[IE] *Coimisiún na Meán* publishes updated guidance for public service media on codes of fair-trading practice

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Section 112 of the Broadcasting Act 2009, as amended, requires Ireland's media regulator, *Coimisiún na Meán*, to prepare and issue guidance to public service media organisations, RTÉ and TG4, on their Codes of Fair-Trading Practice (COFTP). RTÉ is Ireland's national public service broadcaster, operating several television channels and radio stations, while TG4 is Ireland's national Irish-language public service broadcaster.

The guidance establishes a framework to assist RTÉ and TG4 in the development and implementation of their respective COFTPs, which regulate interactions between public service broadcasters and independent production companies, setting out the principles and standards that should underpin programme commissioning arrangements.

There have been significant technological and commercial developments in the media landscape since the publication of the previous guidance in 2017, including the growth of streaming services and on-demand platforms and the increasing personalisation of media consumption. The revised guidance was informed by extensive stakeholder engagement, including consultation with RTÉ, TG4 and the Minister for Culture, Communications and Sport.

The published guidance is underpinned by seven core principles: flexibility; certainty and transparency; fairness; public service objectives; commercial obligations and expectations; supporting innovation; and availability and accessibility.

Recognising the impact of technological developments on commissioning practices, rights management, programme delivery and commercial models, the guidance provides that a COFTP should be sufficiently flexible to accommodate emerging technologies, including artificial intelligence and new production technologies. The guidance also requires public service media organisations to monitor technological developments, assess their implications for the sector, and review the code where such developments have a significant impact on the media industry. The point at which such a review is initiated should be agreed between the public service media organisation and independent producers and may take account of factors such as material effects on production practices, costs or

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workflows.

In the context of sustainability, the guidance states that a COFTP should ensure that environmental sustainability is embedded in all production planning and aligned with national climate policy and industry sustainability initiatives. It should recognise the promotion of sustainable practices across the sector as a shared responsibility of broadcasters and independent producers. At a minimum, a COFTP should support the adoption of practical sustainability measures, including the use of recognised carbon measurement and certification tools, as well as actions and initiatives that contribute to Ireland's commitment to reduce greenhouse gas emissions. Sustainability considerations should be integrated throughout the production life cycle, and continuous improvement in environmental performance should be encouraged.

Furthermore, the guidance recognises the shared responsibility of broadcasters and independent producers to protect the well-being, dignity and safety of everyone involved in the creation of commissioned content. To this end, a COFTP should, at a minimum, require the inclusion of clear duty of care policies in production documentation, appropriate measures to protect staff and contributors throughout all stages of production, and mechanisms for reporting and addressing well-being, safety and conduct concerns.

The guidance also provides that public service media organisations shall, either in their COFTP or in a related document, set out procedures for the resolution of disputes arising from the operation of the code. It specifies that the mechanism for dispute resolution, whether through mediation, arbitration or other means, should be clearly identified, and that *Coimisiún na Meán* will not act as a mediator or arbitrator in such disputes. The dispute resolution process should be designed to minimise costs to ensure that neither broadcasters nor independent producers are disadvantaged by the expense of seeking a resolution.

In accordance with Section 112 of the Broadcasting Act 2009, as amended, *Coimisiún na Meán* will review the guidance no later than four years after its publication.

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https://www.cnam.ie/updated-guidance-published-for-public-service-media-on-codes-of-fair-trading-practice/

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