



DÁIL ÉIREANN

**AN BILLE UM RIALÁIL SÁBHÁILTEACHTA AR LÍNE AGUS
NA MEÁN, 2022**

ONLINE SAFETY AND MEDIA REGULATION BILL 2022

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

DÁIL ÉIREANN

AN BILLE UM RIALÁIL SÁBHÁILTEACHTA AR LÍNE AGUS NA MEÁN, 2022 —AN TUARASCÁIL

ONLINE SAFETY AND MEDIA REGULATION BILL 2022 —REPORT

Leasuithe Amendments

1. In page 7, line 27, to delete “sound”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

2. In page 8, line 14, to delete “Commission” and substitute “Coimisiún”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

3. In page 10, line 6, to delete “Commissioner” and substitute “Coimisinéir”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

4. In page 12, line 19, after “audiovisual” to insert “or sound”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

5. In page 13, line 10, after “providing” to insert “sound”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

6. In page 13, line 15, after “to” to insert “sound”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

7. In page 13, line 38, to delete “or”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

8. In page 18, line 23, to delete “consent” and substitute “approval”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

9. In page 18, line 23, to delete “approval” and substitute “consent”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

10. In page 19, line 9, after “efficiently” to insert the following:

“, including the power to compel online services to provide any data requested that pertains to public interest research, or any data that the Commissioner deems to be relevant in protection of the common good in a time specified and determined by the Commission”.

—Johnny Mythen, Imelda Munster, Aengus Ó Snodaigh.

11. In page 19, line 21, after “traditions,” to insert the following:

“in particular, the duty not only to satisfy existing demand but to stimulate increased demand for Irish language programming and content, in line with the national aim of restoring the Irish language as a spoken language nationwide,”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

12. In page 20, lines 36 to 38, to delete all words from and including “and” in line 36 down to and including line 38 and substitute the following:

“(d) the promotion of the Irish language and the Gaeltacht and published policies of the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, and

(e) published policies of the Government in respect of any matter referred to in paragraph (a), (b), (c) or (d).”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

13. In page 21, between lines 26 and 27, to insert the following:

“(iia) media provision in the Irish language;”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

14. In page 21, line 31, after “matter” to insert the following:

“, including at least a bi-annual meeting with the Gambling Regulatory Authority, and will produce an annual report on online gambling to be laid before the Houses of the Oireachtas on a yearly basis”.

—Johnny Mythen, Imelda Munster, Aengus Ó Snodaigh.

15. In page 22, between lines 36 and 37, to insert the following:

“(1A) The chairperson and at least one other member of the Commission will be competent in the use of the Irish language.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

16. In page 23, line 22, to delete “following consultation with” and substitute “with the consent of”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

17. In page 27, between lines 7 and 8, to insert the following:

“(3) In the case of no fewer than 30 per cent of Commissioners and at least 20 per cent of members of the staff of the Commission, a person shall not be appointed to these roles unless he or she is able to communicate proficiently in the Irish language. This provision shall be in force in relation to all new appointments following the enactment of this Act.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

18. In page 27, line 31, to delete “consent” and substitute “approval”.
—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.
19. In page 27, line 32, to delete “approval” and substitute “consent”.
—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.
20. In page 27, line 36, to delete “consent” and substitute “approval”.
—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.
21. In page 27, line 37, to delete “approval” and substitute “consent”.
—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.
22. In page 28, line 1, to delete “consent” and substitute “approval”.
—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.
23. In page 28, line 1, to delete “approval” and substitute “consent”.
—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.
24. In page 28, line 20, to delete “consent” and substitute “approval”.
—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.
25. In page 28, line 21, to delete “approval” and substitute “consent”.
—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.
26. In page 29, line 6, to delete “consent” and substitute “approval”.
—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.
27. In page 29, line 6, to delete “approval” and substitute “consent”.
—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.
28. In page 29, line 30, after “determine” to insert the following:
“, including a specific committee to monitor, report on compliance with obligations, and propose recommendations on the use of the Irish language across media”.
—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.
29. In page 29, line 33, after “persons” to insert the following:
“, and only persons fluent in the Irish language shall be included in a specific committee on the use of the Irish language across media”.
—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.
30. In page 30, line 8, to delete “consent” and substitute “approval”.
—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

31. In page 30, line 8, to delete “and” and substitute “, given with the consent of”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

32. In page 30, between lines 25 and 26, to insert the following:

“(13) The Minister shall within 180 days of the passing of this Act lay before the Houses of the Oireachtas a report on provision for a reduction in the levy in recognition of the public information service provided by independent radio stations.”.

—Denis Naughten, Seán Canney, Verona Murphy.

33. In page 34, lines 12 and 13, to delete “publish, with the consent of the Minister and the Minister for Public Expenditure and Reform,” and substitute the following:

“, with the approval of the Minister, given with the consent of the Minister for Public Expenditure and Reform, publish”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

34. In page 36, line 27, to delete “and” and substitute the following:

“(ca) include specific detail, which shall be made available in the Irish language, on objectives, intended outcomes, strategies and performance assessment of previous and future strategies, relating to progressing the increased visibility and use of Irish as a spoken language in media, and”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

35. In page 38, between lines 34 and 35, to insert the following:

“(5A) The Commission will produce a report to examine and make recommendations on the issue of access to data from online service providers for public interest research by independent researchers and academics, the terms of reference for which will be decided by the Minister and Oireachtas Joint Committee on Tourism, Culture, Arts, Sport and Media, to be laid before the Houses of the Oireachtas within a year of the establishment of the Commission.”.

—Johnny Mythen, Imelda Munster, Aengus Ó Snodaigh.

36. In page 38, after line 42, to insert the following:

“(8) (a) The Commission shall, following consultation with organisations involved in the provision of radio services in the Irish language and the Irish speaking community, no later than one year following its establishment, prepare and publish a report, to be laid before the Minister, both Houses of the Oireachtas, and the Joint Oireachtas Committee upon its publication, outlining options and recommendations for the provision of a national Irish language radio service for young people within the following five year period.

- (b) The Minister shall take account of the recommendations of the Commission in the report set out in paragraph (a) and prepare a *Bille um Raidió don Óige*, setting out steps to achieve the aim of a national Irish language radio service for young people, to be presented before the Houses of the Oireachtas no later than one year following receipt of the report.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

37. In page 38, after line 42, to insert the following:

- “(8) (a) The Commission shall prepare and publish a report following consultation with workers, businesses and State bodies affected, and no later than five years from its establishment, providing a general overview of representation in terms of gender, race, and ethnicity, on television, radio, and in music content on radio, for the previous five years, and proposing potential recommendations for the advancement of gender equality and of ethnic and racial diversity in media.
- (b) The report referred to in paragraph (a) shall include consideration of the feasibility and merit of introducing minimum quotas as a condition of licence or State funding as a means to advance gender equality and ethnic and racial diversity in media.
- (c) The report referred to in paragraph (a) shall be laid before the Minister, both Houses of the Oireachtas, and the Joint Oireachtas Committee upon publication for consideration.
- (d) The Commission shall prepare and publish a follow-up report every 10 years following the publication of the report outlined in paragraph (a) outlining the progress or lack thereof in working towards gender equality and ethnic and racial diversity in media, which shall be laid before the Minister, both Houses of the Oireachtas, and the Joint Oireachtas Committee upon publication.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

38. In page 41, between lines 32 and 33, to insert the following:

- “(1A) Provision made for the purpose referred to in subsection (1) shall not include regulation of commercial communications.”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

39. In page 45, between lines 29 and 30, to insert the following:

“Duties to the whole community of the island of Ireland

9. The Principal Act is amended by the insertion of the following section after section 39:

“Duties to the whole community of the island of Ireland

39A. The Commission shall prepare and publish a report no later than one year

following its establishment proposing potential recommendations for how all RTÉ, Teilifís na Gaeilge, and holders of television broadcasting licences or audiovisual media service providers under its remit, could be facilitated, assisted and required to make available these services in full to the whole community of the island of Ireland, including how they could work to achieve a resolution and cooperation across rights holders in the case of competing claims across jurisdictions, and toward removing any obstacle or barrier, such as the geographical restriction of their broadcasting rights to one part of the island or the use of geoblocking to enforce such a restriction, to their equal availability across the whole island, paying particular regard to the State’s role in supporting the fulfilment of commitments in the Good Friday Agreement relating to the widespread availability of services provided by Teilifís na Gaeilge and acknowledging the public service duty of RTÉ to the whole community of the island of Ireland.”.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

40. In page 45, between lines 29 and 30, to insert the following:

“Duties to the whole community of the island of Ireland

9. The Principal Act is amended by the insertion of the following section after section 39:

“Duties to the whole community of the island of Ireland

39A. RTÉ and Teilifís na Gaeilge, as national public service broadcasters with a duty to the whole community of the island of Ireland, shall endeavour to ensure that in the event of any graphic or pictorial representation or map of Ireland that is broadcast or used in a broadcast to depict data or information for the public, every practicable effort is made to present the relevant data for the whole island of Ireland where possible, and shall always, including in cases where data or information for any part of the island cannot be depicted, present the island of Ireland as a geographical whole, maintaining the integrity of its coastline, and refraining in all cases from presenting any jurisdictional boundaries within the island as equivalent to coastline.”.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

41. In page 45, between lines 29 and 30, to insert the following:

“Duties in the broadcasting of sport and interactive games and polls

9. The Principal Act is amended by the insertion of the following section after section 39:

“Duties in the broadcasting of sport and interactive games and polls

39A. (1) *Coimisiún na Meán* shall prepare and publish a report no later than one year following its establishment proposing recommendations on how the State could work to ensure that—

- (a) enjoyment of live broadcasts, subsequent transmissions and online media coverage of sports by television and audiovisual media service providers is extended, to the greatest extent possible, equally to the whole community of the island of Ireland, particularly in the case of, but not limited to, events of major importance to the Irish nation, and
 - (b) participation is equally accessible to the public across the whole of the island of Ireland and not restricted to any one part or parts of the island in the event of any game of chance, interactive competition or poll, including phone-in, SMS, or online competitions, quizzes and surveys organised by a television broadcaster or audiovisual media service provider.
- (2) From 1 January 2024, Spórt Éireann shall only provide assistance to an organisation under section 8(4)(a) of the Sport Ireland Act 2015, following the commencement of this Act, where that organisation makes every practicable effort within their control, such as through the licencing of broadcasting rights to their events, to ensure that any broadcast of events organised by the licence-holder, whether live, in subsequent transmissions, or in online catalogues, is made equally accessible to the public on the whole island of Ireland, and places no barrier to their equal availability across the whole island.”.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

42. In page 45, between lines 29 and 30, to insert the following:

“Duties with regard to regional balance

9. The Principal Act is amended by the insertion of the following section after section 39:

“Duties with regard to regional balance

- 39A.** (1) *Coimisiún na Meán* shall prepare and publish a report no later than five years following its establishment proposing recommendations on how the State could ensure that all public bodies engaged in the distribution of State moneys for the production, screening and broadcast of audiovisual or sound content, including but not limited to RTÉ, Screen Ireland, and the Commission, work to distribute funds equitably and proportionally across the whole community of the island of Ireland in the interests of regional balance in terms of both investment and representation in audiovisual content, screen and sound, including in programmes relating to news and current affairs, culture, and sport, of communities across the whole island.
- (2) The report prepared under subsection (1) shall give due regard to the particular need to support the production of Irish language audiovisual or sound content in Gaeltacht areas, including targeted investment and representation for Gaeltacht communities.

- (3) The Commission shall prepare and publish a report every 10 years from its establishment providing a general overview of the regional spread of investment and representation over the preceding 10 year period of regional voices and communities by State bodies in audiovisual content, screen and sound across the whole community of the island of Ireland, including specifically in programmes relating to news and current affairs, culture, and sport, and outlining recommendations on how to improve the regional balance of investment and representation.
- (4) The reports referred to in subsections (1) and (3) shall be laid before the Minister, both Houses of the Oireachtas, and the Joint Oireachtas Committee upon publication.”.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

43. In page 45, between lines 29 and 30, to insert the following:

“Duties to the Irish Language

9. The Principal Act is amended by the insertion of the following section after section 39:

“Duties to the Irish Language

- 39A.** (1) All audiovisual media service providers and sound media broadcasters in the State have a duty to support the promotion of the Irish language as the national language.
- (2) The Commission shall examine the feasibility and merit of setting mandatory minimum content requirements for percentage of content in the Irish language through the awarding of television programme contract and sound broadcast contract licences to be introduced by 31 December 2030, with a higher obligation for public service broadcasters and local broadcasters service Gaeltacht areas, and with a view towards progressively increasing these content requirements over the periods from 2030 to 2035 and again from 2035 to 2040. The Commission shall publish a report no later than one year following its establishment, which shall be laid before the Minister, both Houses of the Oireachtas, and the Joint Oireachtas Committee, outlining the findings of this examination and proposing recommendations for the implementation of such mandatory minimum content requirements for the Irish language.”.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

44. In page 51, line 10, to delete “undue offence”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

45. In page 51, to delete lines 22 and 23.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

46. In page 51, to delete lines 22 and 23 and substitute the following:

“(e) anything which may reasonably be regarded as tending to undermine the authority of the State, unless such broadcast or availability can be reasonably regarded as preserving liberty of expression as enshrined in Article 40.6 of the Constitution, including criticism of Government policy.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

47. In page 53, to delete lines 1 to 3.

—Denis Naughten, Seán Canney.

48. In page 53, between lines 5 and 6, to insert the following:

“Music in the Irish language and of European Origin

46LA. (1) A provider of a sound broadcasting service shall ensure that, in the programmes to be provided for under the sound broadcasting service contract—

- (a) of the aggregate amount of transmission time allocated to music content in a given year, excluding time allocated to music content which would reasonably be considered Irish traditional music, at least 5 per cent shall be reserved for musical compositions containing lyrics mostly in the Irish language from 31 December 2025, increasing to a minimum of 10 per cent from 31 December 2030. The provider shall aim to broadcast music with lyrics mostly in the Irish language across the full variety of musical genres broadcast,
 - (b) of the aggregate amount of transmission time allocated to music content containing lyrics mostly in the English language in a given year, from 31 December 2025, at least 40 per cent shall be reserved for content which satisfies two of the following conditions:
 - (i) the music or lyrics are composed or written by a resident of the island of Ireland or the European Economic Area;
 - (ii) at least one of the artists involved in the performance of the music is a resident of the island of Ireland or the European Economic Area;
 - (iii) the performance is recorded entirely within the island of Ireland or the European Economic Area or performed wholly and broadcast live on the island of Ireland or in the European Economic Area.
- (2) The Commission shall conduct an annual review of the compliance by providers with the conditions set out in subsection (1) and produce a report annually on the use of music with lyrics mostly in the Irish language and of music originating on the island of Ireland or in the European Economic Area with lyrics mostly in the English language

across service providers, as well as the impact of such conditions on service providers as well as workers, artists, and businesses involved in the music industry nationally, which shall be laid before both Houses of the Oireachtas and the Joint Oireachtas Committee on an annual basis no later than 31 December each year, beginning with 2026.”.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

49. In page 53, between lines 5 and 6, to insert the following:

“Sound Streaming Media and Music Sharing Platform Services

46LA. (1) The Commission shall, no later than one year after its establishment, designate as a category of services the sound streaming media and music-sharing platform services under the jurisdiction of the State.

(2) The Commission shall designate as a named service under this section any relevant online service that appears to the Commission to be a sound streaming media and music-sharing platform service provided to members of the public within the jurisdiction of the State for a fee.

(3) Where the Commission has reason to believe that a relevant online service may be a sound streaming media and music-sharing platform service under the jurisdiction of the State, the Commission shall issue a notice requiring the provision of any information that appears to the Commission to be relevant for the purpose of complying with subsection (2).

(4) The Commission shall make rules for determining whether a sound streaming media and music-sharing platform service provider has such a low turnover or low audience as to mandate its exemption from the rules under this section.

(5) In making rules under subsection (4), the Commission shall have regard to any relevant characteristics of the market in which a sound streaming media or music-sharing platform service provider under the jurisdiction of the State provides a sound streaming media or music-sharing platform service, including—

(a) the turnover of the provider from the service in the market, as a proportion of the total turnover of providers of sound streaming media and music-sharing platform services from those services in the market, and

(b) the number of audience members of the service in the market, as a proportion of the total number of audience members for sound streaming media and music-sharing platform services in the market.

(6) The Commission may make rules prescribing records a provider must keep and any other action a provider must take to enable compliance with the requirement in subsection (1) to be assessed.

- (7) A failure to comply with subsection (1) or any rules made under subsection (6) is a contravention for the purposes of Part 8B.

Sound & Music Media Levy

46LB. (1) An annual levy shall be imposed on all named service providers designated under section 46LA(2)*, unless exempted under section 46LA(4)*, of between 3 and 20 per cent of the net annual revenue post-tax derived within the jurisdiction of the State by that company for the provision of sound streaming media and music-sharing platform services, through subscriptions, advertising or other associated incomes, for the year previous.

- (2) The proceeds of the levy described in subsection (1) shall be provided for a scheme of funds to be administered by the Arts Council and granted to provide support for the following purposes:

- (a) the creation, production and performance of music that qualifies as music of Irish cultural expression across a wide range of musical genres;
- (b) sound broadcasting licence holders to commission or produce programmes or radio content promoting and airing music of Irish cultural expression across a wide range of musical genres.

- (3) For the purposes of this section, music of Irish cultural expression is defined as any performance or work of music that satisfies any two or more of the following conditions:

- (a) the music or lyrics are composed or written by a resident of the island of Ireland or associated small offshore islands;
- (b) at least one of the artists involved in the performance of the music is a resident of the island of Ireland or associated small offshore islands;
- (c) the performance is recorded entirely on the island of Ireland or associated small offshore islands or performed wholly and broadcast live on the island of Ireland or associated small offshore islands;
- (d) the majority of the lyrics are in the Irish language.

- (4) The scheme outlined in subsection (2) shall allocate not less than 25 per cent of its annual funds for the creation, production, promotion and airing of music of Irish cultural expression with lyrics in the Irish language, and this shall be distributed across a wide range of musical genres.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

*[*This is a reference to a subsection proposed to be inserted by this amendment.]*

50. In page 53, between lines 9 and 10, to insert the following:

“(1A) (a) A television broadcaster or provider of audio-visual services that targets Irish audiences with advertisements shall ensure that of the total hourly time devoted to the broadcasting of advertisements on any service, at least 20 per cent of the advertisements shall be in the Irish language from 31 December 2025.

(b) The Commission shall prepare and publish a report to be laid before the Minister, both Houses of the Oireachtas and the Joint Oireachtas Committee no later than 31 December 2025 outlining recommendations for increasing the percentage of total hourly time devoted to the broadcasting of advertisements to ensure at least 50 per cent of that is devoted to advertisements in the Irish language on any service provided by a television broadcaster or provider of audio-visual media services, or 100 per cent in the case of services provided by Teilifís na Gaeilge, by 31 December 2030, including recommendations on measures that could be taken across television broadcasting services to ensure Teilifís na Gaeilge would not lose out in its proportion of advertising revenue relative to other television broadcasting services as a result of this additional responsibility.

(c) Where there is uncertainty as to whether a service targets Irish audiences with advertisements, a final decision on their designation as such shall be made by *Coimisiún na Meán*.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

51. In page 53, line 30, to delete “the” and substitute “a”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

52. In page 54, line 8, to delete “unduly offensive”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

53. In page 54, between lines 21 and 22, to insert the following:

“(iii) increase the visibility and use of the Irish language in media and commercial life,”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

54. In page 54, between lines 28 and 29, to insert the following:

“(4) Media service codes may provide for standards and practices to promote the following:

(a) balanced gender representation of participants in news and current affairs programmes broadcast by broadcasters or made available by providers of audiovisual on-demand media services;

(b) the broadcast in programmes broadcast on sound broadcasting

services of music composed or performed by women.”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

55. In page 54, line 29, to delete “(4) The Commission” and substitute “(5) The Commission”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

56. In page 54, line 34, to delete “(5) The Commission” and substitute “(6) The Commission”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

57. In page 54, line 36, to delete “offence”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

58. In page 55, line 13, to delete “(6) Provision” and substitute “(7) Provision”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

59. In page 55, line 20, to delete “(7) In preparing” and substitute “(8) In preparing”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

60. In page 55, line 23, to delete “(8) The Commission” and substitute “(9) The Commission”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

61. In page 55, line 24, to delete “(9) A failure” and substitute “(10) A failure”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

62. In page 55, line 26, to delete “(10) Subject to subsection (11)” and substitute “(11) Subject to subsection (12)”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

63. In page 55, line 35, to delete “(11) After” and substitute “(12) After”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

64. In page 55, line 36, to delete “subsection (10)” and substitute “subsection (11)”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

65. In page 56, line 20, after “persons” to insert “, including Irish speakers,”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

66. In page 56, line 21, after “persons” to insert “, including Irish speakers,”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

67. In page 56, line 22, after “persons” to insert “, including Irish speakers,”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

68. In page 67, to delete lines 16 to 27.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

69. In page 69, between lines 6 and 7, to insert the following:

“Amendment of section 82 of Principal Act

32. Section 82 of the Principal Act is amended by the insertion of the following subsection after subsection (2):

“(2A) In the case of no fewer than 50 per cent of the board members of RTÉ, a person shall not be appointed to these roles unless he or she is able to communicate proficiently in the Irish language.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

70. In page 70, to delete lines 2 to 4 and substitute the following:

“34. Section 114 of the Principal Act is amended in subsection (1)—

- (a) in paragraph (f), by the substitution of “in full, unless limited by factors beyond the control of RTÉ,” for “, in so far as RTÉ considers reasonably practicable,” and
- (b) in paragraph (h), by the substitution of “audiovisual on-demand media services” for “non-broadcast non-linear audio-visual media services”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

71. In page 70, line 2, to delete “subsection (1),” and substitute the following:

“subsection (1)—

- (a) in paragraph (b), by the deletion of “and teletext services”, and
- (b) ”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

72. In page 70, between lines 4 and 5, to insert the following:

“Equal Pay for Equal Work

35. The Principal Act is amended by the insertion of the following section after section 114:

“Equal Pay for Equal Work

114A. RTÉ shall ensure that no worker is paid more for the same amount and form of work to produce content in the English language as a worker is paid to produce content in the Irish language.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

73. In page 70, line 6, to delete “subsection (1),” and substitute the following:

“subsection (1)—

- (a) in paragraph (b), by the deletion of “and teletext services”, and
- (b) ”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

74. In page 72, line 25, to delete “the” and substitute “a”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

75. In page 78, between lines 12 and 13, to insert the following:

“(da) online content by which a person makes available disinformation or false information which is intended to mislead;”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

76. In page 80, between lines 26 and 27, to insert the following:

“(2) The Media Commission shall produce a directive outlining appropriate minimum age requirements for children to create online accounts within 12 months of its establishment.”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

77. In page 80, line 35, after “category)” to insert “or in relation to the provision of application store services”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

78. In page 81, line 2, after “category,” to insert “or their status as an application store”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

79. In page 82, line 21, to delete “Subsection” and substitute “Subsections”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

80. In page 83, between lines 32 and 33, to insert the following:

“(e) that service providers provide and publish robust duty of care and well-being measures to protect those who moderate and otherwise work on potentially harmful content from the impact of this content on their mental health and well-being through the adoption of appropriate policies and procedures.”.

—Johnny Mythen, Imelda Munster, Aengus Ó Snodaigh.

81. In page 83, between lines 32 and 33, to insert the following:

“(e) that all measures taken under paragraphs (a), (b), (c) and (d) shall provide the same protections for users of Irish language content as are provided to users of English language content, and that no service provider shall deny a platform to Irish language content unless for a reason under which content in the English language would be denied platform, such as in the case of harmful or age-inappropriate online content.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

82. In page 83, between lines 32 and 33, to insert the following:

“(e) that access facilities and distributive platforms:

- (i) make reasonable efforts to assess, where possible together with the providers of software applications, whether each service offered through the software applications that they intermediate presents a risk of being used for the purpose of the solicitation of children;
- (ii) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;
- (iii) take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the measures referred to in subparagraph (ii);
- (iv) designated services will take reasonable measures to prevent children from accessing age-inappropriate online content as defined in section 139D.”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

83. In page 86, after line 41, to insert the following:

“(i) levels of risk to staff from repeated viewing of harmful content in the course of their work.”.

—Johnny Mythen, Imelda Munster, Aengus Ó Snodaigh.

84. In page 88, between lines 39 and 40, to insert the following:

“(c) must not be a current or former member of either of the Houses of the Oireachtas, or current or former elected member of a local authority.”.

—Johnny Mythen, Imelda Munster, Aengus Ó Snodaigh.

85. In page 90, after line 41, to insert the following:

“(a) referring the complaint to the provider concerned with such direction as the Commission considers appropriate and where a provider fails without reasonable cause to comply with such a direction, shall be guilty of a category 1 offence;”.

—Denis Naughten, Seán Canney.

86. In page 98, between lines 21 and 22, to insert the following:

“Online Safety for Consumers of Purchased Subscriptions

139ZG.(1) For the purposes of this section, the following definitions shall apply:

- (a) ‘Automatic renewal’ means a plan or arrangement in which a paid subscription or purchasing agreement resulting from an initial online transaction is automatically renewed at the end of a definite term for a subsequent term;

- (b) 'Automatic renewal offer terms' means the following clear and conspicuous disclosures:
 - (i) that the subscription or purchasing agreement will continue until the consumer cancels;
 - (ii) the description of the cancellation policy that applies to the offer;
 - (iii) the recurring charges that will be charged to the consumer's credit or debit card or payment account with a third party as part of the automatic renewal plan or arrangement, and that the amount of the charge may change, if that is the case, and the amount to which the charge will change, if known;
 - (iv) the length of the automatic renewal term or that the service is continuous, unless the length of the term is chosen by the consumer;
 - (v) the minimum purchase obligation, if any;
 - (c) 'clear and conspicuous' or 'clearly and conspicuously' means in larger type than the surrounding text, or in contrasting type, font, or colour to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks, in a manner that clearly calls attention to the language. In the case of an audio disclosure, 'clear and conspicuous' and 'clearly and conspicuously' means in a volume and cadence sufficient to be readily audible and understandable;
 - (d) 'consumer' means any individual who seeks or acquires, by purchase or lease, any goods, services, money, or credit involving an online transaction for personal, family, or household purposes;
 - (e) 'continuous service' means a plan or arrangement in which a subscription or purchasing agreement continues until the consumer cancels the service.
- (2) It shall be unlawful for any business that makes an automatic renewal offer or continuous service offer to a consumer in this State to do any of the following:
- (a) fail to present the automatic renewal offer terms or continuous service offer terms in a clear and conspicuous manner before the subscription or purchasing agreement is fulfilled and in visual proximity, or in the case of an offer conveyed by voice, in temporal proximity, to the request for consent to the offer. If the offer also includes a free gift or trial, the offer shall include a clear and conspicuous explanation of the price that will be charged after the trial ends or the manner in which the subscription or purchasing agreement pricing will change upon conclusion of the trial;

- (b) charge the consumer's credit or debit card, or the consumer's account with a third party, for an automatic renewal or continuous service without first obtaining the consumer's affirmative consent to the agreement containing the automatic renewal offer terms or continuous service offer terms, including the terms of an automatic renewal offer or continuous service offer that is made at a promotional or discounted price for a limited period of time;
 - (c) fail to provide an acknowledgement that includes the automatic renewal offer terms or continuous service offer terms, cancellation policy, and information regarding how to cancel in a manner that is capable of being retained by the consumer. If the automatic renewal offer or continuous service offer includes a free gift or trial, the business shall also disclose in the acknowledgement how to cancel, and allow the consumer to cancel, the automatic renewal or continuous service before the consumer pays for the goods or services.
- (3) A business that makes an automatic renewal offer or continuous service offer shall provide a toll-free telephone number, electronic mail address, a postal address if the seller directly bills the consumer, or it shall provide another cost-effective, timely, and easy-to-use mechanism for cancellation that shall be described in the acknowledgement specified in paragraph (c) of subsection (1).
- (4) In addition to the requirements of subsection (2), a consumer who accepts an automatic renewal or continuous service offer online shall be allowed to terminate the automatic renewal or continuous service exclusively online, which may include a termination email formatted and provided by the business that a consumer can send to the business without additional information.
- (5) In the case of a material change in the terms of the automatic renewal or continuous service that has been accepted by a consumer in this State, the business shall provide the consumer with a clear and conspicuous notice of the material change and provide information regarding how to cancel in a manner that is capable of being retained by the consumer.
- (6) The requirements of this section shall apply only prior to the completion of the initial order for the automatic renewal or continuous service, except as follows:
 - (a) the requirement in paragraph (c) of subsection (1) may be fulfilled after completion of the initial order;
 - (b) the requirement in subsection (5) shall be fulfilled prior to implementation of the material change.
- (7) This section shall come into operation on 1 January 2023.”.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

87. In page 104, line 16, to delete “(2) or (3)” and substitute “or 46LB*”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

*[*This is a reference to the section proposed to be inserted by amendment No. 49.]*

88. In page 104, line 16, to delete “(2) or (3)” and substitute “or 139ZG*”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

*[*This is a reference to the section proposed to be inserted by amendment No. 86.]*

89. In page 105, between lines 16 and 17, to insert the following:

“(4) An authorised officer shall be appointed subject to such terms and conditions (including terms as to remuneration and allowances for expenses (if any)) as the Commission may, with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform, determine.”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

90. In page 105, line 17, to delete “(4) A person’s” and substitute “(5) A person’s”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

91. In page 121, lines 11 and 12, to delete “or to have been attributable to any neglect on the part of,” and substitute “or to have been attributable to any wilful neglect on the part of,”.

—Gary Gannon.

92. In page 130, to delete lines 31 to 36.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

93. In page 131, line 24, to delete “community sound broadcasters” and substitute “community media”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

94. In page 131, line 24, to delete “sound” where it secondly occurs.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

95. In page 131, lines 26 and 27, to delete “local and community sound broadcasting” and substitute “local sound broadcasting and community broadcasting”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

96. In page 131, lines 26 and 27, to delete “community sound broadcasting” and substitute “community media”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

97. In page 131, line 32, to delete “sound” where it secondly occurs.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

98. In page 131, line 32, to delete “sound broadcasters” where it secondly occurs and substitute “media”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

99. In page 131, to delete lines 35 and 36, and in page 132, to delete lines 1 to 4 and substitute the following:

“(3) A scheme may in particular require a local sound broadcaster or community medium to whom a grant is awarded—

(a) to apply the grant to the costs of providing support, appropriate training and professional development for persons employed by, or providing services to, the communications medium for the purposes referred to in subsection (1), and”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

100. In page 131, line 36, to delete “sound”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

101. In page 132, line 9, to delete “sound”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

102. In page 132, line 9, after “broadcasters” to insert the following:

“, and

(c) shall have regard to developing impartial journalism in both official languages”.”.

—Aengus Ó Snodaigh, Imelda Munster, Johnny Mythen.

103. In page 132, line 12, to delete “local or community sound broadcasting” and substitute “local sound broadcasting or community broadcasting”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

104. In page 134, line 24, to delete “section 159H” and substitute “section 159I”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

105. In page 135, line 21, to delete “section 159H” and substitute “section 159I”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

106. In page 136, line 22, to delete “may” and substitute “shall, as soon as practicable after the establishment day”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

107. In page 137, line 18, to delete “section 159H” and substitute “section 159I”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

108.In page 137, to delete lines 27 to 35 and substitute the following:

“159F. (1) The Commission, following consultation with *Fis Éireann*, may prepare a scheme for funds to be granted, out of the proceeds of any levy, 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.”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

109.In page 137, line 28, to delete “media service providers” and substitute “producers of European Works”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

110.In page 137, to delete lines 36 to 38 and substitute the following:

“(2) The kinds of support for which funds may be granted or loaned under a scheme shall support the development and production of such of the following or such classes or descriptions of any of the following as the scheme may specify:”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

111.In page 137, line 39, after “programmes” to insert the following:

“, including feature films, animation, drama and documentaries supporting the work of Irish creative talent, and”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

112.In page 138, to delete lines 1 and 2 and substitute the following:

“(ii) the storytelling experiences of the people of the island of Ireland including the experiences of people of Irish ancestry living abroad,”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

113.In page 138, to delete lines 14 to 16 and substitute the following:

“(d) any activity in the development of programmes referred to in paragraph (a) or (b) or of measures referred to in paragraph (c).”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

114.In page 138, line 22, to delete “kinds.” and substitute the following:

“kinds;

(c) impose requirements as to the time within which programmes in relation to which funds have been granted are to be made available in the schedule of an audiovisual broadcasting service or in a catalogue of an audiovisual on-demand media service;

(d) impose requirements as to such services or as to how such

programmes are to be made available on them, which may include requirements to ensure that such services are, or include, services—

- (i) that are so far as practicable available in the whole of the State, and
- (ii) on which the programmes concerned are made available without charge to the viewer.”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

115. In page 138, to delete lines 23 to 25 and substitute the following:

“(4) A scheme shall allocate—

- (a) not less than 25 per cent of its annual funds to programmes in the Irish language that fall within paragraph (a) or (b) of subsection (2), and
- (b) not less than 80 per cent of its annual funds to programmes that fall within paragraph (a) or (b) of subsection (2), the producers of which are independent producers for the purposes of the scheme.”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

116. In page 138, between lines 25 and 26, to insert the following:

“(5) A scheme shall include provision for determining whether the producer of a programme is an independent producer, and for the purpose of making such provision the Commission may have regard to the following matters:

- (a) the ownership structure of the person that produces the programme;
- (b) the amount of programmes supplied by the person who produces the programme to the same media service provider;
- (c) the ownership of the rights to broadcast the programme or make it available in a catalogue of an audiovisual on-demand media service, or otherwise use the programme for a commercial purpose;
- (d) such other matters as it considers appropriate.”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

117. In page 138, between lines 25 and 26, to insert the following:

“(4A) (a) Each scheme shall dedicate not less than 80 per cent of the funding available to audiovisual works that are developed and produced by an independent production company.

(b) An ‘independent production company’ is defined as—

- (i) a company established in one or more of the Member States of the European Union,
- (ii) majority owned by nationals of one or more of those Member

States,

- (iii) where no more than 25 per cent of the share capital can be held by a single media service provider, or more than 50 per cent when more than one media service provider is involved, as may be prescribed in detail by the Commission, and
 - (iv) where the company has in place rights ownership arrangements, as may be prescribed in detail by the Commission in accordance with paragraph (c), with the media service providers licensing the audiovisual programmes funded by a scheme.
- (c) In respect of any scheme, the Commission shall, (after consultation with independent production companies or such persons appearing to the Commission to represent them), prescribe a fair and equitable balance in relation to the allocation of rights ownership as between an independent production company and the media service provider(s) developing or licensing the audiovisual programmes funded by the relevant scheme.”.

—Imelda Munster, Johnny Mythen, Aengus Ó Snodaigh.

118. In page 138, line 26, to delete “(5) If” and substitute “(6) If”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

119. In page 138, line 29, to delete “(6) A scheme” and substitute “(7) A scheme”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

120. In page 138, line 34, to delete “(7) In preparing” and substitute “(8) In preparing”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

121. In page 139, line 7, to delete “(8) In this section and section 159G,” and substitute “(9) In this section, and sections 159G and 159H,”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

122. In page 139, line 25, to delete “section 159I” and substitute “section 159J”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

123. In page 139, between lines 33 and 34, to insert the following:

“Designation of Fís Éireann for the purpose of making a European works scheme

159H.(1) The Minister may, where he or she considers it appropriate to do so, by order provide that Fís Éireann may prepare a scheme under section 159F(1), subject to any restriction in the order as to the kinds of support for which funds may be granted under such a scheme.

- (2) Where an order is made under subsection (1), sections 159F and 159G shall apply to the preparation and making of a scheme by Fís Éireann subject to any restriction referred to in subsection (1) and the

modification—

(a) that references in those sections to the Commission shall be construed as references to Fís Éireann, and

(b) in section 159F(1), that ‘following consultation with the Commission’ shall be substituted for ‘following consultation with Fís Éireann’.

(3) Where the Minister makes an order under subsection (1), he or she may direct the Commission to pay such monies collected out of the levy referred to in section 159E to Fís Éireann for the purposes of funding a scheme prepared by Fís Éireann as he or she considers appropriate, and the Commission shall comply with such a direction.”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

124.In page 139, line 35, to delete “**159H.** (1) The Commission” and substitute “**159I.** (1) The Commission”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

125.In page 140, line 9, to delete “**159I.** Any rule” and substitute “**159J.** Any rule”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

126.In page 140, line 10, after “Commission” to insert “, or in the case of a scheme made by Fís Éireann in accordance with section 159H, by Fís Éireann”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

127.In page 144, line 38, to delete “*section 9*” and substitute “*section 10*”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

128.In page 145, line 14, to delete “that:” and substitute “that—”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

129.In page 145, line 16, to delete “Commission;” and substitute “Commission,”.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.