[IE] Broadcasting (Amendment) Bill 2006

IRIS 2007-2:1/24

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A new Broadcasting (Amendment) Bill, along with an Explanatory and Financial Memorandum, were published on 21 December 2006. The Bill seeks to "establish a more flexible and market-responsive model for licensing DTT in Ireland and to allow for progress to be made towards analogue switch-off", according to the Explanatory and Financial Memorandum. A further purpose of the Bill is to permit RTÉ (the public service broadcaster) to use public funding to provide a broadcast service for Irish communities abroad (s.3(1)(b)).

The Broadcasting Act 2001 (see IRIS 2001-4: 9) was a major piece of legislation, intended to update the framework for broadcasting in Ireland and to pave the way for the introduction of digital terrestrial television (DTT). However, initial attempts to arouse interest in the provision of DTT proved unsuccessful (see IRIS 2001-8: 11). As a result, the Government decided to embark on its own pilot scheme for the introduction of DTT (see IRIS 2005-10: 16). The pilot scheme was announced in June 2005 and expressions of interest were sought for the infrastructural and transmission equipment elements in November of that year. The rollout of infrastructure began in June 2006. Guidelines for applications for multiplex programme content managers were issued and responses to questions on the guidelines were published in July 2006. The scheme itself (DTT Pilot) commenced on 16 September and the process seeking applicants to operate as Multiplex Programme Content Managers was completed in November.

The Government's pilot scheme was in two phases: a "soft trial" to determine the stability of the network, followed by a trial involving public participation. The pilot scheme is intended to continue over a two-year period and is limited to Dublin and eastern counties. The new services are expected to be launched in March 2007. At present one third of television households in Ireland rely on analogue free-to-air terrestrial television, while the other two thirds subscribe to cable, satellite or MMDS. Of these 43% are digital and 24% analogue viewers.

This scheme for DTT set out in the new Bill is described as a "new alternative licensing regime". It places a number of specific obligations on RTÉ in relation to the establishment and operation of one or more national multiplexes (s.3) and on the Broadcasting Commission of Ireland (BCI) in relation to other multiplexes and to multiplex contracts (s.4). The BCI is to organise a publicly advertised competition for the contracts (s.8). The Commission for Communications

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Regulation (ComReg) will issue the licences for the multiplexes (s.5) for both television and sound broadcasting (s.6).

The new Bill does not specifically indicate the date for the switchover from analogue to digital. Instead, it sets out the factors that the Minister is to keep under review in deciding how long analogue services should continue (s.11). Those factors include the availability of multiplexes in the State, as well as receiving equipment. There is provision also for progress reports within specified but contingent time frames and for consultation with certain specified interested parties and representatives of interested viewers in relation to the reports. The Minister is empowered to issue a policy direction to ComReg at any stage, or following consideration of a report, regarding the date or dates after which ComReg may no longer grant licences in respect of analogue services (s.11(6)).

The Broadcasting (Amendment) Bill 2006, No. 70 of 2006

http://www.oireachtas.ie/viewdoc.asp?DocID=6748&&CatID=59

Information on the pilot scheme

http://www.dcmnr.gov.ie/

"Guidelines for Applicants seeking to operate as Multiplex Programme Content Managers during the Trial of Digital Terrestrial Television in Ireland", June 2006, and Responses to Questions on the Guidelines for Applicants, 31 July 2006

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