 2017-2019.....16**

### 1. Introduction

**The introduction to the Policy provides context for the BAI's role in respect of media plurality. It distinguishes between the roles of the BAI, the Competition and Consumer Protection Commission ("CCPC") and Minister for Communications Climate Action and Environment. The intent of the Policy is also broadly outlined.**

The Broadcasting Authority of Ireland ("BAI") is an independent statutory organisation responsible for a number of key areas of activity with regard to media services in Ireland. In performing its statutory functions, the BAI is charged with, amongst other things, endeavouring to ensure the provision of pluralistic broadcasting services. The BAI endorses the statutory premise that a free and pluralistic media is an essential component of a modern representative democracy and it has developed the BAI Media Plurality Policy in order to promote and support media plurality in Ireland.

The BAI's role in promoting and supporting media plurality is undertaken in the context of the provisions of the Broadcasting Act 2009 and the Competition and Consumer Protection Act 2014. Our role sits alongside and supports media plurality activities undertaken by the Minister for Communications, Climate Action and Environment and the Competition and Consumer Protection Commission (CCPC). Under the 2014 Act, both the Minister and the CCPC have key powers in respect of maintaining plurality. In this regard, it is the role of the CCPC to review media mergers proposals over a certain financial threshold with a view to ensuring that they will not substantially lessen competition. It is the role of the Minister to make a determination on whether a proposed media merger will be contrary to the public interest in protecting plurality of media in the State.

The BAI has a statutory role under the Competition and Consumer Protection Act 2014 which includes providing advice to the Minister on media mergers and conducting plurality focused research on a regular basis. However, while it has a role in respect of determinations on media merger proposals, its statutory and policy role in respect of media plurality is wide ranging. This is reflected in a key component of the BAI's mission, as set out in the BAI Strategy Statement 2017-2019, which is '*to promote a plurality of voices, viewpoints, outlets and sources in Irish media*'. The BAI's role is also situated in a European context, in particular, the Council of Europe's 2018 *Recommendations on Media pluralism and Transparency of Media Ownership* and the European Convention on Human Rights. These key documents also inform the BAI's approach to media plurality.

This Policy articulates how the BAI, within the framework legislation and the BAI's Strategy Statement, understands media plurality and how it will frame the wide range of activities that the BAI undertakes and will continue to undertake in order to promote and support media plurality in Ireland.

### 2. Media Plurality Definition

This section of the Policy provides a definition for media plurality. The definition adopts the one contained in the Competition and Consumer Protection Act 2014. This approach is taken so as to ensure that the BAI's approach is consistent with and framed in the context of media mergers legislation and the practice of the CCPC and the Minister for Communications, Climate Action and Environment. Related to this definition is the definition of a 'Media Business' and the Policy also adopts the definition included in the Competition and Consumer Protection Act 2014. Separately, this section elaborates on how plurality may be evident in practice.

In considering matters of media plurality, the BAI will do so with reference to the definition of media plurality set out in the Competition and Consumer Protection Act 2014. This defines media plurality with reference to both the content and ownership of media in the following manner:-

- **Diversity of Content** means the extent to which the broad diversity of views (including diversity of views on news and current affairs and diversity of cultural interests prevalent in Irish society) is reflected through the activities of media businesses in the State, including their editorial ethos, content and sources.
- **Diversity of Ownership** means the spread of ownership and control of media businesses in the State linked to the market share of those media businesses as measured by listenership, readership, reach or other appropriate measures.

This two-fold conception addresses both external and internal plurality. External plurality deals with the spread of ownership and control of media businesses. Internal plurality deals with the nature of particular media content, both political and cultural, and the sourcing methods of media organisations. As such, media plurality can be measured in a number of ways that are not mutually exclusive and these measures are generally complementary to one another.<sup>1</sup>

In practical terms, and drawing on the indicators of plurality developed to date,<sup>2</sup> diversity of content and ownership can be reflected in traditional, new and emerging Irish media in a wide range of ways, which may include the following:-

- The existence of media outlets and platforms owned, or controlled by a plurality of independent and autonomous actors (i.e. a variety of media sources, outlets, suppliers and distribution platforms) and which have different levels of influence in terms of their opinion forming power;
- The range and mix of media types and genres that co-exist with different mandates, and sources of financing within and across media sectors as well as diversity of media functions, including providing information, education and entertainment;

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<sup>1</sup> Media Merger Guidelines (2015). Department of Communications, Climate Action and Environment

<sup>2</sup> K.U. Leuven, ICRI/ Central European University, CMCS/ Jönköping International Business School, MMTCC/ Ernst & Young Consultancy Belgium( 2009): [\*Independent Study on Indicators for Media Pluralism in the Member States – Towards a Risk-Based Approach.\*](#)

- The existence in the media of fair and diverse representation of, and expression by, the various cultural and social groups in society, including the Irish language community and local and regional communities;
- The existence in the media of fair and diverse representation of, and expression by, various political, religious and ideological groups, including minority viewpoints.

For the purposes of this Policy, the BAI will apply the definition of 'media business' which is included in the Competition and Consumer Protection Act 2014. This has a focus on businesses that have a significant level of activity in the Irish State and those which provide news, current affairs and cultural content. The BAI notes that the definition of 'communications media' in the Broadcasting Act 2009<sup>3</sup> is, in effect, a sub-set of the 2014 definition. Taken together, media businesses cover print publishing, broadcasting (including broadcasting platforms) and internet media, including social media.

### CONSULTATION QUESTIONS

- 1. What are your views on the proposal to adopt the definition of 'media plurality' contained in the Competition and Consumer Protection Act 2014 for the purpose of the BAI's Media Plurality Policy?**
- 2. The Policy also applies the definition of a 'media business' contained in the Competition and Consumer Protection Act 2014 and describes the definition of 'communications media' provided in the 2009 Act as being effectively a sub-set of the definition of 'media business'. What are your views on this approach?**
- 3. Are there any other definitions that you believe it would be helpful to include in the Policy?**
- 4. The Policy articulates the ways in which diversity of ownership and content may be reflected in media. This is not intended to be a definitive description. Notwithstanding this, what are your views on how the BAI has articulated the manner in which media plurality may be reflected in Irish media in terms of ownership and content?**

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<sup>3</sup> Communications Media as defined in the 2009 Act include broadcasting services, broadcasting platforms and newspapers or periodicals consisting substantially of news and comment on current affairs.

### 3. Why Media Plurality is Important

**Section three of the Policy outlines the views of the BAI on the importance of media plurality to Irish society. In this regard, the important role of media is emphasised, current key challenges in the area of media plurality are identified and the manner in which the BAI's Policy sits within this challenging context is briefly articulated.**

The media enjoy a position of special rights and responsibilities and are an important conduit for the exercise of freedom of expression, the development of civic discourse and the proper and adequate representation of the diversity that exists in our society.<sup>4</sup> In this context, media pluralism makes an important contribution to a well-functioning democratic society through informed citizens. Where media plurality is healthy, it ensures citizen access to a variety of information sources, opinions and voices and reduces the undue influence of media and other political, social and commercial organisations or individuals in the formation of public views or the wielding of undue influence over the political process. This freedom of, and access to, information contributes to citizens' effective participation in the democratic process.

More broadly, the importance of media plurality must necessarily be considered in the context of a rapidly evolving and highly innovative media environment. This environment is characterised by ever increasing volumes and sources of content, which presents new opportunities and challenges for those concerned with ensuring media plurality. The challenges include:-

- Significant changes in the consumption of different media with, for example, a move away from traditional media to internet media as a primary source of news with potential consequences for the reliability and trustworthiness of news content;
- The related and evolving concern regarding issues of disinformation, misinformation and mal-information on political, social and cultural matters which is evident via discussions on fake news in the social media sphere and elsewhere;
- The aggregation of personal data by media businesses, in particular social media businesses, and its use in ways that are neither transparent nor ethical;
- The impact of news filters, intermediaries (such as web browsers) and algorithms (in internet and on-demand audio visual content) that can lead to polarisation and to a limitation of exposure to a diversity of viewpoints;
- Threats to the financial ecosystem of news and cultural production due to the loss of income from news payment and from advertising.

The BAI has developed this Policy in this environment, which is one where traditional regulation that seeks to address plurality simply by increasing the number and mix of services available to audiences is no longer sufficient on its own.

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<sup>4</sup> Guidelines on Media Mergers (2015).

While increasing access to trusted and valued content remains an important element of regulation, it must be supplemented with measures to empower citizens to be informed and to make informed choices about their media consumption.

These important considerations underpin the BAI's Plurality Policy and the BAI's Strategy Statement 2017-2019.

### CONSULTATION QUESTIONS

5. **What are your views on the manner in which the BAI explains the importance of media plurality?**
6. **Are there any additional aspects of media plurality's importance to society that are not included and which the policy would benefit from being referenced?**

## 4. Objectives of the BAI Media Plurality Policy

The objectives of the Policy are provided in this section of the Policy. Four policy objectives are included and these have been informed by the core BAI objective to ensure pluralism. They also reflect the strategic objectives that arise from the BAI's Strategic Theme – Promoting Plurality and Diversity. In addition, the four policy objectives have been informed by the challenges identified in the prior section, including challenges in respect of trust and credible news and current affairs sources.

In furtherance of its statutory obligations and in the context of the commitment contained in the BAI Strategy Statement 2017-19 '*to promote a plurality of voices, viewpoints, outlets and sources in Irish media*', the BAI has developed this Policy with a view to:-

- Encouraging and facilitating a plurality of high quality media outlets and their ownership;
- Fostering a media landscape that is representative of, and accessible to, the diversity of Irish society;
- Increasing the production and availability of culturally relevant audio-visual content for Irish audiences, including quality programming in the Irish Language; and
- Facilitating a mix of trusted and credible voices, opinions and sources of news and current affairs in audio-visual media which enhances active citizenship in Ireland, democratic debate and which supports the integrity of the democratic process.

### CONSULTATION QUESTIONS

7. **What are your views on the four policy objectives detailed in Section 4?**
8. **Do you believe that the BAI should include any additional objectives in terms of the BAI's role in supporting and promoting media plurality? If yes, what should these be?**

### 5. How the BAI will support and promote Media Plurality

Section five of the Policy details the measures that the BAI takes, and will continue to take, to promote and support media pluralism in Ireland. While a wide range of the BAI's activities could be considered to support media pluralism, this section identifies what are considered the key activities in the context of the definition of media plurality which references both diversity of ownership of media services and diversity of cultural content. The core activities are detailed under nine areas as follows:-

- i. **Licensing;**
- ii. **The BAI Ownership and Control Policy;**
- iii. **BAI's Obligations under Media Mergers Legislation;**
- iv. **Research;**
- v. **Media Literacy;**
- vi. **BAI Code of Fairness, Objectivity and Impartiality in News & Current Affairs;**
- vii. **Broadcasting Funding Scheme, including Sound and Vision and the BAI Archiving Policy;**
- viii. **Irish Language Action Plan;**
- ix. **Dialogue with Stakeholders.**

The BAI will continue to undertake a range of measures with a view to meeting its statutory, strategic and policy obligations and commitments in respect of media plurality. The following measures and the means by which the BAI will support and promote media plurality are now detailed.

#### i. **Licensing:**

The principal mechanism by which the BAI supports and promotes media pluralism is via its licensing activities. The Broadcasting Act 2009 provides for the licensing of a range of radio and television services. This includes independent commercial and community radio and television services as well as temporary and institutional radio services. The licensing process is intended to complement and enhance existing and developing public service broadcasting services provided by RTÉ, TG4 and the Houses of the Oireachtas channel.

The licensing process is intended to promote diversity of content by seeking applications for programme services that will add to the range of media services currently available in the Irish State. Diversity of ownership is achieved by the licensing process via media ownership and control provisions set out in the Broadcasting Act 2009 and supplemented by the BAI Ownership and Control Policy.

The legislative framework, the BAI's Ownership and Control Policy and its contracting processes facilitate and maintain the inclusion of obligations with regard to diverse political and cultural programme content, proportions of news and current affairs required and also local, national and European content to be broadcast.

They also support fair and diverse representation of, and expression by, local and regional communities;

Furthermore, the licensing process facilitates transparency in respect of media ownership and control in that information regarding shareholders, directors and membership of broadcast services (in the case of community media services) is publicly available.

The licensing approach of the BAI is centrally informed by the BAI Broadcasting Services Strategy. This Strategy is important in that it provides the framework for the formulation of licensing plans and associated activities of the BAI. A key objective of the Strategy is to support and foster plurality and diversity of content for Irish audiences via licensing and the Broadcasting Services Strategy sets out how the BAI will support and shape the development of the broadcasting sector.

### ii. **BAI Ownership and Control Policy:**

The BAI has in place a policy in respect of the ownership and control of licensed broadcasting services. This policy has been developed to give practical effect to the specific provisions of the Broadcasting Act 2009<sup>5</sup> which require the BAI to have regard to, as part of its licensing process, the ownership and control of applicants when determining the most suitable applicant for the award of a broadcasting contract. In addition, the BAI also applies the provisions of the policy in assessing ownership and control elements of applications for content provision and multiplex contracts and to assess requests for variations of ownership and control.

In the case of broadcasting services, the BAI will have regard to:-

- the desirability of allowing any person, or group of persons, to have control of, or substantial interests in, an undue amount of the Sound Broadcasting Services, in total or in a specified geographical area, and
- the desirability of allowing any person, or group of persons, to have control of, or substantial interests in the 'communications media' in a specified geographical area.

While the media market is indeed evolving, traditional broadcast media services remain essential for the protection of pluralism in the Irish State and the BAI's Ownership and Control Policy is therefore a core mechanism for supporting and promoting media pluralism.

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<sup>5</sup> Part 6 of the Broadcasting Act 2009

### iii. **BAI's Obligations under Media Mergers Legislation:**

The Competition and Consumer Protection Act 2014 expanded the BAI's plurality related role beyond the licensing and ownership and control measures set out above. The 2014 Act is concerned with ensuring that proposed media mergers that are notifiable to the Minister for Communications, Climate Action and Environment are approved only in instances where they will not be detrimental to media plurality.

Ensuring diversity of content and diversity of ownership are key considerations in a determination in this regard and the 2014 Act includes a number of new and additional functions and obligations on the BAI which are intended to support the Minister's determination on a proposed merger. The key role is to provide, if requested, a report to the Minister setting out the BAI's view as to whether a media merger is likely to be contrary to the public interest in protecting plurality of the media in the State.

### iv. **Research:**

In the context of the BAI's obligations under the Competition and Consumer Protection Act 2014, the BAI produces a number of reports on a periodic basis which are intended to inform the Authority, broadcasters, the public, the Minister for Communications, Climate Action and Environment (as well as other relevant stakeholders) about media plurality in the State.

In the context of the 2014 Act, the BAI provides reports to the Minister every three years reviewing:-

- the impact of ownership changes on plurality: describing the ownership and control arrangements of media businesses;
- describing the changes to ownership; and
- analysing the effects of such changes on plurality of media in the State.<sup>6</sup>

The first report was published by the BAI in 2015 and the second will be completed in the final quarter of 2018. The reports and corresponding database of ownership are intended to improve transparency in respect of the Irish media market.

A second key report on plurality supported by the BAI is the Reuters Institute Digital News Report (Ireland). The report is intended to support informed debate and evidence-based decision-making via the production of credible relevant data in respect of the consumption and impact of news services in Ireland. This report is particularly important given the central role that a broad diversity of views on news and current affairs is as an indicator and support for media plurality.

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<sup>6</sup> The Competition and Consumer Protection Act 2014 - <http://www.irishstatutebook.ie/eli/2014/act/29/enacted/en/print#sec74>

In the context of the BAI's wider remit, market analysis research is regularly undertaken with a view to supporting its regulatory approaches and with a view to informing the public and other stakeholders about the market and market dynamics, including in the context of consultations on BAI regulatory proposals. This research provides essential contextual information for the BAI's consideration of plurality.

**v. Media Literacy:**

The 2009 Act mandates the BAI to undertake, encourage and foster research, measures and activities which are directed towards the promotion of media literacy.

In order to further this mandate, the BAI Media Literacy Policy has been developed. This policy includes three core media literacy competencies and a set of associated skills and success indicators intended to assist organisations to shape media literacy activities, in line with their own strategic and business objectives. In particular, attaining the competencies will allow citizens to understand and critically evaluate broadcast, digital and other media content and services, in order to make informed choices and best manage media use. The competencies will also support citizens to create and participate, via media, in a responsible, ethical and effective manner, in the creative, cultural and democratic aspects of society.

Media literacy is therefore key to empowering citizens with the skills and knowledge to critically understand how media works in a rapidly changing media environment, to interrogate the accuracy of information provided to audiences (in particular news and current affairs), to counter unfair and inaccurate representations, to challenge extremist views and, ultimately, to help citizens make better informed media choices.

**vi. BAI Code of Fairness, Objectivity and Impartiality in News & Current Affairs:**

The extent to which diverse views on news and current affairs are available is a key factor enabling a media environment that is pluralistic. Studies on sources of news and current affairs indicate that the traditional media system still has a significant role to play in the provision of news and current affairs. In an Irish context, citizens have relatively high levels of trust in Irish media sources with traditional news and current affairs sources more trusted than social media.<sup>7</sup>

In terms of the BAI's role, it has developed and applies its Code of Fairness, Objectivity and Impartiality in News and Current Affairs. This sets out the journalistic standards that must be applied when broadcasters air this type of content and is a further tool that the BAI uses to promote and support media plurality. This is achieved by ensuring that minimum standards are in place to promote independent and impartial journalism that protects the interests of citizens in their right to have access to trusted and credible information. The Code will continue to play an important role in facilitating a mix of trusted and credible voices, opinions and sources of news and current affairs which enhance active citizenship and democratic debate.

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<sup>7</sup> Reuters Institute (2018)

**vii. Broadcasting Funding Scheme, including Sound and Vision and the BAI Archiving Policy:**

The objectives of the BAI's Sound and Vision Scheme include the development of high quality programming based on Irish culture, heritage and experience, including in the Irish language. A further objective is to develop programmes that represent the diversity of Irish culture and heritage, that facilitate the capturing of oral Irish heritage and aspects of Irish heritage which are disappearing or under threat. The BAI's Archiving Scheme provides funding with the objective of supporting the development of an archiving culture in the Irish broadcasting sector which will contribute to the preservation of Ireland's broadcasting heritage.

Taken together, the schemes support internal plurality by increasing the diversity of culturally relevant content available to Irish audiences and preserving cultural heritage in a way that is accessible on an ongoing basis to citizens. The Schemes give effect in particular to one of the four strategic objectives set out in the BAI's Strategy Statement 2017-2019 in respect of promoting plurality.

Specifically, the objective which commits the BAI *'to increase the production and availability of culturally relevant audio-visual content for Irish audiences.'*

**viii. Irish Language Action Plan:**

Fostering and promoting quality programming in the Irish language has been identified as an important objective for the BAI in the context of its Strategy Statement 2017-2019. This is appropriate given the culturally important role that the language plays in the expression of Irish cultural identity and its importance in ensuring the diverse representation of, and expression by, the various cultural and social groups in society.

This strategic objective is given effect by the BAI via the Broadcasting Funding Scheme and the BAI Irish language action plan which both support a broad diversity of cultural views and voices.

**ix. Dialogue with Stakeholders:**

The BAI is committed in its current Strategy Statement to engaging with stakeholders with a view to promoting public debate and informing policy, including in the area of media plurality. The objective of this engagement is to facilitate a vibrant, dynamic media landscape.

In practice, the BAI engages on matters of media plurality on an ongoing basis at a national and European level. In an Irish context, this engagement involves the radio and television services that the BAI regulates, the Department of Communications, Climate Action and Environment, the Competition and Consumer Protection Commission and the Commission for Communications Regulation. Centrally, the BAI also engages with the Irish public, their political representatives and social and civil society in the form of ongoing consultations on areas relating to media plurality, and through the dissemination of its media plurality research outcomes.

At a European level, this includes its participation in EPRA, the Europe-wide association of audiovisual media service regulators and in ERGA (European Regulators Group for Audiovisual Media Services), which has been established by the European Commission and has a formal advisory role in the preparation for the transposition of the recently updated Audiovisual Media Services Directive as well as its implementation.

Furthermore, the BAI also has an emerging relationship with social media platforms and services via its development and facilitation of Media Literacy Ireland, the Irish media literacy network.

Dialogue with stakeholders is considered by the BAI as a vital way for it to be both informed of, and to inform, public debate and policy on media plurality in Ireland.

The BAI will continue to undertake each of the above set of activities on a periodic basis. In addition, the BAI will retain an ongoing openness to undertaking additional measures to promote and support media plurality. This may include the production, on a more frequent basis, of reports detailing the ownership and control of media in Ireland as well as support for, and/or the development of, policy and other measures intended to enhance media plurality, in particular in terms of news, current affairs and cultural content.

### **CONSULTATION QUESTIONS**

- 9. What are your views in respect of each of the nine areas identified by the BAI as activities that it undertakes to support and promote media plurality? In particular, are you satisfied that the Policy clearly articulates the manner in which each area promotes and supports media plurality as defined in the Policy or are there changes that you think are desirable.**
- 10. Are there any additional activities that the BAI currently undertakes or that you would like it to undertake to support and promote media plurality which should be included in the Policy?**
- 11. Do you have any additional comments on the Policy as a whole?**

### Appendix 1

#### Broadcasting Act 2009 and BAI Strategy Statement 2017-2019

The legislative framing provisions for the BAI's regulatory role in ensuring media plurality are set out in the Broadcasting Act, 2009 ("2009 Act") and the BAI Statement of Strategy 2017-2019.<sup>8</sup>

#### Broadcasting Act 2009

Section 25 of the 2009 Act provides that the Authority shall endeavour to, *inter alia*:

- ensure that the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression are upheld;
- ensure the provision of open and pluralistic broadcasting services;
- promote diversity in control of the more influential commercial and community broadcasting services;
- provide a regulatory environment that will sustain independent and impartial journalism.

There are also specific provisions, particularly in Part 6 of the 2009 Act, which require the Contract Awards Committee to have regard to the ownership and control of applicants when making decisions about the award of contracts.

#### BAI Strategy Statement 2017-2019

A key component of the BAI's mission in its current Statement is 'to promote a plurality of voices, viewpoints, outlets and sources in Irish media'. In order to achieve this mission, the BAI has identified four strategic objectives and they are as follows:-

- Strategic Objective 1 – Facilitate a mix of voices, opinions and sources of news and current affairs in audio-visual media which enhances democratic debate and active citizenship in Ireland;
- Strategic Objective 2 – Increase the production and availability of culturally relevant audio-visual content for Irish audiences;
- Strategic Objective 3 – Foster and promote quality programming in the Irish Language; and
- Strategic Objective 4 – Foster a media landscape that is representative of, and accessible to, the diversity of Irish society.

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<sup>8</sup> The BAI's plurality role is further supplemented by the provisions of the Competition and Consumer Protection Act 2014 (Part 4): <http://www.irishstatutebook.ie/eli/2014/act/29/enacted/en/html>

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