# [IE] Online Safety and Media Regulation Act signed into law by the President

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Transposition of the Audiovisual Media Services Directive (AVMSD) was expected to occur by September 2020. While several countries exceeded the transposition deadline, Ireland was the only one to remain under the infringement procedure brought before the European Court of Justice of the European Union (CJEU) in May 2022. In late 2022, the Irish Bill was finally signed into law by the President.

The Online Media Safety Regulation (OSMR) Bill was initiated on 25 January 2022 during the *Seanad Éireann* stage, after the government approved its publication on 12 January. During this first stage, the general principles of the Bill were debated, and the sections meticulously examined, leading to a first round of amendments. On the 11 July 2022, the final statements were made, and the Bill was set down for the Second Stage in the *Dáil*. The general principles and sections were reviewed once again and, along with the final statements, the Bill was ready for signature by President Higgins, which took place on 10 December 2022.

The update of the Irish national law (the Broadcasting Act 2009) was largely awaited, in order to finally materialise alignment of the national regulation with the reality of the audiovisual and online sector.

One of the big novelties of the OSMR Act is the establishment of a new Commission (*Coimisiún na Meán*) in place of the Broadcasting Authority of Ireland. Part 2 of the Principal Act will be dedicated to this multi-person media commission. It will have a wider remit, covering broadcasting services, on-demand audiovisual media services, VSPs and online safety. An important improvement lies in the enhancement of the compliance and enforcement powers of the Commission. *Coimisiún na Meán* will be granted the powers of:

- Carrying out investigations to ensure compliance with the OSMR Act;

- Requiring the provision of information;

- Imposing administrative financial sanctions of up to EUR 20 Million or 10% of turnover on providers of broadcasting services, audiovisual on-demand services and designated online services.

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The Commission will also be in charge of promoting media sustainability and development through a dedicated Media Development Commissioner.

Besides the restructuring of the National Regulatory Authority, the OSMR also transposes Directive 2010/13/EU, as amended by Directive (EU) 2018/1808, into Irish law. Transposition ensures alignment with the provisions covering, inter alia, providers of broadcasting services and audiovisual online media services, thus extending provisions and rules to VOD services for the first time. The OSMR also sets up the establishment of a register of providers of audiovisual media services (Part 3A of the Principal Act).

Rules covering European works have also been reviewed and will be covered in Part 10A of the Principal Act. The OSMR now imposes a minimum 30% share of European Works in VOD catalogues (159B (1)) together with a prominence obligation for those works (159C (1)). With regard to financial contributions, the Commission may, for the purposes of funding a scheme, make an order imposing a levy on media service providers (159E). The scheme (159F) would allow to provide support for the production of European works included, or to be included, in the programme schedule of an audiovisual broadcasting service, or in a catalogue of an audiovisual on-demand media service.

The OSMR also covers content available on online services. The definition and procedures for addressing harmful online content are therefore also foreseen, namely with the establishment of a regulatory framework for online safety. In that regard, an Online Safety Commissioner, will be empowered to make binding Online Safety Codes (Chapter 3 Part 8A of the principal Act).

### *Online Safety and Media Regulation Act 2022*

https://data.oireachtas.ie/ie/oireachtas/act/2022/41/eng/enacted/a4122.pdf

### *Broadcasting Act 2009*

https://www.irishstatutebook.ie/eli/2009/act/18/enacted/en/html

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