[IE] Code on short news reports comes into effect

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On 1 September 2017, the Broadcasting Authority of Ireland (BAI) Short News Reporting Code of Practice came into effect. Under the legislation (S.I. 258/2010 and S.I. 247/2012) which incorporates the Audiovisual Media Services Directive (2010/13/EU) into Irish law, the BAI is required to develop a code of practice concerning short news reports provision. The Code reflects Article 15 of the AVMS Directive, and provides that a television broadcaster under the jurisdiction of the State that has acquired exclusive television broadcasting rights for an event that is of high interest to the public shall ensure that other television broadcasters established in the State or in another EU Member State have access to short extracts for inclusion as a short news report in general news programmes. The broadcaster must ensure access to short extracts on a fair, reasonable and non-discriminatory basis. Notably, the Code provides that access to short news extract shall be free of charge.

Furthermore, the Code includes provisions on what the BAI considered to be "events of high interest to the public": events that are newsworthy and/or those which would appeal to a large number of people and/or those that are of interest to people other than those who usually follow events of a similar type, including events which, by their nature, may be expected to have a significant impact on the interests of citizens. It also includes those sporting and cultural events designated by the Minister for Communications as being of major importance to society. The Code also describes the characteristics of a general news programme, which comprises newsworthy events and discusses more than one topic or one event during the programme. However, it does not cover the compilation of short extracts into programmes serving entertainment purposes.

Section 5 of the Code contains provisions on the use of short news reports including (a) extracts may not be used to compile programming for entertainment purposes; (b) short news reports should not exceed 90 seconds except by agreement between the broadcaster and the rightsholder; (c) The right to use short news extracts shall not arise until the transmission of the event from which the short extracts are derived has ended; and (d) the broadcaster benefiting from the right to use a short news extract shall clearly identify the source, unless this is not possible for reasons of practicality.

Finally, the BAI will consider complaints in respect of the Code of Practice under the BAI's Compliance and Enforcement Policy; however, the Code states that BAI

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decisions will only relate to compliance with the Code of Practice, and that the BAI will not arbitrate disputes between broadcasters and rightsholders.

Broadcasting Authority of Ireland, Short News Reporting BAI Code of Practice, 28 June 2017

http://www.bai.ie/en/download/132173/

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