[IE] Broadcasting - New Ownership and Control Policy

IRIS 2001-10:1/18

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In October 2001, the Broadcasting Commission of Ireland (BCI) announced details of its new ownership and control policy for commercial broadcasting. The Radio and Television Act 1988 requires the BCI to formulate and apply a policy that takes account of plurality of ownership and diversity of content in broadcasting. The Broadcasting Act 2001 (see IRIS 2001-4: 9), which makes provision for the introduction of a host of new analog and digital radio and television services, also addresses the issue of diversity of sources and content of programming. In April 2001 the BCI decided to undertake a review of its existing policy in that regard. Over the summer it engaged in wide-ranging consultation with the broadcasting sector and the public (see IRIS 2001-8: 11).

The revised policy sets out the BCI's guiding regulatory principles, its statutory obligations, policy objectives and policy details. The guiding principles recognise the importance of the BCI being in a position to respond flexibly and adequately to the unforeseen and often complex questions that will emerge in the developing broadcasting landscape. In fulfilling its statutory obligations, the BCI aims to put the public into a position which gives it access to a diversity of programming from a variety of sources. It will do so "in the form of broadcasting services of such number and categories as will best serve the needs of the people of the island of Ireland, bearing in mind their languages and traditions and their religious, ethical and cultural diversity". The BCI aims to develop and operate a simple, flexible but comprehensive regulatory scheme, capable of responding to technological and market developments, as well as national and local conditions.

In terms of detail, the BCI takes the view that it would be acceptable for any one investor to have control of, or substantial interests in, a number equivalent to 15% or less of the total number of commercial sound broadcasting services licensed under the 1988 Act. A number equivalent to 15% - 25% would require more careful consideration by the BCI, while over 25% would be unacceptable. The BCI also sets out the criteria it will apply to determine what constitutes a reasonable share of all the communications media available to audiences in a particular franchise area. It also stresses its support for the view, widely espoused by respondents to the consultation paper, that the maintenance of a local ethos (as distinct from local ownership) is a key objective. Non-EU applicants will be required to have their place of residence or registered office within the EU or as otherwise required by EU law. The BCI will also have regard to any reciprocal arrangements in place with other states. Previously the BCI imposed maximum

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percentages on holdings in broadcast companies. Under its new policy it will consider allowing 100% ownership as long as all the criteria set out in its revised policy are met.

Broadcasting Commission of Ireland's Ownership & Control Policy Statement (revised version) of October 2001

http://www.irtc.ie/ownpolicy.htm

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