

Question 1. How should Government develop and support the concept and role of public service media and what should its role in relation to public service content in the wider media be?

- **How should Government develop and support the concept and role of public service media and what should its role in relation to public service content in the wider media be?**

- IMRO believes that one of the central roles of Government in developing and supporting the concept of public service media, is to promote music and culture, and in particular, Irish music and culture.

Anecdotally, any time Irish music and culture is promoted and showcased on Irish public broadcasting, there is a very positive public response.

The Government needs to utilise public service media more in the fostering and development of Irish culture, and to nurture Irish talent.

Ireland's public service media has an important role to play in promoting Ireland, its culture and its music, and enhancing Ireland's reputation abroad. In order to properly execute this important promotional function, investment is required to ensure that Ireland has best-in-class platforms in place to showcase our best-in-class social, musical and cultural offerings.

- **What can be learned from the evolution of public service media over the last decade?**
 - Investment in and appropriate management of public service media infrastructure is key. If technologies such as RTÉ player are problematic, users will simply use other platforms, leaving behind public service media, and the content created for it.

Having public service media platforms which are inadequate and/or not fit for purpose is akin to a shopfront with dirty windows. As a small jurisdiction which punches above its weight in the global cultural sphere, Ireland needs to have the best technologies and the best platforms to showcase our creative talent to international audiences and investors.

What we have also witnessed over the last decade in platforms such as Netflix and Disney+, is that content is king. VOD platforms have become as successful as they have due to the availability of high-quality original content on their platforms, and because of the sophistication of the technology, ease of use, and global access. Investment is needed in high-quality, home-grown Irish content, showcasing Irish talent and Irish creators.

- **What systems may be required to support and sustain public service content, e.g. high quality, independent journalism, in an increasingly competitive and consolidated market?**
 - While cognisant of the seriousness of these issues, IMRO feels that there is a danger in this consultation in overly concentrating on “fake news” and journalism and news media. IMRO wants to ensure that this consultation also fully considers the wider social and cultural impact of public service media in addition to the other important challenges new technologies have raised.

- **How might public service media be more effective in promoting the Irish language, sport and culture?**
 - IMRO sees the most important function in promoting the Ireland's creativity, sport, and its wider culture, as sharing these with an international audience. Public service media ought to be showcasing the full extent of Irish creativity and talent to international audiences and investors, to create jobs and opportunities for our creative sector, as well as our tourism sector. The Irish people and their culture are the best advertisement Ireland could ever have, and investment in appropriate technologies and platforms which have a global reach and sophisticated ease of use will pay for itself many times over in terms of the opportunities it will create.

Commissioning Irish language, sporting and cultural content is one of the primary means of promoting these elements. To allow this commissioning to happen, there must be enough resources available to public service media to commission such content. The creators behind such content also need to be supported, by government subvention.

It may be the case that stringent quotas need to be introduced for the minimum amount of Irish content on Irish public service media be introduced, in line with EU legislation.

IMRO believes that many of the recommendations from the Arts and Recovery Task Force would assist in supporting and sustaining public service content, particularly the trialling of a Universal Basic Income for creators.

To support and sustain public service content, it is the *creators* of such content that need to be supported and sustained. An enormous part of this will be investing in Irish creators and Irish content.

- **How might public service media better respond to the needs and expectations of the public?**
 - By the promotion of and investment in Irish creators, Irish culture, and Irish content.

- **What can we learn from other jurisdictions?**
 - Certain academic studies have concluded that when it comes to content distribution strategies ‘breadth must suffer in order to support more innovative and potentially high-impact content proposals’¹. Perhaps, as a smaller jurisdiction, Ireland needs to be more ambitious in its distribution strategies.

We can also see the success of BBC, which was ambitious in its global reach, with a sophisticated and state-of-the-art VOD platform, iPlayer. This allows British creative talent and productions to be showcased internationally, creating jobs and opportunities in the UK. The success of the iPlayer was down to its high-quality content, its international reach, its ease of use, and its reliability as a platform.

We see the public broadcasting funding that allows the BBC to be so robust and ambitious in its distribution strategies as a safer source of income to public service media than advertising revenue. Organisations such as *‘NPO, VRT and RTE are more vulnerable, given their lower budget and, perhaps even more importantly, their higher dependence on commercial funding, including advertising’*².

Question 2. How should public service media be financed sustainably?

- **What is the best model for future funding of public service media in Ireland? What approach best supports independent editorial oversight while achieving value for money and delivering on public service aims?**
 - The reliance on commercial funding should be reduced, and there should be State funding for Irish cultural content on public service media and in the wider community.

RTÉ is aware of this this, saying, “as the organisation strives to fulfil its public service remit, it must contend with the tensions of securing public service

¹ Doyle, G (2010) From television to multi-platform: less from more or more for less? *Convergence* 16(4): 431–449.

² “Public service media beyond the digital hype”: distribution strategies in a platform era; Karen Donders; *Journal of Media, Culture & Society*; Volume: 41 issue: 7, page(s): 1011-1028

goals, while remaining dependent on a high level of commercial funding, and catering for popular interests, while also serving minority cultures and interests”³.

As technology and content consumption habits develop and change, commercial funding is becoming increasingly incompatible with the public service remit.

With innovative ideas such as a universal basic income being considered for creators, IMRO believes that as the public service media landscape has changed so radically in the last decade, ambitious thinking is required.

It may be the case that the television licence fee is abolished entirely, replaced by a universal household charge, which is ringfenced for funding Irish culture and public service media.

Under EU legislation, it is possible for State levies to be applied to external broadcast advertising which targets Irish audiences. This could be ringfenced and used to invest in public service media and the promotion and development of Irish music and culture.

- **What opportunities exist to develop and implement business model and organisational changes within the public service broadcasters (RTÉ and TG4)?**
 - Subject to the AVMS European content quotas, there is potential for public service media to entirely outsource its producing and production responsibilities and capabilities and encompass a solely broadcasting role. This would have the potential effect of increasing competition in the Irish market for content creation.
- **How might content commissioning, including by RTÉ, TG4 and the BAI Sound and Vision scheme, be adjusted/improved/reformed to better achieve public service aims?**
 - As outlined above, subject to the AVMS European content quotas, there is potential for public service media to entirely outsource its producing and production responsibilities and capabilities and encompass a solely broadcasting role. This would have the potential effect of increasing competition in the Irish market for content creation.

IMRO would suggest that the changes do not necessarily need to come from within these organisations. If Irish creators are supported by other State initiatives, the burden on Irish service media for supporting such creators is ameliorated.

There ought to be a concerted effort to promote Irish content and Irish creators.

³ RTE (2017a) Annual Report 2016 and Group Financial Statements. Dublin: RTE.

- **How should public funding or tax reliefs be apportioned to Public Service Content providers?**

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It may be the case that the television licence fee is abolished entirely, replaced by a universal household charge, which is ringfenced for funding Irish culture and public service media.

- **What does the shift in advertising revenues towards big tech firms mean for the future of print, online and broadcast media?**

- As outlined above, over-reliance on commercial funding by public service media is potentially damaging, with RTÉ saying, “as the organisation strives to fulfil its public service remit, it must contend with the tensions of securing public service goals, while remaining dependent on a high level of commercial funding, and catering for popular interests, while also serving minority cultures and interests”⁴.

Smaller public service media organisations such as ‘NPO, VRT and RTE are more vulnerable, given their lower budget and, perhaps even more importantly, their higher dependence on commercial funding, including advertising’⁵.

There are various mechanisms by which the pooling of advertising revenues in big tech companies could be redistributed more fairly – for example, corporation tax could be increased by 0.5% and the increase could be ringfenced for public service media, music and culture.

However, IMRO sees the primary means of addressing the enormous profits being generated by big tech firms via advertising, is to address the “value-gap”, which has been rectified by Article 17 of the recent EU Copyright Directive. By ensuring that content creators are fairly remunerated for the use of their copyright works by these big tech platforms by way of licence authorisations and royalty payments, musicians, newspapers, media outlets etc will receive payment of their fair share of these advertising revenues. The immediate and full implementation of the new EU Copyright Directive, and the protection of the intellectual property of rightsholders being exploited by big tech firms need to be central to any strategy seeking to address this issue.

⁴ RTE (2017a) Annual Report 2016 and Group Financial Statements. Dublin: RTE.

⁵ “Public service media beyond the digital hype”: distribution strategies in a platform era; Karen Donders; Journal of Media, Culture & Society; Volume: 41 issue: 7, page(s): 1011-1028

- **What role is there for alternative funding models for Public Service Content providers – voluntary, cooperative, crowdsourcing, subscription?**
 - As answered above, it may be the case that the television licence fee is abolished entirely, replaced by a universal household charge, which is ringfenced for funding Irish culture and public service media.

Question 3. How should media be governed and regulated?

- **What regulatory changes at EU or global level might impact on the governance of public service media in the period ahead?**

- The AVMS Directive (as amended) requires EU Member States to promote European works both in linear and in on-demand audiovisual media services. The 2020 AVMS Guidelines issued by the EU Commission⁶ state that the Commission considers that it is appropriate to calculate the 30 % share of European works in on demand catalogues based on the total number of titles in the catalogue.

As the Guidelines state, if a VOD provider falling under the jurisdiction of a Member State offers different national catalogues in other Member States, it is the responsibility of the Member State of jurisdiction (i.e. the country of origin) to enforce the obligation related to the share of European works with regard to all the various national catalogues.

These requirements are in addition to existing stipulations:

Article 16 of the Directive requires broadcasters to reserve a majority proportion of their transmission time, excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping, for European works.

Article 17 requires broadcasters to reserve a minimum proportion (at least 10%) of their transmission time, excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping, for European works created by independent producers. Alternatively, Member States may require broadcasters to allocate at least 10% of their programme budget to independent productions. An adequate proportion of works by independent producers should be recent, i.e. less than five years old.

- **What challenges are posed to a vibrant, independent public service media by increasing consolidation / declining plurality of ownership in the Irish market?**
 - The creation of monopolies and the eradication of competition is something which self evidentially has a chilling effect on innovation.
- **Are current legislative and regulatory controls for public service media adequate?**
 - IMRO would like to see stronger regulations in place which ensure that more content available on Irish public service media comes from Irish creators.

⁶ (2020/C 223/03) Guidelines pursuant to Article 13(7) of the Audiovisual Media Services Directive on the calculation of the share of European works in on-demand catalogues and on the definition of low audience and low turnover.