

Submission to the Future of Media Commission Public Consultation

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This submission will highlight some of the main issues Imelda Munster, Sinn Féin Spokesperson for Media, wishes to raise in terms of the Future of Media in Ireland. It mainly relates to Public Service Broadcasting, the original remit of the Commission, but other issues such as social media and media plurality are also touched on.

Given the wide remit of the Commission and the limited opportunity for public consultation it would be desirable if the government would consider additional opportunities to allow for the public and other stakeholders to voice their opinion on media issues generally, but particularly with regard to Public Service Broadcasting. This should be part of a wider effort by government to reform the media landscape in this state, particularly given the enormous changes that have been taking place in recent years.

Public Service Broadcasting

Public service broadcasting (PSB) is an essential service. It plays a crucial role in addressing the democratic, social and cultural needs of society and is central to media diversity.

It is recognised by all EU states that 'the ability of public service broadcasting to offer quality programming and services to the public must be maintained and enhanced'.¹

At the moment, Irish PSB is in a state of flux. RTÉ, the main public body, has been in a long-standing state of crisis due to funding deficiencies, and TG4 has only recently seen an increase in government funding after years of cuts.

Local media outlets, subject to the 20 per cent public service remit, are suffering from a fall in advertising revenue and increased overheads. Independent producers are finding it

¹ Resolution of the Council and of the representatives of the governments of the Member States, meeting within the Council of 25 January 1999 Concerning public service broadcasting. C 30/01, 1999.

difficult to survive, and although there have been success stories, the industry itself needs structural support. Community radio is similarly affected.

The effect of the pandemic in 2020 and 2021 has added enormously to the financial struggles of PSB organisations across the board.

In order for public broadcasting to survive and thrive, we need a funding model that will focus on future growth and introducing a greater range of voices and ideas, rather than keeping PSB in a state of constant struggle due to underfunding.

Public service broadcasting is defined by UNESCO as:

‘broadcasting made, financed and controlled by the public. It is neither commercial nor state-owned, free from political interference and pressure from commercial forces. Through PSB, citizens are informed, educated, and also entertained. When guaranteed with pluralism, programming diversity, editorial independence, appropriate funding, accountability and transparency, public service broadcasting can serve as a cornerstone of democracy.’²

It is hugely important that public service broadcasting is as much free from the influence of private monied interests as it is from political interests. We have seen globally the damage that stations such as Fox News and owners such as Rupert Murdoch can do to a national discourse, and in the Irish state the consolidation of private media ownership in the hands of a very small number of people is a cause of concern. Indeed, the recent alleged ‘blacklisting’ of certain journalists by certain media groups is a chilling reminder of the power of very wealthy people to censor and subvert journalistic standards and inquiry.

It is also worth noting that sometimes the remit of PSB is portrayed as being entirely non-profit or not required to make a profit – that its purpose is to ‘fill a gap’ in programming that is not otherwise covered by the free market. This is not the case. It is true that public service broadcasters often create programming that is targeted at a niche community, but that is not the same as saying that it is unprofitable or concerned solely with programming that falls through cracks in the market. RTÉ and TG4 can, and do, make programming that has mass appeal, nationally and internationally, and can be profitable. The purpose of public

² <http://www.unesco.org/new/en/communication-and-information/media-development/public-service-broadcasting/browse/7/>

funding of public broadcasting is to free it from the political agendas of private media owners and investors, not just government.

Public Service Media v Public Service Broadcasting

For the purposes of this submission, public service media (PSM) refers to programming that is publicly funded and broadcast on any Irish national or regional broadcaster, including community radio. It also refers to programming that is funded through the BAI.

There is a move within the EU to use the phrase ‘public service media’ as a substitute for ‘public service broadcasting’,³ but for the purposes of this document we feel it is still important to continue to differentiate between the two.

On one hand we have the needs of the public service broadcasters, and on the other we have the needs of those who make public service media content, the latter group includes a wealth of independent media producers as well as commercial radio and TV stations.

Similarly, not all those that broadcast public media are public broadcasters.

It would be wrong to suggest that commercial media groups that broadcast public media content, are somehow public broadcasters. They are not in public ownership and their ultimate interests are those of their shareholders, with the general public treated as consumers.

RTÉ

As the national broadcaster RTÉ plays a pivotal role in Ireland. In a recent survey, 76 percent of respondents said that they trusted RTÉ above all else.⁴

Along with news and current affairs, RTÉ serves as an outlet for Irish talent across radio and TV production in terms of drama, documentary, entertainment, and debate.

Since 2008 it has seen a significant decrease in revenue – in terms of its share of the TV licence and its income from advertising and sponsorship. This has led to cuts in certain areas, most notably in staffing levels and work contracts, as well as its commissioning of independent productions. More recently there were concerns that it would downgrade its

³ Giorgia Pavani. *The Structure and Governance of Public Service Broadcasting*. London: Palgrave Macmillan (2018):

⁴ Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht. ‘Opening statement, Adrian Lynch, Director of Audience Channels and Marketing, RTÉ.’ 11 Nov 2020.

studios in Cork and Limerick, only for those measures to be reversed after a government injection of funds.

Its drop in revenue (and subsequent cuts) has happened during a period of significant disruption in the industry as a result of the worldwide growth of social media and internet streaming services. These issues have all been compounded due to the pandemic and associated restrictions.

At a time when RTÉ should be investing in the future, it finds itself running merely to stand still. Today, the organisation faces significant challenges around finance, relevance, and reform.

While there is almost universal agreement that RTÉ should continue to produce news and current affairs, its role as a producer of other sound and media shows has come into question.⁵ Similarly, RTÉ's current market dominance in terms of advertising revenue is a cause of significant concern within the industry, with some calling for RTÉ to have its commercial remit taken from it.⁶

While there is strong merit in RTÉ expanding its role as a publisher-commissioner – that is, commissioning programming from third parties for broadcast on its network – and the concerns of the industry over RTÉ's dominance of advertising revenue are not without justification, there is a greater danger of the national broadcaster and dominant public broadcaster becoming a truncated version of itself were these two policies to be fully implemented.

The removal of RTÉ's commercial mandate, for example, could easily result in the ghettoization of public broadcasting, as happened in Greece in the 1990s,⁷ and would seriously undermine the remit of Irish public broadcasting to ensure support for the values of democracy, pluralism, social cohesion, and cultural and linguistic diversity, as mandated under the EU Treaty.

If curbs are put on RTÉ's ability to sell advertising space on its networks, the subsequent drop in funding would need to be picked up by the general public through an increase in

⁵ Houses of the Oireachtas Joint Committee on Communications, Climate Action and Environment. *Report of the Joint Committee on the Future Funding of Public Service Broadcasting*. 28 Nov 2017: 227-8.

⁶ *Report of the Joint Committee on the Future Funding of Public Service Broadcasting*: 21.

⁷ UNESCO. *Public Service Broadcasting: A best practices sourcebook*. UNESCO: Paris (2005): 27-8.

either the TV licence or general taxation. Otherwise RTÉ would have to make further cuts in services and output, resulting in long-term irrelevance as an active contributor to the cultural and intellectual life of the state.

It needs to be stated that it is just as much the remit of RTÉ to make programming with mass appeal as it is to produce programming for niche or local communities. The purpose of public funding of public broadcasting is to free it from the political agendas of private media owners and investors, not just the state and government. RTÉ has proved its ability to produce programming which can be sold internationally, such as *Love/Hate*, and this is to be encouraged.

Similarly, popular music shows on RTÉ 2FM are as much a part of public broadcasting as *Morning Ireland* or *Primetime*.

The ‘market forces’ argument against public broadcasting – that only that deemed to be ‘uncommercial’ should be funded by, or broadcast on, public broadcasters – is a false one.

The issue is one of independence and creating a space for creative exploration free from undue private and political influence, not whether such programming is ‘too popular’ for public funding. This applies as much to music, culture, documentaries, and entertainment as it does to news or current affairs.

It is important, therefore, to restate that public ownership of a public broadcaster (with the subsequent public accountability) is central to the independence of public broadcasting, and while other broadcasters may carry public media content now and in the future, they can never replace the democratic role that public broadcasters play in society – and that role applies to all content it produces.

For RTÉ to sustain and develop that role, it needs a long-term and viable funding model. Any cut to its ability to sell advertising space, as well as its ability to commercialise its popular media productions, will undermine that objective.

Nonetheless, the deep structural problems facing RTÉ cannot be solved simply through an injection of funding or a return to pre-2008 times. There is justification in the argument that RTÉ as a corporate body (including its corporate culture) is caught between two worlds – it is torn between its history and legacy as a monolith within Irish news and media production, and the present world where that is rapidly changing.

Similarly, it is not desirable to bring about a situation which sees public and commercial media production grabbing for themselves as much advertising and TV licence funding as they possibly can.

What we need going forward is for the state, through government policy, to start treating the news and media industry as an industry, with a plan that is cross-departmental in its approach and reflective joined-up thinking, and one where there are synergies and room for mutual development of public and commercial broadcasters.

Sinn Féin wants an industry-wide approach that respects the unique role that RTÉ and TG4 hold within Irish media production, while at the same time allowing a greater input for other broadcasters in developing Irish talent. One does not need to be done at the expense of the other. This includes news and current affairs, where the role of local and community radio is crucial and needs to be supported.

The central issue around RTÉ's future is that of the licence fee, which will be discussed in-depth later in this submission.

To summarise, the status of RTÉ as a public broadcaster with a commercial remit should be maintained and any additional funding for public media producers outside of RTÉ cannot come from lessening RTÉ's current share of TV licence revenue. It is desirable that RTÉ expand its publisher-commissioner role as part of an industry-wide initiative to sustain and expand independent Irish media production and public funding of RTÉ should to be subject to audit by the C&AG (as is the case with TG4).

TG4

TG4 is a key part of public broadcasting and plays a central role in the promotion of the Irish language, and provides a vital media resource for those living in Gaeltacht communities and those who speak or have an interest in the Irish language. In market surveys, over 75 percent of respondents believe TG4 has 'a positive influence on the Irish language and makes it come alive for them'.⁸ Its operating model is that of a publisher-broadcaster, one which allows it in its own words to 'combine creativity, audience-focus, and nimbleness'.⁹ In

⁸ Committee on Communications, Climate Action and Environment. 'Background Paper TG4 Public Consultation on Funding of Public Service Broadcasting in Ireland.' 22 Nov 2016.

⁹ Committee on Communications, Climate Action and Environment. 'Opening Statement TG4 The Funding of Public Service Broadcasting'. 22 Nov 2016.

2019 it spent '€23m in the independent production sector in Ireland, of which €21m was invested in regional independent production companies'.¹⁰ This is double the entire annual Sound and Vision Fund, giving TG4 an outsized position in the ecosystem of sound and media production and broadcasting in the Irish state. Every €1 spent by TG4 is worth €2 to the Irish economy.¹¹ TG4 has a significant, positive impact on Gaeltacht and other regional areas where unemployment and emigration are constant shadows – a fact often forgotten about in the debate on public broadcasting.

As with RTÉ, the station has suffered from a range of cuts to funding in recent years, amounting to around €40m in total from 2008 to 2015.¹² This severely affected the station's ability to invest in the future, and while some of these cuts have been reversed it is clear that more needs to be done to ensure TG4 remains on a solid, sustainable footing. TG4 estimates that since 2018 the funding gap between what was agreed between TG4 and the BAI, and current public funding, is €9.5million.

We propose a continued increase in TG4's core funding to close this gap. We also need a dedicated Irish language media strategy from government, which would include all forms of Irish language media.

Community Radio and TV

Community radio and TV is the third sector in Irish media. It is not-for-profit and democratically owned and controlled by local communities or communities of interest. It brings significant social benefit: supporting local democracy, providing technological training, and assisting job creation. It often serves as the 'last mile' in local media coverage (as with local radio), providing coverage of issues and events that are often not given coverage by RTÉ and the commercial TV stations.

According to the BAI,

'A community radio station is characterised by its ownership and programming and the community it is authorised to serve. It is owned and controlled by a not-for-profit organisation whose structure provides for membership, management, operation and

¹⁰ TG4. 'TG4 welcome today's budget announcement of additional funding of €3.5m for TG4 in 2021.' 13 Oct 2020.

¹¹ Opening Statement TG4 The Funding of Public Service Broadcasting'. 22 Nov 2016.

¹² Opening Statement TG4 The Funding of Public Service Broadcasting'. 22 Nov 2016.

programming primarily by members of the community at large. Its programming should be based on community access and should reflect the special interests and needs of the listenership it is licensed to serve.'

Despite all the hallmarks of public broadcasting, community stations are not defined in legislation as public broadcasters in the same way as RTÉ and TG4.

As neither state broadcasters nor commercial entities they fall between two stools, and this leads to difficulties when engaging with state agencies that are set up to deal with categories of either state or commercial ownership.

These are exacerbated by the fact that 'community radio breaks with traditional, mainstream models of media production in that community members are not an audience in the traditional sense. Rather, they are potential and actual broadcasters and producers, active participants in their local communication project.'¹³ Despite this, they are forced to deal with state agencies that are geared towards either producers or listeners.

As Sally Galiana of Near FM said to the Communications Committee in 2014,

*'Community radio is about innovation. The lack of commercial pressures means that new programme formats are explored, new ways of making programmes are tried out, new ways of empowering people are tested and new spaces for experiments in radio drama, location broadcasting and documentaries are opened up. All this can only be sustained and expanded where community radio is properly resourced.'*¹⁴

Given their operating model and ethos, it is clear that the community stations should be seen as public broadcasters, with direct access to TV licence funding for certain operating costs and ongoing programming, particularly around news and local affairs.

The Sound and Vision Fund, which is one of the core funding streams for community radio, has a strong emphasis on professional production standards and criteria. However, the 'objectives of community radio such as community access, in particular providing media

¹³ Niamh Gaynor & Anne O'Brien. 'Community Radio in Ireland: "Defeudalizing" the Public Sphere?' *Javnost - The Public: Journal of the European Institute for Communication and Culture*. 18:3 (2011): 23

¹⁴ Joint Committee on Transport and Communications debate. 30 Apr 2014.

access to groups outside of the mainstream, do not always result in the slick production values of commercial or state broadcasting.’¹⁵

The new Community Radio Fund available under Sound and Vision 4, therefore, is a welcome development and needs to be made a permanent feature of the fund.

Overall, community media needs an increased focus on state supports for core funding and the promotion of the sustainability of the sector to ensure increasing number of communities, and a plurality of voices and opinions, are provided with a unique service.

The Commission should consider the designations of community radio as public broadcasters with access to TV licence funding for specific operational costs/staffing as well as ongoing programming. The retention and expansion of the S&V 4 Community Radio Fund, to include news and current affairs programming should also be considered. Community radio should also have access to training and skills development under a dedicated BAI training fund, including a journalism bursary specifically for community stations. In terms of legislation, we need to develop a legal definition of community media stations as non-profit public broadcasters that are community-led and owned and we need new legislation to give effect to community and worker-owned co-operative models.

Local Radio

Under the Broadcasting Act, all commercial radio stations are mandated to dedicate at least 20 percent of airtime to news and current affairs. This is a significant public service remit and one that should be acknowledged by the state, especially as those stations cover issues and concerns that do not receive coverage by RTÉ and the commercial TV stations.

Local radio, however, is under significant financial strain – a situation made all the worse by Covid-19. At the same time the nature of news coverage has changed dramatically since the 20 percent remit was brought in.

In order for a journalist to cover a local event, they must produce content over various platforms – on air, on the station’s website, and on social media. All of this is time-

¹⁵ Niamh Farren, Ciaran Murray & Kenneth Murphy. ‘Community Radio Development and Public Funding for Programme Production: Options for Policy.’ *Irish Communication Review*. 14, 1 (Jan 2014): 93.

consuming and highly pressurised work, given the need to meet deadlines and cover a multitude of events.

While it could be argued that the 20 percent legal requirement belongs to another time, what is not up for debate is the vital importance of local and regional news coverage by those stations.

It is all but certain that RTÉ would not be in a position to replace that coverage were it to disappear. This means that from a public broadcasting perspective, it is only right and proper that public financial supports are put in place to help local and regional stations cover news and current affairs that fall under their broadcasting remit.

We propose reform of the Sound and Vision Fund to allow for news and current affairs for local radio stations and the development of a new journalism bursary specifically for local radio stations

Licence Fee

The financing of public broadcasters and programming is fundamental to democracy. Within the European Union the methods by which public broadcasting is funded is a national competency, with the remit ‘conferred, defined and organised by each Member State’.¹⁶ Around 14 of the 27 EU member states collect a licence fee,¹⁷ the rest using direct state funding to support the sector. The majority of EU states also allow their public broadcasters to carry advertising. The Irish State operates this type of mixed model of funding.

It is crucial that PSBs are free from political interference. This means that their public funding stream should come directly from the public itself and not as part of the government’s annual budget. Although that is primarily the case with RTÉ, its recent reliance on ‘top-up’ payments from the relevant Minister is problematic from an independence point of view.

At the moment only three EU states (including the Irish State) still use the ownership of a television set as the basis for their licence. There has been much criticism of his funding

¹⁶ Protocol on the System of Public Broadcasting in the Member States, OJ C 340/109, 1997.

¹⁷ European Broadcasting Union. *Licence Fee 2019 Public Version*. (EBU, Oct 2019): 4.

model, particularly given the rise in the use of smartphones, tablets, laptops and PCs as alternative methods of media consumption.

RTÉ estimates that around 12 percent of households evade the TV licence payment while around 11 percent don't pay it because they don't have a television.¹⁸ The high figure of evasion quoted by RTÉ is used by the organisation to make the argument that a crackdown on evasion would go a long way to solving RTÉ's financial problems.

It may be a matter for the Commission to examine this issue to establish whether evasion of the television licence and non-payment by those who do not own a television set is indeed the primary cause of RTÉ's financial woes – we would argue that the model itself is outdated, and a more socially inclusive solution is needed.

The Joint Oireachtas Committee on Communications, Climate Action and Environment recommended in its report in November 2017 that the TV licence model be replaced with a broadcasting charge which was to be collected by Revenue. In July 2018 the Working Group on the Future Funding of Public Service Broadcasting was set up, and subsequently recommended that the TV licence be put out to public tender for a five year contract, which would then be replaced by a device-independent charge.

The tendering process was put forward to allow for immediate reform, however we are now two and a half years down the road and the legislation has still not passed, and in the meantime the Future of Media Commission has been established to deal with the matter.

Sinn Féin is in favour of the collection of the licence fee remaining under the remit of a semi-state or state body. We reject any attempts to privatise collection of the fee as it is not a solution to evasion. It is important that in its examination of this matter, the Commission does not pursue privatisation as a "solution" to licence fee evasion. Privatisation was not recommended by the Joint Oireachtas Committee on Communications, Climate Action and Environment in its report and is often a knee-jerk reaction of government in attempting to solve a problem. Continued privatisation of public assets and functions rarely brings about an improvement in services, and when a private entity seeks to make profit out of the

¹⁸ Gráinne Ní Aodha. 'If everyone with a TV paid their licence fee in 2018, RTÉ would have an extra €32 million.' *TheJournal.ie*. 8 Nov 2019. [<https://www.thejournal.ie/tv-licence-fee-evasion-rates-4883009-Nov2019/>]

provision of a public service, it is difficult to see how that would provide value for money for the state.

There are several European models which the Commission should examine, including general taxation models, but only if this fund is ring-fenced and is outside of the national budgetary process to ensure that the fund for the licence fee is independent and free from political interference.

When we look at other states, we see that the key to a successful PSB charge is the relationship that exists between the public media providers and the general public.

As the European Broadcasting Union argues,

‘... public acceptance of the licence fee is linked to the perception and performance of PSM. PSM should therefore try to communicate the overall value that citizens receive by paying their licence fee: the content provided by PSM, its reach, impact and perception by the public; in a word, its contribution to society.’¹⁹

In other words, we need a social consensus on the measures to be put in place to secure the future of public broadcasting.

At the moment the loudest voices are coming from the industry itself. And while their input is both necessary and welcome, the public still needs to be convinced that the changes proposed are fair and equitable, and that public broadcasting in Ireland is actually representative of the people of Ireland with all its diversity and voices. I hope that the Commission’s outreach work will improve this situation somewhat, to redress the imbalance where the broadcaster lobbies politicians but the public doesn’t.

On the ground, it is clear that there is what is at best an ambivalence to RTÉ. The high wages paid to some broadcasters and tales of tax avoidance, as well as previous issues around a lessening of contracts and work conditions, are all distinct barriers to achieving the type of social support and reciprocity that is crucial to PSM funding.

Further to the work of this Commission, it might be worthwhile to consider further social dialogue on the future of public broadcasting in the Irish state. This can be done through a format such as a citizen’s assembly, which can then feed into the political process. The

¹⁹ *Licence Fee 2019 Public Version*. P.6.

national discussion on this issue must expand beyond industry insiders, academics, and politicians.

Sinn Féin believes that in the short term the following measures are the most practical way forward:

- No more ‘top-slicing’ of TV licence revenue
- Expansion of the Sound and Vision Fund with new revenue streams and a multi-departmental approach to halt the decline in public funding
- Greater input from the public on the future of public broadcasting and the TV licence – no more solutions purely based on the industry talking to itself and government
- Examination of other licence fee models that reflect the changing media environment
- New models of collection of the licence fee should be examined, but the collection of the licence fee should not be privatised.

Media Plurality

This is a matter that has come under scrutiny in a number of countries, including Italy, Britain, Hungary, the United States of America, Australia and India. Ireland is also affected by concerns around media plurality and the concentration of media ownership, and it is a matter that must be addressed by government as a matter of urgency. I am hopeful that this Commission can begin the work that must be carried on my government to address this area.

Media plurality is central to a well-functioning democratic society. The Council of Europe has said that “democracy would be threatened if any single voice within the media, with the power to propagate a single viewpoint, were to become too dominant”.²⁰

Ireland’s media market has been described as one of the most concentrated of any democracy. We have experienced a situation where one private individual media owner within the state had dominance over the landscape²¹. Despite Denis O’Brien ending his

²⁰ Council of Europe, Recommendation No. R (99) 1 of the Committee of Ministers to Member States on Measures to Promote Media Pluralism, Explanatory Memorandum (1999)

²¹ Gallagher, C., J. Price, G. Booth, and D. Mackin. 2016. *Report on the Concentration of Media Ownership in Ireland*. London, Belfast. http://www.doughtystreet.co.uk/documents/uploaded-documents/Report_on_the_Concentration_of_Media_Ownership_in_Ireland_by_DSC_and_KRW_LLP_Oct_2016.pdf.

involvement with Independent News and Media in 2019, the clustering of Irish media ownership continues to be an issue in this state and must be addressed.

Research into this matter has shown that Ireland's concentration of media ownership has placed this state in the highest risk level as regards threats to media pluralism²², and have shown the dangers of additional features seen in the Irish media landscape, including the initiating of legal proceedings by media owners relating to coverage of their own business affairs²³.

Another related area of concern is the ongoing matter of defamation laws in this state. The state has been very slow to address ongoing concerns about the Defamation Act 2009, a matter which was raised as recently as 16th December 2020 by Newsbrands Ireland at a meeting of the Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht.

We suggest that the Commission considers potential changes to existing laws and policies that will safeguard journalistic autonomy, protect and improve plurality in Irish media.

These findings could be useful in developing new legislation in these areas.

Social Media

This is a rapidly growing section of the media which has transformed the landscape in just over a decade.

Regulations in this area have been slow, however the transposition of revisions to the Audiovisual Media Service Directive to Irish law has seen some movement with the publication of the heads of the Online Safety and Media Regulation Bill in December 2020. This is to be welcomed, however we need to look at social media in a wider context than doing the minimum required of us by EU law, and this work must include outreach and

²² Media Pluralism Monitor 2016 Monitoring Risks for Media Pluralism in the EU and Beyond, 2016. Ireland - Centre for Media Pluralism and Freedom (eui.eu)

²³ Gallagher, C., J. Price, G. Booth, and D. Mackin. 2016. *Report on the Concentration of Media Ownership in Ireland*. London, Belfast. http://www.doughtystreet.co.uk/documents/uploaded-documents/Report_on_the_Concentration_of_Media_Ownership_in_Ireland_by_DSC_and_KRW_LLP_Oct_2016.pdf. [Google Scholar]

conversations with stakeholders and interested parties around how best to regulate social media.

It is expected that the Online Safety and Media Regulation Bill will introduce measures contained in Article 28b(1) of the revised Directive which will protect children from content which may impair their physical, mental or moral development, protect the general public from content containing incitement to violence or hatred against a group of persons or member of a group based on any of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the EU, and protect the general public from content the dissemination of which constitutes an activity which is a criminal offence under EU law.

We need to go beyond this, and delve into other matters arising from social media and other online platforms. For example, there are other issues around the protection of children, including the use of children on online platforms which do not safeguard their privacy or other rights, particularly where such content is monetised. We must also introduce legislation or similar regulations around advertising to children online, which includes products as well as food that is high in fat, salt and sugar.

It would be very welcome if this Commission would consider these matters and ways in which the government can regulate them, further to the regulations that will be introduced by the Online Safety and Media Regulation Bill.

The government prides itself on its ability to attract Foreign Direct Investment through tax breaks and loopholes and other methods. As a result many of the major international tech firms are located in Dublin. We have a responsibility to regulate content produced on these platforms and this issue must be prioritised by the government. This is a complex area which will require in-depth analysis and further examination, however it would demonstrate the importance of dealing with it if the Commission would make recommendations on these matters. This can be examined in the context of the Online Safety and Media Regulation Bill as well as the EU Digital Services and Digital Markets Bill and other EU regulations.

This type of false and harmful content has already proven to be hugely problematic, and regulations including appropriate sanctions for tech companies must be introduced as a matter of urgency.

Further to this, it is important that the dominance of tech platforms in the digital advertising market is also examined and must be regulated. This is particularly important in the context of the enormous growth in audiences for news media content and the significant loss of revenue for traditional print media outlets whose circulation and advertising revenues have plummeted. We must achieve a balance where platforms that aggregate and distribute that content are not disproportionately rewarded in terms of digital advertising revenue, to the detriment of the news outlets that actually create that news content. In March 2020 Core Media stated in its Outlook report that “the dominance of the duopoly (Google and Facebook) has a significant impact on the budgets available to Irish online publishers”²⁴ and notes that Google and Facebook secured approximately €425million in Irish advertising revenues in 2019. Government needs to take steps to rebalance the relationship between outlets that create content and those who publish it, in terms of advertising revenue ensure the sustainability of news media.

These matters must be considered as part of a wider government strategy on the future of media in Ireland to ensure the future of the sector as a whole. We need clear policy in these areas and government must drive this change.

²⁴ <https://onecore.ie/wp-content/uploads/2020/03/Core-Outlook-20.pdf>