

[IE] Digital Television

IRIS 2002-4:1/15

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The Broadcasting Act, 2001 (see IRIS 2001-4: 9) made provision for the introduction of digital television in Ireland. Under the Act, Radio Telefís Éireann (the national public service broadcaster, RTÉ) was accorded one full multiplex and had already signalled its intention to establish additional digital channels at an estimated running cost of EUR 50 million per year (see IRIS 2001-8: 11). However, RTÉ did not receive from the Government the size of increase in the licence fee that it had requested in order to fund the new channels.

In November 2001, RTÉ announced that it planned to offer its television and radio channels on the Sky platform in the Republic and Northern Ireland from April 2002. UK broadcasters were believed to have paid very large sums of money to Sky for carriage rights on its satellite platform. However, records obtained under the Freedom of Information Act in Ireland revealed that RTÉ had agreed carriage terms similar to those it already had with cable operators throughout the country. Cable operators in Ireland must carry RTÉ's programmes without charge. The deal would give Sky a strong foothold in the Irish market well in advance of a planned rival digital terrestrial network. RTÉ has been granted planning permission to build a satellite dish for the purpose.

The Broadcasting Commission of Ireland (BCI), the overarching regulatory authority for broadcasting in the state, contended that RTÉ required a satellite content contract under s.36 of the 2001 Act in order to enter into the deal with Sky. The BCI formerly regulated only the independent sector but acquired a role in relation to all broadcasting, including digital, under the 2001 Act. The present issue is therefore the first instance in which the BCI has assumed a role in relation to RTÉ. The issue of a satellite content contract normally involves payment of a fee.

It has now been confirmed that RTÉ requires such a contract. RTÉ has made an application to the BCI, as has TV3, the national commercial broadcaster. The BCI has agreed to grant RTÉ and TV3 permission in principle to join the satellite platform. The BCI has categorised it as a satellite retransmission contract, since it involves the unaltered, unabridged and simultaneous transmission of existing services. The RTÉ stations will be available on Sky free of charge for an initial period. TV3 is still in negotiations with Sky.

