



ÚDARÁS  
CRAOLACHÁIN  
NA hÉIREANN

BROADCASTING  
AUTHORITY  
OF IRELAND

# Draft Scheme *Sound & Vision 4*

Public Consultation

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## Section 1: About the Consultation

### Introduction to the Consultation

Welcome to the consultation on the Broadcasting Authority of Ireland's draft *Sound & Vision 4* Broadcasting Funding Scheme document. This document sets out the proposed new programming funding scheme which will replace the existing scheme, *Sound & Vision 3*, for the period 2020 - 2024.

The BAI is now inviting views on the proposed content of the *Sound & Vision 4* scheme as part of a public consultation process. The submissions received in response to this public consultation will inform the Authority's decisions in respect of the final scheme document.

### What are the Broadcasting Funding Schemes?

The Broadcasting Authority of Ireland ("BAI") currently operates two schemes to disburse monies allocated to the Broadcasting Fund; a programming scheme, *Sound and Vision 3*, and an archiving scheme, *Archiving Scheme 2*. Both schemes, which require approval of the Minister for Communications, Climate Action and Environment ("the Minister"), are funded through the disbursement of 7% of the net television licence fee receipts.

### What is Sound & Vision?

The *Sound & Vision* Schemes are programming support schemes and were established to provide funding in support of high quality programmes on Irish culture, heritage and experience, and programmes to improve adult and media literacy and public awareness and understanding of global issues impacting on the State.

The current scheme, *Sound & Vision 3*, has been in operation since 2015, and in that time 10 funding rounds have been completed providing funding to 1,200 projects totaling €54.8m. The scheme has helped fund 2,654 hours of Irish content broadcast across TV and radio for the enjoyment of Irish viewers and listeners. A further 10 projects have been awarded €207,505 in funding as part of the Ancillary Measures included in the Scheme.

### Why is the BAI now consulting on Sound & Vision 4?

The BAI completed a Statutory Review of *Sound & Vision 3* in July 2019. The review was initiated by the Authority in December 2018, with the appointment of the research company Mediatique, to:

1. Examine the **operation, effectiveness** and **impact** of *Sound & Vision 3* in the context of its objectives, both internally and externally;
2. Identify any proposed improvements in the context of the current Scheme;
3. Provide recommendations for any future scheme that may replace *Sound & Vision 3*; and,
4. Articulate how the scheme may need to change and evolve in the next 5 to 10 years to ensure its appropriateness for, and responsiveness to, the changing media landscape.

## Public Consultation: Draft S&V4 Programme Funding Scheme

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Mediatique conducted the review over the first half of 2019 and produced a report that addresses the effectiveness, impact, operation and future robustness of the programme funding scheme. The Mediatique report makes a series of recommendations in this regard.

The Authority has discussed and considered the review report and issues this consultation document on a draft new scheme, *Sound & Vision 4*, further to these deliberations.

The Mediatique report is available on [www.bai.ie/en/publications](http://www.bai.ie/en/publications) or [www.bai.ie/en/consultations](http://www.bai.ie/en/consultations).

The BAI is seeking the views of all interested parties with regard to the provisions of *Sound & Vision 4* in advance of it being finalised. Members of the public and interested groups are asked to read the consultation document and consider the questions set out in section 4.

### What are the key issues in this consultation?

A number of key findings and recommendations emerged from the review process. The BAI has attempted to address these key issues in the development of *Sound & Vision 4*. In this regard, a significant recommendation is that no changes should be made to the primary legislation. Accordingly, the number of changes proposed to the Scheme policy document are minimal. The majority of the recommendations will impact on the roll out of any new Scheme. The BAI will draft the supporting documentation for any new Scheme later this year and will consult with the relevant stakeholders at that time.

**This consultation deals with the Scheme document only.** In this regard, feedback is sought on the following matters at this time:

- 1) The introduction of a 'Digital First' principle
- 2) A re-focus of the Ancillary Measures
- 3) Funding support measures for the development of community and local broadcasting
- 4) The introduction of a standardised points system for the assessment of applications
- 5) General views on the draft Scheme policy document

The BAI will develop plans and guidance documentation to support the implementation of *Sound & Vision 4* in the last quarter 2019 and first quarter 2020. The BAI will liaise with the relevant stakeholder groups at this time, including scheduled meetings.

The recommendations arising from the review process and the BAI's general approach are detailed in Section 3<sup>1</sup>. Potential respondents should ensure that they read this section as it sets out the matters for consultation now. The consultation questions are set out at Section 4<sup>2</sup>.

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).

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<sup>1</sup> Pages 23 – 27.

<sup>2</sup> Pages 28 – 29.

### Structure of the Consultation Document

The consultation document is set out in three parts as follows:

Section 2: presents the *Sound & Vision 4* draft Scheme. The significant material changes to the scheme are highlighted by underlined and bold text.

Section 3: details the key findings from the review of *Sound & Vision 3* conducted by Mediatique, the approach in principle that the BAI will take and the matters for consultation.

Section 4: sets out the questions we would like you to consider.

### How to make a submission

The BAI invites you to submit your response to the consultation by Wednesday, 13<sup>th</sup> November 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:

Sound & Vision 4 Consultation,  
Broadcasting Authority of Ireland,  
2 – 5 Warrington Place,  
Dublin 2.

### Publication of Submissions

The BAI will publish the submissions received to this consultation on [www.bai.ie](http://www.bai.ie) after the publication of the final Sound & Vision 4 document, including your name and response, 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 and Protection Acts and Regulations.

### Freedom of Information

The BAI undertakes to use its best endeavours to hold confidential any information provided by you in your submission 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 specific content 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 BAI shall comply with its obligations under the Data Protection Act 2018, GDPR and any other applicable data privacy laws and regulations.

## Section 2: Draft New Sound & Vision Scheme

The legislation, the existing *Sound & Vision 3 Scheme* and the outcomes of the statutory review process have been the starting point for the development of *Sound & Vision 4*.

The structure of *Sound & Vision 4* is broadly similar to *Sound & Vision 3* primarily because many of the provisions are based on statute and the recommendation of the review report is that no legislative change is required at this time. The significant changes that are proposed to the scheme are as follows:

1. **Digital First Principle (page 23):** The BAI is considering permitting successful applicants to distribute S&V4 funded content online, in whole or in part, prior to broadcast during the peak programme schedule.

The BAI is seeking views on whether the 'Digital First' principle is appropriate and if yes, what practices could the BAI adopt with a view to successfully implementing a 'Digital First' principle?

2. **Re-focus of Ancillary Measures (page 24):** The BAI is proposing to make greater use of Ancillary Measures from a strategic perspective. This will include developing such measures to ensure that the objectives of the funding scheme are achieved. In this regard, under the new scheme, it is proposed to include a focus on adult/media literacy and global issue initiatives, two objectives that have been underrepresented under *Sound & Vision 3*. The Authority will seek to develop partnerships with likeminded bodies to further initiatives in these two areas.

The Authority is also proposing to strengthen its achievements further to the objective to support community and local broadcasting and will develop particular Ancillary Measures including the ringfencing of funding for community broadcasters.

The BAI is seeking views on this new approach to Ancillary Measures and would be grateful for feedback on:

- 2.1 Whether the proposal to introduce a focus on these measures to better fulfil the objectives for a) adult/media literacy and b) global issues is appropriate. If yes, what practices could the BAI adopt with a view to successfully fulfilling these objectives?
- 2.2 Should the BAI establish particular Ancillary Measures to support a) community broadcasting and b) local broadcasting? If yes, what in your view would be the best approach, or approaches, to any such funding initiatives and please set out your rationale.

3. **Funding support measure for community and local broadcasting (page 24):** The BAI is proposing to develop funding initiatives further to the scheme objective of developing community and local broadcasting. As set out under paragraph 2 above, it is proposed to establish such initiatives under Ancillary Measures.

The BAI is seeking views on whether new approaches to the funding of the development of community and local broadcasting are required in addition to the establishment of any new Ancillary Measures? If yes, what potential new approaches are there for the funding of community and local broadcasting and please set out your rationale?

4. **Introduction of a standardised assessment point system (page 24):** The BAI is proposing to introduce a formal scoring system for the assessment phases of the application process. The system will be based on the scheme criteria as set out in the scheme document and also, on those as set out in the guidance documentation published for the funding round.

The BAI is seeking views on whether the introduction of a formal assessment scoring system is appropriate, and whether it would improve the quality of feedback to applicants?

5. **General feedback on the proposed draft *Sound & Vision 4* document:** The Authority values the importance of the programme fund that concentrates on delivering quality programming, that supports new talent and that portrays the Irish experience at home and abroad in all its diversity; a fund that enriches broadcast schedules for Irish audiences. In this regard, in drafting a new scheme, the Authority wishes to continue to build on the success of the programming funding Scheme.

The BAI is seeking your views generally on the *Sound & Vision 4* scheme document. Are there any other elements that you believe should be contained in the *Sound & Vision 4* scheme, if so please explain?

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## **1. Foreword**

In this section, the BAI Chairperson will provide the Authority's main aims and aspirations for Sound & Vision 4.

## 2. Introduction

Sound & Vision 4 is a programming support scheme operated by the BAI and funded through the television licence fee. A key objective of this Scheme is to support the creation of accessible programming that reflects Irish culture, history, language and diversity, programming that has a cultural and/or community purpose for a diversity of Irish audiences. This is the fourth iteration of the Scheme<sup>3</sup>.

This document sets out the key elements of the Scheme in terms of the role of the Broadcasting Authority of Ireland (“BAI”), the objectives, scope, available funding and the operational processes. The BAI will publish supporting documentation for potential applicants on funding rounds and any associated development measures regularly over the lifetime of the Scheme.

## 3. Role of the BAI

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, Climate Action and Environment (“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.

### 3.1 Legislative Context for Sound & Vision 4

#### 3.1.1 Scheme Funding Categories

Section 154(1) of the Act<sup>4</sup> 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;

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<sup>3</sup> S&VI operated between 2005 – 2009, S&VII 2010 – 2014 and S&V3 2015 – 2019.

<sup>4</sup> The key provisions of the Broadcasting Act 2009 are set out at Appendix I.

- 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.

### 3.1.2 Scheme Objectives

The objectives of the Scheme are also derived from the legislation, Section 155, and are as follows:

- **Quality:** develop high quality programmes based on Irish culture, heritage and experience;
- **Irish Language:** develop these programmes in the Irish language;
- **Additionality:** increase the availability of programmes referred to in paragraphs (a) and (b) to audiences in the State;
- **Diversity:** represent the diversity of Irish culture and heritage;
- **Heritage:** record oral Irish heritage and aspects of Irish heritage which are disappearing, under threat, or have not been previously recorded; and
- **Local & Community Broadcasting:** develop local and community broadcasting.

### 3.2 Strategic Context for Sound & Vision 4

A key mission of the Authority's Strategy Statement is to '*foster diverse and culturally relevant content for Irish audiences*'. The achievement of this mission is supported by three strategic objectives:

- (i) Increase the production and availability of culturally relevant audio / audiovisual content for Irish audiences
- (ii) Foster and promote quality programming in the Irish Language
- (iii) Foster a media landscape that is representative of, and accessible to, the diversity of Irish society

In this context, in developing and publishing programming schemes further to the Broadcasting Fund, the Authority aims to ensure that there is an increase in the *range and sources of quality culturally relevant audio / audiovisual content, including in the Irish language, available to Irish audiences* and that *Irish audio / audiovisual media is more diverse in terms of content as well as in terms of those involved in its production.*

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.

There are core values that underpin the BAI's approach to the task of operating a scheme. The BAI obligates to be:

- **Fair** – in our processes, procedures and decisions.
- **Independent** – operating as an impartial regulator.
- **Expert** – by informing ourselves through engagement, research and a commitment to professional learning.
- **Accountable** – in our decisions, our governance and our resources.

### Consultation Question

1. Are you satisfied that the approach adopted by the BAI remains appropriate in the context of:
  - a. the objectives of the Scheme?
  - b. the Strategic Objectives of the BAI?

Please set out your rationale.

## 4. Scope of Sound & Vision 4

### 4.1 Television and Radio

Sound & Vision 4 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 4.4 below).

### 4.2 Programme Themes

Sound & Vision 4 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 in the Broadcasting Act 2009 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.

## **4.3 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.

### 4.4 Eligibility Criteria

Applications to Sound & Vision 4 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 153<sup>5</sup> 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.

**The BAI permits in principle the distribution of programmes via cinema or online means (in whole or in part) before being broadcast on TV and radio. There are particular obligations regarding these ‘cinema first’ and ‘digital first’ permissions as set out in the guidance documentation for the Scheme.**

#### *(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 on the next page.

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<sup>5</sup> 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.

- (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).<sup>6</sup>
- Depreciation.

## **4.5 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 Broadcasting Fund. All programming funded through Sound & Vision I, Sound & Vision II and Sound & Vision 3 has been archived with the Irish Film Institute and can be accessed on request. Material funded through Sound and Vision 4 will also be archived and publicly accessible.

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<sup>6</sup> 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.

### 4.6 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, **or measures to support adult/media literacy or global issue initiatives** and/or the provision of some development support for programmes to address themes, genres or formats underrepresented in the general applications received **and/or for partnerships with like-minded bodies.**

#### Consultation Questions

2. Are you satisfied with the proposed scope of *Sound & Vision 4* as set out? Please set out your rationale.
3. What are your views on the *digital first principle*?
4. If you support the digital first principle, what practices could the BAI adopt with a view to successfully implementing this digital first principle?
5. Do you think it is appropriate that the Authority would re-focus its approach to how it employs Ancillary Measures including greater focus on the scheme objectives of adult/media literacy and global issues? Please explain. If yes, what practices could the BAI adopt with a view to successfully achieving these objectives?
6. Should the BAI establish particular Ancillary Measures to support a) community broadcasting and b) local broadcasting? If yes, what in your view would be the best approach, or approaches, to any such funding initiatives and please set out your rationale.

## 5. Funding

### 5.1 Allocation of funds within *Sound & Vision 4*

The ratio of television and radio funding stands at 85%:15%. Given the high cost differential between television and radio production, this ratio is considered generally appropriate. The BAI will actively monitor and review the appropriateness of this ratio over the lifetime of the Scheme, in the context of the objectives and any support schemes developed for the TV and/or radio broadcasting sectors, and it will be altered if required. **In this regard, the BAI may establish funding support measures for the development of broadcasting, including local and community broadcasters.**

A minimum of 20% – 25% of funding will be allocated to programming in the Irish language.

### 5.2 Maximum Percentage of funding available

In general, the BAI allocates grants under *Sound & Vision 4* that represent up to 95% of the eligible costs of 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%.

5.3 Obligations for State Aid concerning audiovisual works in the EU

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, are 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 4 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 4 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, and where the grant aid provided by the BAI is less than 50% of the overall production budget, 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.

### 5.4 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.

### 5.5 Funding of other Phases of Production

Funding allocated in respect of radio and television programming under Sound & Vision 4 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.

### 5.6 Recoupment of funding

The BAI will generally include a recoupment clause in all contracts for programming made under *Sound & Vision 4*. All recouped funding will be re-assigned directly into the Broadcasting Fund and will be available for further disbursement.

### 5.7 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.

#### Consultation Questions

7. Are you satisfied with the proposed approach to funding as set out? Are there any specific changes that should be considered, if so please explain?
8. Do you agree that new approaches to the funding of the development of community and local broadcasting are required? If yes, in your view what potential new approaches are there for the funding of community and local broadcasting in addition to the proposal to establish new Ancillary Measures (refer questions (5) and (6) on page 16)?

## 6. 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.

### 6.1 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.

### 6.2 The Assessment Process

The assessment process for Sound & Vision 4 consists of the following four phases:

#### *6.2.1 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.

#### *6.2.2 Qualitative Assessment*

Each application is assessed on its own merits in the context of the assessment criteria which are set out in the BAI's guidance documentation published to inform and support potential applicants when making a submission to S&V4.

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

#### *6.2.4 Formal Ratification*

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

### 6.3 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.

**The BAI will develop a standardised points system to inform the evaluation of applications and the feedback provided to an applicant.**

### Consultation Questions

9. What is your view on the appropriateness of the application and assessment approaches proposed in this section?
10. Do you think that the introduction of a standardised point system is appropriate and would it improve the quality of feedback to applicants?

## 7. Review of Sound & Vision 4

As provided for under Section 158 of the Broadcasting Act 2009, the BAI will review the operation, effectiveness and impact of Sound & Vision 4 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 4 against its objectives and **the robustness of the Scheme then, and in the future, having regard to the everchanging media landscape, including the evolving media consumption patterns amongst Irish audiences and in particular, younger audiences.** In order to be in a position to undertake a meaningful review, the BAI monitors all aspects of the scheme on an ongoing basis.

### Consultation Questions

11. What are your views generally on the *Sound & Vision 4* scheme document?
12. Are there any other elements that you believe should be contained in the *Sound & Vision 4* scheme, if so please explain?

## 8. 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.

## Section 3 - Key Recommendations of the Review of S&V3

The review report supports the continuation of the BAI in its role as the primary sponsor for the allocation of public funds dedicated to TV and radio content in Ireland. The report recommends that no changes be made to the primary legislation on which the scheme is based. In this regard, the changes recommended fall to the operations of the scheme mainly and a significant purpose for these proposed changes is to reduce burdens on the BAI and applicants without sacrificing oversight and accountability.

As this consultation deals with the Scheme document only the recommendations relating to the document are relevant at this time. The relevant recommendations for the Scheme document and the associated BAI approaches in principle are set out in Section 1 hereunder. The recommendations that concern the roll out of the Scheme and that will be addressed by the BAI later this year are set out in Section 2 hereunder.

### 1. Recommendations of the review impacting on the proposed new Scheme document

**1.1 Renewal of Scheme & Digital First Principle:** The recommendations are to renew the scheme for a further five years, to permit digital first and to undertake a review in 3 years to ascertain the relevance / appropriateness of the scheme as formulated then, and in the future, including the impact of the digital first principle on the scheme.

The BAI welcomed this recommendation noting *'that TV and radio continue to be critical means by which Irish consumers access AV content, and the majority of Irish content funding in the Republic comes from broadcasters. Therefore, and given that a successor scheme would be funded, again, by proceeds from the licence fee (potentially augmented by new funds under a reformed Audiovisual Media Services Directive), it seems appropriate that broadcast continues to be a key route to market for publicly funded programmes<sup>7</sup>'*.

The media landscape is everchanging and in particular, the consumption habits amongst younger audiences. The BAI is of the view that the new Scheme must be broadcast based given the findings of the review report, but must also take cognisance of the emerging consumption patterns of younger audiences. In this regard, it is proposed to permit successful applicants to distribute resultant content on digital platforms in advance of being broadcast ('digital first' as opposed to 'digital only'). For example, this may include podcasting for radio content. The parameters for this principle will be set out in any relevant guidance documentation if the proposal is in the final Scheme document.

Given the volatile market place, a review of the impact of a 'digital first' principle within three years of its implementation should ensure that the BAI keeps abreast of the relevancy of any new Scheme and any modifications that may be required to ensure that the Scheme continues to be relevant.

These commitments are set out in the S&V4 consultation document (pages 14 and 20).

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<sup>7</sup> Mediatique Review Report Sound and Vision 3.

- 1.2 **Re-focus of Ancillary Measures:** The Authority has funded various projects under Ancillary Measures to-date to assist in meeting the scheme's objectives. The Authority considered that this recommendation, that the BAI re-focus such initiatives to strengthen the achievement of the objectives of adult/media literacy and global issue awareness under the new Scheme, is appropriate and accordingly, the adoption of a more strategic approach to such initiatives has been included in the new Scheme document (page 16).
- 1.3 **Maintain ratio of 85%:15% TV to non-community radio broadcasting:** The review report recommends that the Authority consider devising a separate funding initiative for community radio but notes that this will require significant planning and preparation and accordingly, it is advised to make such a change following consultation with the community radio broadcasting sector and **only when practicable**. On implementation of any such initiative, the recommendation is to maintain the current commitment of 85%:15% TV to radio but to modify it for open rounds to 85%:15% TV to non-community radio broadcasting.

The BAI is cognisant that the structure of the programme funding rounds under a new scheme could provide funding in a more efficient and effective manner for community radio broadcasters and also for the lower funding offers, such as those under €10k awarded to the production of audio content. The Authority agreed in principle to develop initiatives that would support community and local broadcasting and to do so in consultation with the broadcasters. Any initiatives developed will be reviewed and their impact assessed regularly to ensure the appropriateness of the allocation of funds on the basis of 85:15 within any new scheme. This will include consideration of the impact, if any, on independent producers of radio content. The BAI commits to this approach to the programming funding scheme and this commitment is included on (page 16) of this S&V4 consultation document.

- 1.4 **Introduce a standardised points system for assessors and BAI staff:** A recommendation arising from the review of S&V3 is to introduce a formal scoring system for the evaluation of applications and to undertake to provide to applicants their overall score.

The Authority endeavours to be fair and accountable in its approach to all its work and whilst aware of the volume of applications submitted to the funding schemes, the Authority commits to developing a formal scoring mechanism and this commitment is in this S&V4 document (page 20). The BAI will devise the formal scoring system later this year and once agreed, it will be included in the guidance documentation published to support the operations of the new Scheme.

- 1.5 **Do not seek statutory changes (primary legislation):** Again, the BAI welcomed this recommendation noting the findings of the report highlighted the success of the current scheme, S&V3, and its immense value to the broadcasting sector and Irish audiences, which is based on Part 10 of the Broadcasting Act 2009 (extract at Appendix I). Accordingly, given this achievement, the current legislation is considered to be appropriate for the next iteration of a programme funding scheme for a five-year period.

- 1.6 **BAI to maintain role as scheme sponsor and adjudicator;** (prospect should be reserved to appoint the BAI to operate a similar role for a new scheme introduced under AVMS reform).

The BAI recognises the importance of the Scheme and its significance to the role of the BAI. In this context, the Authority welcomed the report finding of the BAI's part in the success of the programme funding schemes and the recommendation that it continue to be the sponsor of any new programme funding scheme. The Authority fully appreciates the value of a programme funding scheme that continues to support and encourage creativity, that brings new talent, original and diverse programme content to Irish audiences and that enriches both the broadcasting schedules and the broadcasting heritage of Ireland.

The establishment of a scheme further to the transposition of the AVMSD reforms falls to be considered by the Minister for Communications, Climate Action and Environment and accordingly, is not part of this consultation.

## 2. Recommendations of the review of S&V3 that will impact on the roll out of any new scheme

A number of the recommendations of the review report of S&V3 concern the operations of the programme funding scheme. The Authority will consider each of these recommendations when agreeing the approach to the roll out of the new scheme. In this regard, the Scheme is extremely important to the Authority including its value to both the broadcasting and independent production sectors, but also to the diversity of content and choice it offers a variety of Irish audiences, including in the Irish language. The Authority wishes to build on the success of the funding schemes operated to-date and commits to implementing the recommendations of the review report over the lifetime of the new scheme. These recommendations are:

- 2.1 **Remove Community broadcasters from open rounds when practicable & Cap Community broadcaster funding at €750k**

The BAI is cognisant that the structure of the programme funding rounds under the Scheme could provide funding in a more efficient and effective manner for community broadcasters and has been exploring funding options in this regard. The BAI commits to continue this work and has included this commitment in the S&V4 consultation document (page 16). Any new processes for awarding funds to the community sector will need to be developed and tested in consultation with the sector. Whilst the Authority agrees with the report finding that there may be better approaches to the funding of this sector outside of funding rounds, until such a time as the new process is tested and agreed, the Authority is not in a position to fully consider the recommendation of a cap on funding. Also, the sector can continue to make applications to open funding rounds.

- 2.2 **Streamline the application process**

The BAI endeavours to ensure that there is no unnecessary burden placed on applicants to the scheme and balances this endeavor with our obligations to ensure the probity of public monies expended. The BAI continually reviews its processes to ensure this balance is achieved and will review the application process for *Sound & Vision 4*, including considering different application processes having regard to the type of application e.g. radio vs TV. On the drafting of any new application documentation, the

BAI will engage with potential applicants to ensure they are fully aware and informed of the relevant application process.

### 2.5 Introduce pre-registration system for multiple applications

The BAI developed an online application system, one of the main aims of which was to reduce administrative burden for potential applicants. This aim was broadly achieved, and the BAI will continue to seek improvements to the system and will review the potential for pre-registration for multiple applications when reviewing the online system later in 2019.

### 2.6 Increase the amount of feedback to unsuccessful applicants

The BAI aims to operate in a fair, expert and accountable manner and believes that all applicants, whether successful or not, should receive informed feedback. The commitment to introduce a standardised scoring system in *Sound & Vision 4* (page 20) should address this issue.

### 2.7 Maintain the ability to have focused rounds

The flexibility to introduce a focus to a round is critical to the work of the BAI as it allows the BAI to take cognisance of the wider societal needs at that time such as gender equality both behind the cameras and also on screen and in the future, potentially to prioritise media literacy or climate change for example as well as elements of its own strategic objectives.

### 2.8 Explicitly value training & skills development and climate change awareness

These matters will be considered by the Authority when considering the processes for the roll out of *Sound & Vision 4*, including when determining the assessment criteria to be included in any formal scoring system.

### 2.9 Move to three rounds per annum

The Authority noted this review recommendation and also the proviso that to implement such a round cycle, there are a number of other changes that the BAI will have to implement. The Authority will consider this three-year-cycle pattern only after these other changes have been implemented such as the streamlining of the application process and the implementation of a new funding process for community broadcasting.

### 2.10 Institute more formal approaches to co-productions in drama

### 2.11 Permit applications for development funding

### 2.12 Re-focus stakeholder management

The Authority will review its strategic approach to *Sound & Vision 4* over the last quarter 2019 and will consider these three recommendations in this context. This will include reviewing current strategic partnerships, discussing with content producers and broadcasters the needs for development funding and setting out a plan of engagement with stakeholders to discuss the scheme's operations and any relevant focus.

## 3. Recommendations incidental to the scheme but fundamental to the work of the BAI

There are two recommendations of the review report that do not directly relate to the *Sound & Vision Scheme*, but are fundamental to the funding of content in Ireland including in the changing media landscape. The Authority welcomed both these recommendations.

- 3.1 *BAI to maintain role as scheme sponsor and adjudicator; prospect should be reserved to appoint the BAI to operate a similar role for a new scheme introduced under AVMSD reforms.*
- 3.2 BAI should continue to make the case for incremental public funding for audiovisual content.

## Section 4 – Consultation Questions

The BAI is seeking your views on the draft *Sound & Vision 4* programme funding scheme. While the BAI has set out six questions to elicit particular information, we would welcome any views that you may have on the draft document.

Section	Consultation Questions
<b>Section 3 Role of the BAI</b>	<ol style="list-style-type: none"> <li>1. Are you satisfied that the approach adopted by the BAI remains appropriate in the context of:                             <ol style="list-style-type: none"> <li>a. The objectives of the Scheme?</li> <li>b. The Strategic Objectives of the BAI?</li> </ol> </li> </ol>
<b>Section 4 Scope of Sound &amp; Vision 4</b>	<ol style="list-style-type: none"> <li>2. Are you satisfied with the proposed scope of Sound &amp; Vision 4 as set out? Please set out your rationale.</li> <li>3. What are your views on the digital first principle?</li> <li>4. If you support the digital first principle, what practices could the BAI adopt with a view to successfully implementing this digital first principle?</li> <li>5. Do you think it is appropriate that the Authority would re-focus its approach to how it employs Ancillary Measures including greater focus on the scheme objectives of adult/media literacy and global issues? Please explain. If yes, what practices could the BAI adopt with a view to successfully achieving these objectives?</li> <li>6. Should the BAI establish particular Ancillary Measures to support a) community broadcasting and b) local broadcasting? If yes, what in your view would be the best approach, or approaches, to any such funding initiatives and please set out your rationale.</li> </ol>
<b>Section 5 Funding</b>	<ol style="list-style-type: none"> <li>7. Are you satisfied with the proposed approach to funding? Are there any specific changes that should be considered, if so please explain?</li> <li>8. Do you agree that new approaches to the funding of the development of community and local broadcasting are required? If yes, in your view what potential new approaches are there for the funding of community and local broadcasting in addition to the proposal to establish new Ancillary Measures (refer questions (5) and (6) above)?</li> </ol>

<b>Section 6 Application, Assessment &amp; Awards</b>	<p>9. What is your view on the appropriateness of the application and assessment approaches proposed in this section?</p> <p>10. Do you think that the introduction of a standardised point system is appropriate and would it improve the quality of feedback to applicants?</p>
<b>Whole document</b>	<p>11. What are your views generally on the <i>Sound &amp; Vision 4</i> scheme document?</p> <p>12. Are there any other elements that you believe should be contained in the <i>Sound &amp; Vision 4</i> scheme, if so please explain?</p>

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