



An Bille um Rialáil na Meán, 2026
Media Regulation Bill 2026

Meabhrán Mínitheach
Explanatory Memorandum



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EXPLANATORY MEMORANDUM

Purpose of the Bill

The main purpose of the Media Regulation Bill is to provide for the implementation of the European Media Freedom Act (EMFA) in Ireland.

The Bill amends Part 3A of the Competition Act 2002 (as amended) to align the existing media mergers framework with the requirements of Article 22 of EMFA, and will transfer responsibility for the assessment of media mergers from the Minister for Culture, Communications and Sport to Coimisiún na Meán. Part 3A is also amended to provide for a requirement for Coimisiún na Meán to develop a national media ownership database.

EMFA imposes transparency obligations in relation to state expenditure on advertising. The Bill sets out detailed requirements for public authorities and entities to publish annual information on their advertising expenditure, and notify this to Coimisiún na Meán who will be responsible for monitoring and producing an annual report based on this information.

The Broadcasting Act 2009 will also be amended, to provide for a requirement for Coimisiún na Meán to cooperate and encourage the adoption of codes of conduct by industry to promote transparency around audience measurement systems.

Provisions of the Bill

Part 1 – Preliminary and General

Section 1 – Short title, collective citations and commencement

Section 1 is a standard provision, which sets out the title of the Bill, citations for Acts referred to therein, and provides for commencement orders for the coming into force of the Bill once enacted.

Section 2 – Definitions

Section 2 is a standard provision, which sets out key definitions used throughout the Bill.

Section 3 – Expenses of the Minister

Section 3 is a standard provision, dealing with expenses incurred in the administration of the Act.

Section 4 – Repeals

Section 4 is a standard provision, providing for the repeal of sections 28G, 28H and 28O of Part 3A of the Competition Act 2002 (as amended).

Part 2 – Competition Act 2002

Chapter 1 – Transfer of Functions under Part 3A of Competition Act 2002

Section 5 – Appointed Day

Section 5 is a standard provision and provides for the Minister to appoint an ‘appointed day’ by order, on which functions will transfer to Coimisiún na Meán.

Section 6 – Transfer of functions to Coimisiún na Meán

Section 6 provides for the transfer of functions, under Part 3A of the Act, from the Minister for Culture, Communications and Sport to Coimisiún na Meán.

Section 7 – Transfer of administration and business and construction of references

Section 7 is a standard provision and provides for the transfer of administration and business connected to the transfer of functions under Part 3A, and maintaining certain references to the Minister throughout the Act.

Section 8 – Pending legal proceedings

Section 8 is a standard provision. It provides that any ongoing legal proceedings, relating to a function transferred to Coimisiún na Meán under Section 6, will continue with Coimisiún na Meán being substituted for the Minister.

Section 9 – Transitional arrangements for determinations and notifications under Part 3A of Act of 2002

Section 9 provides for transitional arrangements to ensure continuity following the transfer of functions. A determination made by the Minister before the appointed day will continue to be valid, and a media merger notified before the appointed day will continue to be considered as if the Media Regulation Bill, and revised Part 3A of the Act, had not come into operation.

Chapter 2 – Amendments to Part 3A of Competition Act 2002

Section 10 – Amendment of section 28A of Act of 2002

Section 10 amends section 28A of the Competition Act to amend certain existing definitions and insert a number of new definitions for the purposes of Part 3A of the Act. The definition of ‘media business’ has been revised to include online platforms providing access to media content, and the definition of ‘media merger’ has been amended to focus on mergers and acquisitions where the target of the transaction (i.e. the business being acquired) is or will be active as a media business in the State. New definitions, including ‘media service provider’ and ‘online platform’ have been inserted.

Section 11 – Carrying on a media business in the State

Section 11 inserts a new section 28AA into the Competition Act to provide an amended definition of ‘carries on a media business in the State’, and requires that an undertaking has a turnover in the State of at least €2 million to be considered to carry on a media business in the State. Section 11 also allows the Minister to modify the monetary amount for carrying on a media business in the State by order.

Section 12 – Amendment of section 28B of Act of 2002

Section 12 provides for a number of amendments to section 28B of the Competition Act. Section 12 makes it a requirement for undertakings involved in a media merger to provide information to Coimisiún na Meán on all circumstances in relation to the media merger that may have a significant impact on “editorial independence” in the State, in addition to the existing requirement in relation to circumstances that may impair plurality of the media in the State.

Section 12 also provides that, where the undertakings involved in a media merger fail to notify Coimisiún na Meán on or before the relevant date, Coimisiún na Meán may examine the media merger as if it had been made on the relevant date, and the period for initial examination may be extended by up to 15 working days.

Section 12 also makes it an offence for an undertaking or person in control of an undertaking to knowingly provide false or misleading information to Coimisiún na Meán as part of a media merger notification and provides for penalties in relation to this offence.

Section 13 – Sections 28BA, 28BB and 28BC of Act of 2002

Section 13 inserts three new sections into Part 3A of the Act.

Section 28BA (Coimisiún na Meán may require notification) provides for a ‘call-in’ provision, that would allow Coimisiún na Meán to require the notification of a merger or acquisition, which does not meet the definition of ‘media merger’ under section 28A, where Coimisiún na Meán is of the view that the merger or acquisition may have a significant impact on media pluralism or editorial independence in the State. Section 28BA sets out procedures and timelines which Coimisiún na Meán must follow when requiring notification of a merger or acquisition. Section 28BA also makes it an offence for an undertaking or person in control of an undertaking to fail to comply with a requirement to notify a merger or acquisition or to knowingly provide false or misleading information as part of their notification and provides for penalties in relation to this offence.

Section 28BB (Coimisiún na Meán may be informed of certain mergers or acquisitions) provides for the possibility of undertakings to a merger or acquisition, which does not meet the definition of ‘media merger’, to inform Coimisiún na Meán of the merger or acquisition before or after it has been put into effect. Based on information provided by the undertakings, Coimisiún na Meán may then make a decision to require the notification of the merger or acquisition under section 28BA of the Act.

Section 28BC (Withdrawal of notification) is a technical amendment to the Act and provides for the possibility for a merger notification to be withdrawn by the parties involved, where it has been decided not to put the merger into effect. Section 28BC clarifies that, in such instances, Coimisiún na Meán is not required to make a determination.

Section 14 – Amendment of section 28C of Act of 2002

Section 14 amends section 28C of the Act and provides that a merger or acquisition required to be notified, either under section 28B or 28BA, shall not be put into effect before Coimisiún na Meán has made its determination. Section 14 also provides for the possibility for the undertakings to a merger to re-notify the merger, in cases where the merger was not put into effect in the 12 month window provided in a determination from Coimisiún na Meán. This section also makes it an offence for a merger to be put into effect or to purport to be put into effect

before Coimisiún na Meán has made its determination and provides for penalties in relation to this offence.

Section 15 – Examination by Coimisiún na Meán

Section 15 inserts a new section 28CA into the Act, to provide for matters related to the conduct of an initial and a full media merger examination by Coimisiún na Meán. The new section 28CA combines elements previously included separately under sections 28D and 28E. It specifies that in conducting its examination, Coimisiún na Meán shall form a view as to whether the merger or acquisition will be contrary to the public interest in protecting editorial independence in the State (in addition to the existing requirement in relation to media plurality). It also extends the matters which Coimisiún na Meán must have regard to during a media merger examination to include matters required under Article 22 of EMFA.

This section also extends Coimisiún na Meán's powers to request information in relation to a merger to third parties, where Coimisiún na Meán is satisfied they may have information relevant to its consideration of the merger. Section 15 also makes it an offence for an undertaking or person in control of an undertaking to fail to comply with a request for information under this section or to knowingly provide false or misleading information in response to a request and provides for penalties in relation to this offence.

Section 16 – Amendment of section 28D of Act of 2002

Section 16 amends section 28D of the Act to provide for the initial examination of a media merger by Coimisiún na Meán, in line with the transfer of responsibilities for the assessment of media mergers to Coimisiún na Meán.

Section 17 - Amendment of section 28E of Act of 2002

Section 17 amends section 28E of the Act to provide for the full examination of a media merger by Coimisiún na Meán, in line with the transfer of responsibilities for the assessment of media mergers to Coimisiún na Meán. It provides that where a merger or acquisition is likely to affect the functioning of the internal market, Coimisiún na Meán shall consult with the European Board for Media Services, as required under EMFA.

Section 17 also inserts a new provision into section 28E to provide that, in cases where a merger or acquisition was put into effect before a determination and, subsequently, Coimisiún na Meán determines that the merger or acquisition may not be put into effect, Coimisiún na Meán may require that the merger or acquisition should be unwound or dissolved.

Section 18 – Amendment of section 28F of Act of 2002

Section 18 amends section 28F of the Act to provide for establishment of an advisory panel by Coimisiún na Meán, in line with the transfer of responsibilities for the assessment of media mergers to Coimisiún na Meán.

Section 19 – Appeal

Section 19 inserts a new section 28HA to provide for the right of appeal against a determination of Coimisiún na Meán. The appeal may be made to the High Court by the undertakings who notified the merger or acquisition, and may be against a determination (other than a determination that the merger may proceed) made as a result of a initial or full examination.

Section 20 – Amendment of section 28I of Act of 2002

Section 20 amends section 28I (Enforcement of certain determinations) to reflect the transfer of responsibility for the assessment of media mergers to Coimisiún na Meán.

Section 21 – Amendment of section 28J of Act of 2002

Section 21 amends section 28J (Limitation of judicial review of determination) to reflect the transfer of responsibility for the assessment of media mergers to Coimisiún na Meán.

Section 22 – Amendment of section 28K of Act of 2002

Section 22 amends section 28K of the Act to allow Coimisiún na Meán to charge a notification fee to cover its costs under Part 3A of the Act, other than costs it will incur in relation to the media ownership database established under section 28M, and that such fees shall be reimbursed to the Exchequer. Coimisiún na Meán may determine the level of fee to be paid, with the consent for the Minister for Culture, Communications and Sport, and the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation.

Section 23 – Amendment of section 28L of Act of 2002

Section 23 amends section 28L of the Act to provide that Coimisiún na Meán may prepare and amend Guidelines on media mergers, in line with the transfer of responsibility for the assessment of media mergers. Coimisiún na Meán may also develop Guidelines on the ‘call-in’ procedure, established under section 13.

Section 24 – Amendment of section 28M of Act of 2002

Section 24 amends section 28M of the Act, and expands the scope of Coimisiún na Meán’s existing report on ownership and control of media businesses in the State to include a description of developments in the Irish media market, with references to trends in media consumption and relevant economic data across different sectors. This section also obliges Coimisiún na Meán to develop a national media ownership database, comprised of information that media service providers must make accessible under Article 6(2) of EMFA. It provides that media service providers must notify Coimisiún na Meán when they make such information available.

Section 24 also allows Coimisiún na Meán to request information or data that is necessary for it to carry out its functions under section 28M, and makes it an offence for an undertaking or person in control of an undertaking not to comply with such a request or to knowingly provide false or misleading information or data and provides for penalties in relation to this offence.

Section 25 – Grants to Coimisiún na Meán

Section 25 inserts a new section 28P to the Act, which provides that Coimisiún na Meán’s functions under Part 3A will be funded by the Exchequer.

Chapter 3 – Miscellaneous and consequential amendment of Part 3 of Act of 2002

Section 26 – Amendment of section 18 of Act of 2002

Section 26 amends section 18 of the Competition Act to insert a new provision requiring the Minister for Enterprise, Tourism and Employment to consult the Minister for Culture, Communications and Sport where an order, specifying a class of merger or acquisition involving a media business is made, or amended or revoked.

Section 27 – Amendment of section 22 of Act of 2002

Section 27 is a technical amendment to section 22 of the Act and clarifies that the term ‘media merger’ is to be understood in line with the definition in section 28A.

Section 28 – Amendment of section 24 of Act of 2002

Section 28 is a technical amendment to section 24 of the Act to reflect changes to Part 3A of the Act, including the transfer of responsibility to Coimisiún na Meán.

Part 3 – State Advertising

Section 29 – Interpretation

Section 29 is a standard interpretative provision that defines key terms used throughout Part 3 of the Bill. It includes a definition of “control”, for the purposes of clarifying when point (f) of the definition of “public authority or entity” (section 31) would apply.

Section 30 – Expenses of Coimisiún na Meán

Section 30 provides that Coimisiún na Meán’s functions in relation to state advertising will be funded by the exchequer.

Section 31 – Public authority or entity

Section 31 sets out a detailed definition of “public authority or entity” to provide clarity as to which entities Part 3 of the Bill applies to.

Section 32 – Expenditure and monitoring obligations of public authority or entity

Section 32 obliges public authorities and entities to seek to ensure that, where practicable, their yearly expenditure on state advertising is distributed to a wide plurality of media service providers. This section also provides that where the services of an intermediary (such as an advertising agency) are used for the purposes of state advertising, the ultimate responsibility for ensuring compliance and collecting relevant data remains with the public authority or entity.

Section 33 – Compliance plan

Section 33 requires public authorities or entities to set out in a plan for compliance the procedures and criteria that they will apply in awarding state advertising or supply or service contracts to media service providers or online platforms. To ensure transparency, public authorities or entities must make their compliance plan publicly available online. Compliance plans must first be published within six months of this Bill coming into operation and reviewed every two years thereafter.

Section 34 – Annual publication of information on state advertising

Section 34 requires public authorities and entities to make certain information in relation to their expenditure on state advertising publicly available. Such information must be made publicly available not later than 31 March every year, in respect of the previous calendar year, and provided directly to Coimisiún na Meán. The first reporting period will cover from 8 August 2025 to 31 December of the year this Bill comes into operation.

Section 35 – Designation of Coimisiún na Meán and report

Section 35 designates Coimisiún na Meán as the body responsible for monitoring and reporting annually on state advertising. Coimisiún na Meán must publish its report, based on information provided by public authorities and entities (under section 34), not later than 31 October every year, in respect of the previous calendar year. This section also provides

Coimisiún na Meán with the power to request further information from public authorities or entities, and obliges public authorities or entities to comply with such a request.

Section 36 – Guidelines

Section 36 provides that Coimisiún na Meán may develop guidelines to assist public authorities and entities in meeting their responsibilities in relation to state advertising.

Part 4 – Audience Measurement Systems

Section 37 – Amendment of section 34 of Broadcasting Act 2009

Section 37 amends section 34 of the Broadcasting Act to provide that Coimisiún na Meán may co-operate with industry and encourage the drawing up of codes of conduct to promote transparency around audience measurement systems.

*An Roinn Cultúir, Cumarsáide agus Spóirt,
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