An Bille um Rialáil na Meán, 2026

Media Regulation Bill 2026

ADMINISTRATIVE REPRINT

Bille Dála arna leasú i gCoiste ag Seanad Éireann

Dáil Bill as amended in Committee by Seanad Éireann

This administrative reprint incorporates amendments made at Committee Stage by Seanad Éireann. It has been produced for ease of reference only, given that amendments made by Seanad Éireann to a Bill initiated in Dáil Éireann cannot have legislative effect unless agreed to by Dáil Éireann.

[No. 19x of 2026]

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MEDIA REGULATION BILL 2026

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MEDIA REGULATION BILL 2026

ADMINISTRATIVE REPRINT

Bille Dála arna leasú i gCoiste ag Seanad Éireann
Dáil Bill as amended in Committee by Seanad Éireann

Bill

entitled

An Act to give full effect to Articles 6(2) and 22 of Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024[1] establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act) and, for that purpose, to amend Part 3A of the Competition Act 2002; to give full effect to Articles 20(4) and 24 of that Regulation and, for those purposes, to amend the Broadcasting Act 2009; to give full effect to Article 25 of that Regulation and, for that purpose, to provide for detailed rules in relation to state advertising; to transfer certain functions conferred on the Minister for Culture, Communications and Sport under Part 3A of the Competition Act 2002 to Coimisiún na Meán; to enable Coimisiún na Meán to require notification of certain mergers or acquisitions involving a media business; to enable certain undertakings to inform Coimisiún na Meán of certain mergers or acquisitions involving a media business; to provide for consequential amendments of the Competition Act 2002; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, collective citations and commencement

1. (1) This Act may be cited as the Media Regulation Act 2026.

(2) (a) *Part 2* and the Competition Acts 2002 to 2022 may be cited together as the Competition Acts 2002 to 2026.

1 OJ L, 2024/1083, 17.4.2024

(b) *Part 4* and the Broadcasting Acts 2009 to 2023 may be cited together as the Broadcasting Acts 2009 to 2026.

(3) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.

Definitions

2. In this Act,

"Act of 2002" means the Competition Act 2002;

"Act of 2009" means the Broadcasting Act 2009;

"appointed day" shall be construed in accordance with *section 5*;

"Minister" means the Minister for Culture, Communications and Sport.

Expenses of Minister

3. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, be paid out of monies provided by the Oireachtas.

Repeals

4. The following sections of the Act of 2002 are repealed:

(a) section 28G;

(b) section 28H;

(c) section 28O.

PART 2

COMPETITION ACT 2002

CHAPTER 1

Transfer of Functions under Part 3A of Competition Act 2002

Appointed day

5. The Minister shall by order appoint a day to be the appointed day for the purpose of this Part and a reference in this Part to the "appointed day" shall be construed as a reference to the day so appointed.

Transfer of functions to Coimisiún na Meán

6. (1) Subject to *subsection (2)*, the functions conferred on the Minister by or under Part 3A of the Act of 2002 are transferred to Coimisiún na Meán on the appointed day.

(2) The functions conferred on the Minister by or under sections 28K and 28M of the Act of 2002 are not transferred to Coimisiún na Meán under *subsection (1)*.

Transfer of administration and business and construction of references

7. (1) The administration and business in connection with the performance of the functions transferred by *section 6* are, on the appointed day, transferred to Coimisiún na Meán.

(2) Subject to *subsection (3)*, references to the Minister contained in any enactment (other than this Part) in so far as they relate to the administration and business transferred by *subsection (1)* shall, from the appointed day, be construed as references to Coimisiún na Meán.

(3) *Subsection (2)* shall not operate to substitute "Coimisiún na Meán" for "Minister for Culture, Communications and Sport" in—

(a) section 18(6A) of the Act of 2002 (inserted by *section 26*),

(b) section 28AA of the Act of 2002 (inserted by *section 11*), or

(c) section 28CA(3)(g) of the Act of 2002 (inserted by *section 15)*.

Pending legal proceedings

8. In any legal proceedings pending immediately before the appointed day to which the Minister is a party, that relate to a function transferred by *section 6* to Coimisiún na Meán, the name of Coimisiún na Meán shall, to the extent that the proceedings so refer, be substituted for the Minister and the proceedings shall not abate by reason of such substitution.

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

9. (1) A determination made by the Minister under section 28D(1) (before the coming into operation of *section 16*) or 28G(1) (before the coming into operation of *section 4(a)*) of the Act of 2002, if and in so far as it was operative immediately before the appointed day, will continue to have effect from the appointed day as if it had been made by Coimisiún na Meán.

(2) Notwithstanding the date of coming into operation of any provision of *Chapter 2*, Part 3A of the Act of 2002 shall continue to apply to a media merger notified under section 28B of that Act to the Minister before the appointed day, as if an amendment of Part 3A of the Act of 2002 under *Chapter 2* has not come into operation.

CHAPTER 2

Amendments of Part 3A of Competition Act 2002

Amendment of section 28A of Act of 2002

10. Section 28A of the Act of 2002 is amended—

(a) in subsection (1)—

(i) by the substitution—

(I) of the following definition for the definition of "carries on a media business in the State":

" 'carries on a media business in the State' shall be construed in accordance with section 28AA(1);",

(II) of the following definition for the definition of "media business":

" 'media business' means the business (whether all or part of an undertaking's business) of—

(a) providing a media service, or

(b) providing an online platform that provides access to media content;",

(III) of the following definition for the definition of "media merger":

" 'media merger' means—

(a) an acquisition, construed in accordance with paragraph (b) or (c), as the case may be, of section 16(1), in which the undertaking being acquired, or part of the undertaking being acquired, carries on a media business in the State,

(b) a merger, construed in accordance with section 16(1)(a), in which one or more of the undertakings involved carries on a media business in the State and, following the merger being put into effect, the merged undertaking will be a media business active in the State, or

(c) the creation of a joint venture, construed in accordance with section 16(4), to perform, on a lasting basis, all the functions of an autonomous economic entity, in which one or more of the undertakings involved carries on a media business in the State and, following the joint venture being put into effect, the joint venture will be a media business active in the State;",

and

(IV) in the definition of "relevant criteria"—

(A) in paragraph (a), of "merger or acquisition" for "media merger",

(B) in paragraph (c), of "merger or acquisition" for "media merger" in both places where it occurs,

(C) in paragraph (e), of "28CA(8)" for "28D(5) or section 28E(10)", and

(D) in paragraph (f), of "28D(1)(ii) or 28E(4)(c)" for "28D or section 28G",

(ii) by the insertion of the following definitions:

" 'editorial decision' has the same meaning as it has in Article 2(7);

'editorial responsibility' has the same meaning as it has in Article 2(8);

‘European Media Freedom Regulation’ means Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024[2] establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act);

‘full examination’ has the meaning given to it by section 28E(1);

‘initial examination’ has the meaning given to it by section 28D(1);

‘media service’ has the same meaning as it has in Article 2(1);

‘media service provider’ has the same meaning as it has in Article 2(2);

‘online platform’ has the same meaning as it has in Article 2(9);

‘person in control of an undertaking’ in relation to a contravention, failure to comply or other behaviour that constitutes an offence, means—

(a) in the case of a body corporate, any officer of the body corporate who knowingly and wilfully authorises or permits the contravention, failure to comply or behaviour,

(b) in the case of a partnership, each partner who knowingly and wilfully authorises or permits the contravention, failure to comply or behaviour,

(c) in the case of any other form of undertaking, any individual in control of that undertaking who knowingly and wilfully authorises or permits the contravention, failure to comply or behaviour;”,

and

(iii) by the deletion of the definitions of “broadcasting service”, “full media merger examination” and “programme material”,

(b) in subsection (2), by the substitution of “merger or acquisition involving a media business” for “media merger” in both places where it occurs, and

(c) by the insertion of the following subsections after subsection (2):

“(3) A word or expression used in this Part that is also used in the European Media Freedom Regulation has, unless the context otherwise requires, the same meaning in this Part as it has in the European Media Freedom Regulation.

(4) Unless the context otherwise requires, a reference in this Part to a numbered Article is a reference to the Article so numbered of the European Media Freedom Regulation.”.

Carrying on a media business in the State

11. The Act of 2002 is amended by the insertion of the following section after section 28A:

2 OJ L, 2024/1083, 17.4.2024

"28AA. (1) An undertaking carries on a media business in the State where the media business has, in the most recent financial year of the undertaking, made sales in the State of not less than—

(a) where no monetary amount stands specified by order under subsection (2), €2,000,000, or

(b) the monetary amount that stands specified by order under subsection (2).

(2) Subject to this section, the Minister may by order specify the monetary amount of sales required to be made by a media business in order that it carries on a media business in the State.

(3) When making an order under subsection (2), the Minister shall consult with Coimisiún na Meán and have regard to the following:

(a) economic data pertaining to the media market in the State;

(b) the scope and extent of mergers or acquisitions notified under section 28B(1) or 28BA(2);

(c) the public interest in protecting the plurality of the media and editorial independence in the State.

(4) The monetary amount specified by order under subsection (2) may be an amount greater or less than—

(a) €2,000,000 where subsection (1)(a) applies, or

(b) the amount that stands specified by order under subsection (2) prior to the making of the second or, as the case may be, subsequent order where subsection (1)(b) applies.

(5) Not more than one order under subsection (2) may be made by the Minister in any 12 month period and the first order under subsection (2) shall be made not earlier than 12 months after the date on which *section 11* of the *Media Regulation Act 2026* comes into operation.

(6) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(7) In this section, 'Minister' means Minister for Culture, Communications and Sport.".

Amendment of section 28B of Act of 2002

12. Section 28B of the Act of 2002 is amended—

(a) in subsection (3), by the substitution of "could have a significant impact on plurality of the media and editorial independence" for "may impair plurality of the media",

(b) in subsection (7)—

(i) in paragraph (a), by the substitution of "section 28CA(4)" for "section 28D(3) or 28E(7)", and

(ii) in paragraph (b), by the substitution of "section 28CA(4)" for "sections 28D(3) or 28E(7)",

(c) by the insertion of the following subsections after subsection (7):

"(7A) Where, in respect of a merger or acquisition that is a media merger, the undertakings involved fail, on or before the relevant date, to notify Coimisiún na Meán under subsection (1), then Coimisiún na Meán may examine the media merger as if a notification had been made under subsection (1) by the undertakings on the relevant date.

(7B) For the purposes of the examination of a media merger referred to in subsection (7A)—

(a) Coimisiún na Meán shall inform, by notice in writing, each of the undertakings involved in the media merger concerned that Coimisiún na Meán shall examine the media merger as if a notification had been received by Coimisiún na Meán under subsection (1) from the undertakings on the relevant date, and

(b) the period of the initial examination of the media merger may be extended by Coimisiún na Meán by a period of not more than 15 days and Coimisiún na Meán in that case shall inform the undertakings in writing of the number of days by which the period is extended.

(7C) Any reference in this Act to a merger or acquisition notified under section 28B(1) includes a reference to a merger or acquisition to which subsection (7A) applies.",

(d) by the substitution of the following subsection for subsection (8):

"(8) An undertaking or person in control of an undertaking shall be guilty of an offence where the undertaking or person in control of the undertaking—

(a) fails to comply with subsection (1) or (3), or

(b) in purported compliance with subsection (1) or (3), provides information to Coimisiún na Meán knowing it to be false or misleading in a material respect.",

(e) by the insertion of the following subsection after subsection (8):

"(8A) An undertaking or person in control of an undertaking guilty of an offence under subsection (8) shall be liable—

(a) on summary conviction, to a class A fine, or

(b) on conviction on indictment, to a fine not exceeding €250,000.",

(f) in subsection (9), by the substitution of "subsection (8A)" for "subsection (8)" in both places where it occurs, and

(g) by the deletion of subsection (10).

Sections 28BA, 28BB and 28BC of Act of 2002

13. The Act of 2002 is amended by the insertion of the following sections after section 28B:

"Coimisiún na Meán may require notification

28BA. (1) This section applies to a merger or acquisition that—

(a) is not required to be notified under section 28B(1),

(b) involves at least one media business, and

(c) may, in the opinion of Coimisiún na Meán, have a significant impact on plurality of the media or editorial independence in the State.

(2) (a) Coimisiún na Meán may require, following consultation with the Commission, and in accordance with subsection (3), each of the undertakings involved in a merger or acquisition to notify Coimisiún na Meán and provide full details of the merger or acquisition.

(b) An undertaking shall notify Coimisiún na Meán of a merger or acquisition in compliance with a requirement made of it under paragraph (a).

(3) A requirement under subsection (2)(a) shall—

(a) be made by notice in writing served on each of the undertakings involved in the merger or acquisition,

(b) give the reasons for Coimisiún na Meán's view that the merger or acquisition may have a significant impact on plurality of the media or editorial independence in the State,

(c) in giving the reasons pursuant to paragraph (b), refer to the market share of the media business or businesses involved at national, regional or local level as measured by listenership, readership, reach or other appropriate measures,

(d) subject to subsection (4), specify a period within which the undertakings involved in the merger or acquisition shall make the notification to Coimisiún na Meán, and

(e) be made by Coimisiún na Meán no later than 60 working days after the earliest of the following dates:

(i) the date on which one of the undertakings involved in the merger or acquisition publicly announces an intention to make a public bid or a public bid is made but not yet accepted;

(ii) the date on which Coimisiún na Meán becomes aware that the undertakings involved in the merger or acquisition have entered into an agreement the result of which will, if the agreement is implemented, be that the merger or acquisition is put into effect;

(iii) the date on which the merger or acquisition is put into effect.

(4) (a) Coimisiún na Meán may, where it considers it appropriate to do so, extend the period specified under subsection (3)(d) where each of the undertakings of which a requirement is made under subsection (2) jointly request in writing an extension to the period, before the expiration of—

(i) the period specified in the requirement, or

(ii) such period as stands extended from time to time in accordance with this subsection.

(b) An undertaking in respect of which an extension is granted under paragraph (a) shall comply with the requirement within the period as so extended.

(5) Subsections (3), (4) and (7) of section 28B shall apply in relation to a merger or acquisition notified under subsection (2)(b) as they apply to a media merger notified under section 28B(1) subject to the modification that the subsections shall be read as referring to a merger or acquisition notified under subsection (2)(b) and to any other necessary modifications.

(6) Where an undertaking fails to comply with a requirement to notify a merger or acquisition within the period specified under subsection (3)(d) (or extended under subsection (4)), Coimisiún na Meán may examine the merger or acquisition as if a notification had been received on the last day of the period so specified or extended.

(7) An undertaking or person in control of an undertaking shall be guilty of an offence where the undertaking or the person in control of the undertaking—

(a) fails to comply with a requirement under—

(i) subsection (2)(a), or

(ii) section 28B(3) as applied by subsection (5),

or

(b) provides information to Coimisiún na Meán knowing it to be false or misleading in a material respect, in purported compliance with—

(i) subsection (2)(a), or

(ii) section 28B(3) as applied by subsection (5).

(8) An undertaking or person in control of an undertaking guilty of an offence under subsection (7) shall be liable—

(a) on summary conviction, to a class A fine, or

(b) on conviction on indictment, to a fine not exceeding €250,000.

(9) Subsection (8) operates so that if the offence concerned continues one or more days after the date of its first occurrence, the undertaking or person referred to in that subsection is guilty of a separate offence under that subsection for each day that the contravention occurs but in respect of the second or subsequent offence of which the undertaking or person is guilty by reason of that continued contravention, subsection (8) shall have effect as if—

(a) in paragraph (a), 'a class E fine' were substituted for 'a class A fine', and

(b) in paragraph (b), '€25,000' were substituted for '€250,000'.

(10) Summary proceedings in relation to an offence under this section may be brought by Coimisiún na Meán.

Coimisiún na Meán may be informed of certain mergers or acquisitions

28BB. (1) Any undertaking involved in a proposed merger or acquisition that—

(a) is not required to be notified under section 28B(1), and

(b) involves at least one media business,

may, before putting the merger or acquisition into effect, by notice in writing inform Coimisiún na Meán of the proposed merger or acquisition.

(2) An undertaking involved in a merger or acquisition that—

(a) is not required to be notified under section 28B(1),

(b) was not notified under subsection (1), and

(c) involves at least one media business,

may, after the merger or acquisition has been put into effect, by notice in writing inform Coimisiún na Meán of the merger or acquisition.

(3) A notice under subsection (1) or (2) shall include sufficient information to enable Coimisiún na Meán to consider the matters referred to in section 28BA(3)(c) and reach a view whether the merger or acquisition may have a significant impact on plurality of the media or editorial independence in the State.

(4) Subject to subsection (5), Coimisiún na Meán shall, following consultation with the Commission, within 10 working days of receipt of a notice under subsection (1) or (2), decide whether or not to require, under section 28BA(2)(a), each of the undertakings involved in the merger or acquisition to notify Coimisiún na Meán and provide full details of the merger or acquisition.

(5) (a) Where Coimisiún na Meán requires further information for the purpose of making its decision under subsection (4), it may by

notice in writing request any one or more of the undertakings involved to furnish specified information to Coimisiún na Meán, and the undertaking or undertakings involved shall comply with the request within the period specified in the notice.

(b) Where Coimisiún na Meán requests further information under paragraph (a), it shall decide under subsection (4) within 10 working days of the date the undertaking or undertakings involved comply or complies with the request.

(c) Where an undertaking fails to comply with a request under paragraph (a), Coimisiún na Meán may make its decision as if the request had been complied with on the last day of the period specified in the request.

(6) Coimisiún na Meán shall by notice in writing inform the undertaking or undertakings involved of its decision under subsection (4).

(7) A notice under subsection (6), of a decision under subsection (4) that Coimisiún na Meán requires notification to it of the merger or acquisition concerned, is deemed, subject to subsection (9), to be a requirement of Coimisiún na Meán under section 28BA(2)(a) and this Part applies to the requirement so deemed as it applies to a requirement of Coimisiún na Meán under section 28BA(2)(a).

(8) Any reference in this Part to a notification under section 28BA(2)(b) includes a reference to a notification made by an undertaking pursuant to a decision under subsection (4) by Coimisiún na Meán that it requires the notification of the merger or acquisition concerned.

(9) Section 28BA(3)(e) shall not apply to a requirement of Coimisiún na Meán referred to in subsection (7).

Withdrawal of notification

28BC. (1) A notification under section 28B(1) or section 28BA(2)(b) may, where the undertakings involved agree not to put the merger or acquisition concerned into effect, be withdrawn jointly by the undertakings by notice in writing (in this section referred to as a 'withdrawal notice').

(2) A withdrawal notice shall—

(a) be made by all of the undertakings involved in the merger or acquisition that is the subject of the withdrawal notice,

(b) subject to paragraph (c), be made as soon as practicable following an agreement by the undertakings involved not to put the merger or acquisition into effect,

(c) be made not later than the date Coimisiún na Meán makes a determination under section 28E(4), and

(d) be in a form and contain information specified by Coimisiún Na Meán.

(3) Coimisiún na Meán shall not make a determination under section 28D(1) in relation to a merger or acquisition that is the subject of a withdrawal notice where it receives the withdrawal notice before the determination is made.

(4) Coimisiún na Meán shall not make a determination under section 28E(4) in relation to a merger or acquisition that is the subject of a withdrawal notice where it receives the withdrawal notice before the determination is made and in that case—

(a) submissions invited under section 28E(2) shall not, if already furnished to it by the date of the withdrawal notice, be considered by Coimisiún na Mean under section 28E(6), and

(b) an advisory panel, notwithstanding performance or partial performance by it of its functions under section 28F, shall stand dissolved.".

Amendment of section 28C of Act of 2002

14. The Act of 2002 is amended by the substitution of the following section for section 28C:

"Limitation on being put into effect of merger or acquisition required to be notified

28C. (1) Subject to subsection (6), notwithstanding any other provision of this Act or of any other enactment, a merger or acquisition required to be notified under section 28B(1) or 28BA(2)(a) shall not be put into effect before Coimisiún na Meán makes a determination under paragraph (i) or (ii) of section 28D(1) or paragraph (a) or (c) of section 28E(4).

(2) Notwithstanding subsection (1) and subject to subsection (4), a determination referred to in subsection (1) shall only operate to permit the merger or acquisition concerned to be put into effect provided the merger or acquisition is put into effect before the expiry of the period of 12 months from the date on which the determination is made.

(3) Any merger or acquisition that purports to be put into effect where that putting into effect contravenes this section is void.

(4) Where a merger or acquisition notified to Coimisiún na Meán under section 28B(1) or 28BA(2)(b) is not put into effect within the period specified under subsection (2), nothing in this Part shall prevent the undertakings involved from making a new notification under section 28B(1) or 28BA(2)(b).

(5) This Part shall apply in relation to a new notification under section 28B(1) or 28BA(2)(b) as it applies to a notification under section 28B(1) or 28BA(2)(b) subject to the following and any other necessary modifications:

(a) in the case of a new notification under section 28B(1), and where the undertakings involved had notified the European Commission,

the date of the day that is 120 working days after the expiry of the 12 months referred to in subsection (2) is substituted for the relevant date in section 28B(2)(a);

(b) the date of the new notification to Coimisiún na Meán shall be considered the appropriate date for the purpose of section 28D(1).

(6) Where a merger or acquisition required to be notified to Coimisiún na Meán under section 28B(1) or 28BA(2)(a) is or purports to be put into effect in contravention of this section, the undertakings involved that put or purported to put the merger or acquisition into effect, or person in control of each such undertaking shall be guilty of an offence.

(7) An undertaking or a person in control of an undertaking guilty of an offence under subsection (6) shall be liable—

(a) on summary conviction, to a class A fine, or

(b) on conviction on indictment, to a fine not exceeding €250,000.

(8) Subsection (7) operates so that if the offence concerned continues one or more days after the date of its first occurrence, the undertaking or person in control of the undertaking referred to in that subsection is guilty of a separate offence under subsection (6) for each day that the contravention occurs, but in respect of the second or subsequent offence of which the undertaking or person is guilty by reason of that continued contravention, subsection (7) shall have effect as if—

(a) in paragraph (a) of that subsection, 'class E fine' was substituted for 'class A fine', and

(b) in paragraph (b) of that subsection, '€25,000' was substituted for '€250,000'.

(9) Summary proceedings in relation to an offence under this section may be brought by Coimisiún na Meán.

(10) This section shall not apply to a merger or acquisition that has already been put into effect on the date a requirement under section 28BA(2)(a) is served by Coimisiún na Meán on the undertakings involved in the merger or acquisition.".

Examination by Coimisiún na Meán

15. The Act of 2002 is amended by the insertion of the following section after section 28C:

"28CA. (1) In respect of a merger or acquisition notified to Coimisiún na Meán under section 28B(1) or 28BA(2)(b), Coimisiún na Meán shall conduct an examination and form a view as to whether the merger or acquisition will be contrary to the public interest in protecting plurality of the media and editorial independence in the State.

(2) This section shall apply to—

(a) an initial examination conducted by and determination made by Coimisiún na Meán under section 28D, and

(b) a full examination conducted by and determination made by Coimisiún na Meán under section 28E.

(3) In conducting an examination referred to in subsection (1), Coimisiún na Meán shall have regard to—

(a) the relevant criteria,

(b) the matters referred to in Article 22(2)(a) to (e),

(c) any guidelines in effect under section 28L,

(d) all information provided to Coimisiún na Meán by the undertakings involved in the merger or acquisition,

(e) and take full account of, where applicable, the determination of the Commission under paragraph (a) of section 21(2) or paragraph (a) or (c) of section 22(3),

(f) and take full account of, where applicable, the decision by the European Commission under Article 6(1)(b) or Article 8(1) or (2) of the Council Regulation,

(g) relevant reports published by the Minister for Culture, Communications and Sport under section 28M, and

(h) relevant research published by Coimisiún na Meán under section 28M.

(4) Where Coimisiún na Meán requires further information for the purpose of its examination under subsection (3), it may by notice in writing require—

(a) any one or more of the undertakings involved, or

(b) another person or undertaking who or that, Coimisiún na Meán is satisfied, may have information relevant to its consideration of the merger or acquisition,

to supply to it information specified in the notice within the period specified in the notice and, subject to subsection (6), an undertaking of which or person of whom such a requirement is made shall comply with it.

(5) Any request for further information under subsection (4) shall be made by Coimisiún na Meán—

(a) in the case of an initial examination, within 30 working days from the date of receipt by the Commission of a notification under section 28B(1) or 28BA(2)(b), or

(b) in the case of a full examination, within 30 working days from the date of a determination under section 28D(1)(iii).

(6) Before the expiration of the period specified in the notice under subsection (4), pursuant to a request jointly made in writing by all of the undertakings involved, or by another person or undertaking

referred to in subsection (4)(b) in that behalf, Coimisiún na Meán may, where it considers it appropriate to do so, extend the period by written notice to the undertakings involved or other person or undertaking.

(7) Coimisiún na Meán may enter into discussions with the undertakings involved in the merger or acquisition or other person or undertaking referred to in subsection (4)(b) with a view to identifying measures that would ameliorate any effects of the merger or acquisition on plurality of the media and editorial independence in the State.

(8) In the course of discussions under subsection (7), one or more of the undertakings involved in the merger or acquisition may submit to Coimisiún na Meán proposed commitments of the kind referred to in subsection (9) with a view to the proposed commitments becoming binding on it or them if Coimisiún na Meán incorporates the proposed commitments as specified conditions to be complied with in its determination under section 28D(1)(ii) or 28E(4)(c) in relation to the merger or acquisition.

(9) The proposed commitments referred to in subsection (8) are proposed commitments with regard to the manner in which the merger or acquisition notified may be put into effect or to taking, in relation to the merger or acquisition, the measures referred to in subsection (7).

(10) An undertaking or person in control of an undertaking shall be guilty of an offence where the undertaking of which or the person in control of the undertaking of whom a requirement under subsection (4)(a) is made—

(a) fails to comply with the requirement, or

(b) in purported compliance with the requirement provides information to Coimisiún na Meán knowing it to be false or misleading in a material respect.

(11) An undertaking or person in control of an undertaking guilty of an offence under paragraph (a) or (b) of subsection (10) shall be liable—

(a) on summary conviction, to a class A fine, or

(b) on conviction on indictment, to a fine not exceeding €250,000.

(12) Subsection (11) operates so that if the offence concerned continues one or more days after the date of its first occurrence, the undertaking or person referred to in that subsection is guilty of a separate offence under paragraph (a) or (b) of subsection (10) for each day that the contravention occurs, but in respect of the second or subsequent offence of which the undertaking or person is guilty by reason of that continued contravention, subsection (11) shall have effect as if—

(a) in paragraph (a), 'a class E fine' were substituted for 'a class A fine', and

(b) in paragraph (b), '€25,000' were substituted for '€250,000'.

(13) A person or undertaking referred to in subsection (4)(b) or the person in control of the undertaking shall be guilty of an offence where the person, undertaking or person in control of the undertaking, of whom a requirement under subsection (4)(b) is made—

(a) fails to comply with the requirement, or

(b) in purported compliance with the requirement provides information to Coimisiún na Meán knowing it to be false or misleading in a material respect.

(14) A person or undertaking or person in control of the undertaking guilty of an offence under paragraph (a) or (b) of section 13 shall be liable on summary conviction to a class A fine.

(15) Summary proceedings in relation to an offence under this section may be brought by Coimisiún na Meán.".

Amendment of section 28D of Act of 2002

16. The Act of 2002 is amended by the substitution of the following section for section 28D:

"Initial examination

28D. (1) Not more than 30 working days (or 45 working days where proposed commitments referred to in section 28CA(8) have been made) from—

(a) in the case of a merger or acquisition notified under section 28B(1), the relevant date or the appropriate date, whichever is the later, or

(b) in the case of a merger or acquisition notified under section 28BA(2)(b), the appropriate date,

Coimisiún na Meán shall examine the merger or acquisition in accordance with section 28CA and this section (in this Part referred to as an 'initial examination') and make a determination—

(i) that in its opinion the result of the merger or acquisition will not be contrary to the public interest in protecting plurality of the media and editorial independence in the State, and accordingly the merger or acquisition may be put into effect,

(ii) that, in light of proposed commitments offered by the undertakings, in its opinion the result of the merger or acquisition will not be contrary to the public interest in protecting plurality of the media and editorial independence in the State, and accordingly the merger or acquisition may be put into effect subject to the incorporation of those proposed commitments as conditions to be complied with, or

(iii) that it is concerned that the merger or acquisition may be contrary to the public interest in protecting plurality of the media and editorial independence in the State, and accordingly it intends to carry out a full examination.

(2) Coimisiún na Meán, as soon as may be after making a determination under subsection (1), shall—

(a) inform the undertakings involved in the merger or acquisition and furnish a copy of the determination to them, and

(b) publish, on a website maintained by or on behalf of Comisiún na Meán, and with due regard for commercial confidentiality—

(i) notice of the making of the determination and the date on which it is made,

(ii) whether the determination is made under paragraph (i), (ii) or (iii) of subsection (1), and

(iii) where the determination is made under subsection (1)(ii), a summary of the conditions specified in the determination.

(3) Coimisiún na Meán shall publish its determination not later than 30 working days from the date on which it is made, with due regard for commercial confidentiality and after Coimisiún na Meán has, under subsection (2)(a), furnished the determination to the undertakings involved.

(4) Coimisiún na Meán may correct the determination as it considers necessary at any time before the determination is published so as to remove any clerical or typographical errors or any errors of a similar nature, but shall not reconsider or re-open any aspect of the determination, and shall inform the undertakings involved of any such changes made.

(5) Comisiún na Meán shall consider any request that one or more of the undertakings involved may make in writing, not later than 20 working days from the date of receipt under subsection (2)(a) by them of the determination, to omit from the version of the determination, to be published any information the undertaking or undertakings consider to be commercially sensitive.

(6) In this section 'appropriate date' means—

(a) unless paragraph (b) applies, the date of receipt by Coimisiún na Meán of the notification of the merger or acquisition concerned under section 28B(1) or 28BA(2)(b),

(b) if Coimisiún na Meán has, not later than the period referred to in section 28CA(5)(a), made a requirement under section 28CA (4), of one or more of the undertakings involved—

(i) the date on which the requirement is complied with or, in case 2 or more requirements are made and each is complied with, whichever of the dates on which the requirements are complied with is the later or latest,

(ii) where the requirement is not complied with or each of the 2 or more requirements is not complied with, the date immediately following the expiry of the period specified in the requirement or, as the case may be, the date immediately following the

expiry of whichever of the respective periods specified in the requirements is the last to expire, or

(iii) in case 2 or more requirements are made but one or more but not all of them are complied with, the later or latest of the following dates, namely the dates provided by applying—

(I) subparagraph (i) to the requirement or requirements complied with, and

(II) subparagraph (ii) to the requirement or requirements not complied with.

(7) The reference in subsection (6)(b) to the period specified in a requirement is a reference to the period specified in the requirement as being the period within which the information concerned shall be furnished.

(8) For the purpose of the reference in subsection (6), and in any other provision of this Act, to the date on which Coimisiún na Meán receives a notification referred to in subsection (6)(a), if a single notification is not made by all the undertakings involved, the said reference shall be construed as a reference to the later or latest of the dates on which a notification of the merger or acquisition involved under section 28B(1) or 28BA(2)(b) is received by Coimisiún na Meán.".

Amendment of section 28E of Act of 2002

17. The Act of 2002 is amended by the substitution of the following section for section 28E:

"Full examination

28E. (1) Where Coimisiún na Meán makes a determination under section 28D(1)(iii), it shall carry out an examination in accordance with section 28CA and this section (in this Part referred to as a 'full examination') in relation to the merger or acquisition notified under section 28B(1) or 28BA(2)(b) concerned.

(2) As soon as may be after Coimisiún na Meán makes a determination under section 28D(1)(iii), it shall, by notice published on a website maintained by or on its behalf, invite submissions to be made to it not later than 20 working days from the date that notice of the determination is published under section 28D(2)(b).

(3) The submissions referred to in subsection (2)—

(a) shall be furnished, pursuant to subsection (7)(c), to the undertakings involved in the merger or acquisition,

(b) shall be furnished, where applicable, to the advisory panel established under section 28F in relation to the full examination, to enable it to perform its functions under this Part,

(c) may be referred to in, quoted from, or annexed to, the documents referred to in subsection (7)(a), (9), (11)(a) or (12), and

(d) shall not be published or otherwise disclosed to the public before Coimisiún na Meán publishes its determination and the documents referred to in subsection (12).

(4) Not more than 80 working days (or 95 working days where proposed commitments referred to in section 28CA(8) have been made) from the date Coimisiún na Meán makes a determination under section 28D(1)(iii), or the applicable date, whichever is later, Coimisiún na Meán shall make a determination—

(a) that the merger or acquisition may be put into effect,

(b) that the merger or acquisition may not be put into effect, or

(c) that the merger or acquisition may be put into effect, subject to the conditions specified in the determination being complied with,

on the grounds that it considers that the result of the merger or acquisition will or will not, as the case may be, be contrary to the public interest in protecting plurality of the media and editorial independence in the State or, as appropriate, will not be contrary to the public interest in protecting plurality of the media and editorial independence in the State if conditions specified in the determination are complied with.

(5) Where a merger or acquisition that is required to be notified under section 28B(1) or 28BA(2)(a) has been put into effect without Coimisiún na Meán having made a determination under paragraph (i) or (ii) of section 28D(1) or paragraph (a) or (c) of subsection (4) and Coimisiún na Meán makes a determination under paragraph (b) of subsection (4) that the merger or acquisition is contrary to the public interest in protecting plurality of the media and editorial independence in the State, Coimisiún na Meán may—

(a) make a determination that the merger or acquisition should be unwound or dissolved, and the manner in which such unwinding or such dissolution shall occur, including through the dissolution of the merger or the disposal of all the shares or assets acquired, so as to restore the situation prevailing prior to the merger or acquisition being put into effect, or

(b) where satisfied that it is not possible to unwind or dissolve the merger or acquisition, make a determination that the undertakings involved in the merger or acquisition shall take such steps as are appropriate to achieve restoration as far as practicable of the situation prevailing before the merger or acquisition was put into effect.

(6) Coimisiún na Meán, in making a determination under subsection (4), in addition to the matters referred to in section 28CA(3), shall have regard to—

(a) all submissions made and information provided to it—

(i) during the initial examination by the undertakings involved in the merger or acquisition, and

(ii) during the full examination, by the undertakings involved in the merger or acquisition, or by any other person in response to an invitation for submissions under subsection (2),

(b) where the undertakings involved have responded to the draft determination provided to them under subsection (7), the draft determination and the responses given by the undertakings,

(c) where applicable, the opinion of the advisory panel and any clarifications of the opinion provided by the advisory panel under section 28F, and

(d) where relevant, the opinion of the Board under Article 22(5).

(7) Coimisiún na Meán shall, not later than 30 working days before the date it is due to make its determination under subsection (4), furnish to the undertakings involved—

(a) its draft determination, including a report in relation to the full examination, to which the undertakings involved may respond not later than 10 working days from the date of receiving the draft determination,

(b) if applicable, the opinion and any clarifications issued by the advisory panel under section 28F, and

(c) if applicable, the submissions referred to in subsection (6)(a).

(8) In respect of a merger or acquisition which is subject to a full examination, any proposed commitments under section 28CA(8) shall be submitted to Coimisiún na Meán not later than 20 working days before the date Coimisiún na Meán is due to make its determination under subsection (4).

(9) (a) For the purpose of Article 22(4), where the merger or acquisition is, in the opinion of Coimisiún na Meán, likely to affect the functioning of the internal market for media services, Coimisiún na Meán shall, not later than 15 working days before the date it is due to make its determination under subsection (4), consult the Board and furnish the Board with its draft determination and, if applicable, any proposed commitments under section 28CA(8).

(b) Where the draft determination has been furnished to the Board under paragraph (a), Coimisiún na Meán may extend the period referred to in subsection (4) by the period required to enable the Board, within timelines referred to in Article 22(5), to draw up and transmit an opinion under Article 22(5).

(c) Coimisiún na Meán shall by notice in writing inform the undertakings involved if the period referred to in subsection (4) is extended under this subsection.

(10) (a) Where the Board transmits its opinion on the draft determination, following consultation under subsection (9), Coimisiún na Meán shall take utmost account of the opinion when making its determination under subsection (4).

(b) Where Coimisiún na Meán does not follow the opinion, fully or partially, it shall provide the Board and the European Commission with a reasoned justification explaining its position, within timelines specified by the Board.

(11) As soon as may be after Coimisiún na Meán makes its determination under subsection (4), it shall—

(a) inform the undertakings involved in the merger or acquisition and furnish to them a copy of the determination, including a report in relation to the full examination, and

(b) publish on a website maintained by or on behalf of Coimisiún na Meán, and with due regard for commercial confidentiality—

(i) notice of the making of the determination and the date of its making,

(ii) confirmation of whether the determination is made under paragraph (a), (b) or (c) of subsection (4), and

(iii) where the determination is made under subsection (4)(c), a summary of the conditions specified in the determination.

(12) Coimisiún na Meán shall publish its determination, including a report in relation to the full examination and, where applicable, the opinion of the advisory panel and any clarifications of that opinion, not later than 30 working days from the date the determination is made, with due regard for commercial confidentiality and after Coimisiún na Meán has furnished it to the undertakings involved.

(13) Coimisiún na Meán may correct the determination as it considers necessary at any time before the determination is published so as to remove any clerical or typographical errors or any errors of a similar nature, but shall not reconsider or re-open any aspect of the determination, and shall inform the undertakings involved of any such changes made.

(14) Comisiún na Meán may consider any request that one or more of the undertakings involved may make in writing, not later than 20 working days from the date of receipt under subsection (11)(a) by it or them of the determination, to omit from the version of the determination to be published any information the undertaking or undertakings consider to be commercially sensitive.

(15) Where Coimisiún na Meán has, not later than the period referred to in section 28CA(5)(b), made a requirement under section 28CA(4) of one or more of the undertakings involved, the period of 80 or 95 working days referred to in subsection (4) shall stand suspended on the date that the first requirement is made and shall resume on, as the case may be, one of the following dates (in this section referred to as the 'applicable date'):

(a) the date on which the requirement is complied with or, in case 2 or more requirements are made and each is complied with, whichever of the dates on which the requirements are complied with is the later or latest;

(b) where the requirement is not complied with or each of the 2 or more requirements is not complied with, the date immediately following the expiry of the period specified in the requirement or, as the case may be, the date immediately following the expiry of whichever of the respective periods specified in the requirements is the last to expire;

(c) in case 2 or more requirements are made but one or more but not all of them are complied with, the later or latest of the following dates, namely the dates provided by applying—

(i) paragraph (a) to the requirement or requirements complied with, and

(ii) paragraph (b) to the requirement or requirements not complied with.

(16) The reference in subsection (15) to the period specified in a requirement is a reference to the period specified in the requirement as being the period within which the information concerned shall be furnished.

(17) In this section 'Board' means European Board for Media Services established under Article 8.".

Amendment of section 28F of Act of 2002

18. Section 28F of the Act of 2002 is amended—

(a) by the substitution of the following subsection for subsection (1):

"(1) (a) As soon as may be after Coimisiún na Meán makes a determination under section 28D(1)(iii), it may, if it considers that the opinion of an advisory panel is required in order to assist it in carrying out the full examination and making its determination under section 28E, establish an advisory panel (in this Part referred to as an 'advisory panel').

(b) An advisory panel established under paragraph (a) shall provide a reasoned opinion in writing to Coimisiún na Meán on the application of the relevant criteria and the matters referred to in

Article 22(2)(a) to (e) to the merger or acquisition notified under section 28B(1) or 28BA(2)(b) in respect of which the panel is established and, under subsection (6)(b), shall provide a clarification of the reasoned opinion.",

(b) by the substitution of the following subsection for subsection (6):

"(6) Notwithstanding subsection (5)—

(a) an advisory panel shall provide a reasoned opinion referred to in subsection (1)(b) to Coimisiún na Meán not later than 20 working days from the date the advisory panel is established, but no reasoned opinion shall be requested or provided after a draft determination has been furnished, under section 28E(7), to the undertakings involved, and

(b) an advisory panel shall provide a clarification in writing of the reasoned opinion on receipt of a request in writing in that behalf from Coimisiún na Meán, within the period specified in the request, but no clarification shall be requested or provided after a draft determination has been furnished, under section 28E(7), to the undertakings involved.",

and

(c) by the substitution of the following subsection for subsection (7):

"(7) Following the determination of Coimisiún na Meán under section 28E(4) in respect of the merger or acquisition concerned, an advisory panel shall stand dissolved.".

Appeal

19. The Act of 2002 is amended by the insertion of the following section after 28H (repealed by *section 4*):

"28HA. (1) An appeal may be made to the High Court against a determination of Coimisiún na Meán under—

(a) paragraph (ii) or (iii) of section 28D(1),

(b) paragraph (b) or (c) of section 28E(4), or

(c) paragraph (a) or (b) of section 28E(5).

(2) An appeal under this section—

(a) may be made by any of the undertakings involved who or which made a notification under section 28B(1) or 28BA(2)(b), and

(b) shall be made within 40 working days after the date on which the undertaking is informed by Coimisiún na Meán of the determination referred to in subsection (1).

(3) Any issue of fact or law concerning the determination referred to in subsection (1) may be the subject of an appeal under this section but, with respect to an issue of fact, the High Court, on the hearing of the

appeal, may not receive evidence by way of testimony of any witness and shall presume, unless it considers it unreasonable to do so, that any matters accepted or found to be fact by Coimisiún na Meán in exercising the relevant powers under section 28D or 28E were correctly so accepted or found.

(4) Notwithstanding subsection (3), the High Court, on the hearing of an appeal under this section, may receive evidence by way of the testimony of one or more witnesses if it considers it was unreasonable for Coimisiún na Meán to have accepted or found to be a fact any matter concerned.

(5) Without limiting the exercise of the judicial function with respect to a particular case, the High Court shall, in so far as it is practicable, hear and determine an appeal under this section within 2 months after the date on which the appeal is made to it.

(6) On the hearing of an appeal under this section, the High Court may, as it thinks fit—

(a) annul the determination concerned,

(b) confirm the determination concerned,

(c) confirm the determination concerned subject to such modifications of it as the court determines and specifies in its decision, or

(d) remit the matter to Coimisiún na Meán with a direction to make a determination taking into account the findings of the High Court, and with any other directions that the High Court considers appropriate.

(7) The High Court may, where it appears to the Court that the circumstances so warrant, extend the period referred to in subsection (2)(b) in which an appeal under this section may be made to it.

(8) An appeal to the Court of Appeal against a decision of the High Court under this section shall lie only on a question of law.

(9) Where an appeal is made under both section 24 and this section in relation to a merger or acquisition, the Judge hearing the appeal under this section shall adjourn the pronouncement of his or her judgment or order on that appeal pending the determination or withdrawal of the appeal made under section 24 and may pronounce his or her said judgment or order at any time after such determination or withdrawal.".

Amendment of section 28I of Act of 2002

20. Section 28I of the Act of 2002 is amended—

(a) by the substitution of the following subsection for subsection (1):

"(1) It shall be lawful for the High Court to grant an injunction on the motion of Coimisiún na Meán or any of the undertakings involved in the merger or acquisition required to be notified under section 28B(1) or 28BA(2)(a) to enforce compliance with the terms of a determination for the time being in force.",

and

(b) in subsection (8), by the substitution of "28E" for "28G".

Amendment of section 28J of Act of 2002

21. Section 28J(1) of the Act of 2002 is amended by the substitution of "28E" for "28G" in both places where it occurs.

Amendment of section 28K of Act of 2002

22. Section 28K of the Act of 2002 is amended—

(a) by the substitution of the following subsection for subsection (1):

"(1) Coimisiún na Meán may charge, receive and recover, in respect of the costs incurred by it in the performance of its functions under this Part, other than costs related to the performance of functions conferred on it under section 28M(4A), such fees as it may, with the consent of the Minister for Culture, Communications and Sport, given with the approval of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, determine.",

(b) by the substitution of the following subsection for subsection (2):

"(2) A notification of a merger or acquisition under section 28B(1) or 28BA(2)(b) shall be accompanied by the fee determined under subsection (1), paid at the time and in the manner specified by Coimisiún na Meán, with the consent of the Minister for Culture, Communications and Sport, given with the approval of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation.",

(c) in subsection (3), by the deletion of "and for the manner in which fees are to be disposed of", and

(d) by the insertion of the following subsection after subsection (5):

"(6) Fees received by Coimisiún na Meán under subsection (1) shall be paid into or disposed of for the benefit of the exchequer in such manner as the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation may direct.".

Amendment of section 28L of Act of 2002

23. The Act of 2002 is amended by the substitution of the following section for section 28L:

"Guidelines

28L. (1) Coimisiún na Meán may, following consultation with the Minister for Culture, Communications and Sport and such other persons as it considers appropriate, prepare and make guidelines on the general applicability of the relevant criteria and the matters referred to in Article 22(2)(a) to (e) to mergers or acquisitions required to be notified under section 28B(1) or 28BA(2)(a), including in particular in respect of the following:

(a) levels of media ownership including across different sectors of the media that would, subject to the particular circumstances of each merger or acquisition, be regarded as contrary to the public interest;

(b) indicators of diversity of content and of diversity of ownership and control of media businesses that would be used in determining whether a merger or acquisition would be regarded as contrary to the public interest;

(c) if appropriate, the manner in which Coimisiún na Meán shall have regard to the adequacy of the following to protect the public interest in plurality of the media and editorial independence in the State:

(i) the scale and reach of RTÉ and TG4;

(ii) Part 6 of the Act of 2009;

(iii) the ownership and control policy of Coimisiún na Meán for the time being in force;

(d) what will constitute significant interests within a sector or across different sectors of media businesses in the State for the purposes of paragraph (b) of the definition of 'relevant criteria' in section 28A(1);

(e) the nature of the proposed commitments that the undertakings involved in a merger may submit pursuant to section 28CA(8) that could be incorporated as conditions in a determination by Coimisiún na Meán under section 28D(1)(ii) or section 28E(4)(c);

(f) the nature of the other conditions that may be imposed by Coimisiún na Meán in a determination under section 28E(4)(c);

(g) such other matters regarding mergers or acquisitions required to be notified under section 28B(1) or 28BA(2)(a) as Coimisiún na Meán considers appropriate.

(2) Coimisiún na Meán may, following consultation with the Minister for Culture, Communications and Sport and such other persons as it considers appropriate, prepare and make guidelines on the manner in which Coimisiún na Meán shall perform its functions under section 28BA.

(3) Before making guidelines under subsection (1) or (2), Coimisiún na Meán—

(a) shall publish, on a website maintained by or on its behalf, a draft of the proposed guidelines and allow persons 30 working days from the date of publication to make written representations to Coimisiún na Meán in relation to the draft guidelines, and

(b) may, having considered any representations received, make the guidelines, with or without modification.

(4) The guidelines shall be published by Coimisiún na Meán, on a website maintained by or on its behalf, in such form or manner as Coimisiún na Meán thinks appropriate and the guidelines published shall specify the date from which they have effect.

(5) Coimisiún na Meán may at such intervals as it considers appropriate, review and revise guidelines prepared under this section and this section shall apply to the preparation, making and publication of any revised guidelines.

(6) Where guidelines are revised under subsection (5), Coimisiún na Meán shall publish notice of the revision on a website maintained by or on its behalf.".

Amendment of section 28M of Act of 2002

24. Section 28M of the Act of 2002 is amended—

(a) by the deletion, where it secondly appears, of "and" in paragraph (b) in subsection (1),

(b) by the insertion of the following paragraph after paragraph (b) in subsection (1):

"(ba) describe developments in the Irish media market over the previous 3 years, with reference to trends in media consumption and relevant economic data across the various media sectors in the State, and",

(c) by the insertion of the following subsections after subsection (4):

"(4A) Coimisiún na Meán shall develop and maintain a media ownership database, containing the information set out in Article 6(1), on media service providers active in the State.

(4B) A media service provider shall notify Coimisiún na Meán, in the form and manner specified by Coimisiún na Meán, when the provider makes easily or directly accessible the information set out in Article 6(1), or updates that information, which notification shall contain the information or updated information that has been made directly accessible, and by what means.",

and

(d) by the insertion of the following subsections after subsection (5):

"(6) Coimisiún na Meán may request information or data that is necessary and proportionate to enable it to carry out its functions under this section from any undertaking that is active as a media business in the State, by notice in writing to that undertaking and an undertaking of

whom such a request is made shall comply with the request within such period as is specified in the notice.

(7) An undertaking or person in control of an undertaking shall be guilty of an offence where the undertaking or person in control of the undertaking—

(a) without reasonable excuse, fails to provide the information or data as requested under subsection (6), or

(b) in purported compliance with the request provides information or data to Coimisiún na Meán knowing it to be false or misleading in a material respect.

(8) An undertaking or person in control of an undertaking guilty of an offence under subsection (7) shall be liable—

(a) on summary conviction, to a class A fine, or

(b) on conviction on indictment, to a fine not exceeding €50,000.

(9) Summary proceedings in relation to an offence under subsection (7) may be brought by Coimisiún na Meán.".

Grants to Coimisiún na Meán

25. The Act of 2002 is amended by the insertion of the following new section after section 28O (repealed by *section 4*):

"28P. There may, subject to such conditions, if any, as the Minister for Culture, Communications and Sport thinks proper, be paid to Coimisiún na Meán in each financial year out of moneys provided by the Oireachtas, to defray the expenses of Coimisiún na Meán in the performance of functions under this Part, a grant or grants of such amount or amounts as the Minister for Culture, Communications and Sport, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, may determine.".

CHAPTER 3

Miscellaneous and consequential amendment of Part 3 of Act of 2002

Amendment of section 18 of Act of 2002

26. Section 18 of the Act of 2002 is amended—

(a) in subsection (5), by the substitution of "Subject to subsection (6A), where" for "Where",

(b) in subsection (6), by the substitution of "Subject to subsection (6A), the Minister" for "The Minister", and

(c) by the insertion of the following subsection after subsection (6):

"(6A) The Minister shall consult with the Minister for Culture, Communications and Sport before specifying in an order under

subsection (5) a class or classes of merger or acquisition involving a media business within the meaning of section 28A(1) or amending or revoking such an order under subsection (6).".

Amendment of section 22 of Act of 2002

27. Section 22(4B) of the Act of 2002 is amended by the substitution of "in the case of a media merger within the meaning of section 28A," for "in the case of a media merger,".

Amendment of section 24 of Act of 2002

28. Section 24(3)(b) of the Act of 2002 is amended by the substitution of "in relation to a media merger within the meaning of section 28A, within 40 working days after Coimisiún na Meán has informed the undertaking of its determination under paragraph (i), or (ii) of section 28D(1), or subsection (4) or (5) of section 28E as the case may be." for "in relation to a media merger, within 40 working days after the Minister for Communications, Energy and Natural Resources has informed the undertaking of his or her determination under paragraph (a) or (b) of section 28D(1), or under section 28G(1), as the case may be.".

PART 3

STATE ADVERTISING

Interpretation

29. (1) In this Part—

"Act of 2014" means Companies Act 2014;

"company" means—

(a) a company formed and registered under the Act of 2014, or

(b) an existing company within the meaning of that Act;

"control", in relation to a public authority or entity referred to in *section 31(f)*, means the possibility of exercising a decisive influence on a public authority or entity, whether through rights, contracts or any other means, and in particular by—

(a) ownership of capital or the right to use all or part of the assets of the public authority or entity, or

(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of the public authority or entity;

"European Media Freedom Regulation" means Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024[3] establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act);

"media service" has the same meaning as it has in Article 2(1);

3 OJ L, 2024/1083, 17.4.2024

"media service provider" has the same meaning as it has in Article 2(2);

"online platform" has the same meaning as it has in Article 2(9);

"public authority or entity" shall be construed in accordance with *section 31*;

"state advertising" has the same meaning as it has in Article 2(19).

(2) A word or expression used in this Part that is also used in the European Media Freedom Regulation has, unless the context otherwise requires, the same meaning in this Part as it has in the European Media Freedom Regulation.

(3) Unless the context otherwise requires, a reference in this Part to a numbered Article is a reference to the Article so numbered of the European Media Freedom Regulation.

Grants to Coimisiún na Meán

30. There may, subject to such conditions, if any, as the Minister thinks proper, be paid to Coimisiún na Meán in each financial year out of moneys provided by the Oireachtas, to defray the expenses of Coimisiún na Meán in the performance of its functions under this Part, a grant or grants of such amount or amounts as the Minister, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, may determine.

Public authority or entity

31. Each of the following is a public authority or entity for the purpose of Article 25 and this Part:

(a) a Department of State;

(b) a local authority within the meaning of the Local Government Act 2001;

(c) any other public authority or entity established by or under an Act (other than the Act of 2014), statutory instrument or charter or any scheme administered by a Minister of the Government;

(d) a company a majority of the shares in which are held by or on behalf of a Minister of the Government or a local authority;

(e) a subsidiary (within meaning of the Act of 2014) of such a company;

(f) a public authority or entity directly or indirectly controlled by a Minister of the Government or a local authority.

Expenditure and monitoring obligations of public authority or entity

32. (1) A public authority or entity shall seek to ensure that, where practicable and taking into account the specificities of the national or local media market, its yearly expenditure on state advertising is distributed to a wide plurality of media service providers.

(2) Where a public authority or entity engages the services of an intermediary (including an advertising agency) in relation to state advertising, the public authority or entity is required—

(a) to ensure compliance with the criteria and procedures referred to in Article 25(1), and

(b) to ensure collection, by or on behalf of the public authority or entity, of information required by *section 34*.

Compliance plan

33. (1) A public authority or entity shall, in accordance with this section, prepare and publish its plan for compliance by it with Article 25(1) (in this section referred to as a "compliance plan").

(2) A compliance plan shall include the following to be applied by the public authority or entity when awarding a contract for state advertising or a supply or service contract to a media service provider or provider of an online platform:

(a) a list of the transparent, objective, proportionate and non-discriminatory criteria;

(b) a description of the open, proportionate and non-discriminatory procedures.

(3) Without prejudice to the generality of *section 36(6)*, a public authority or entity shall, in preparing and operating a compliance plan, have due regard to relevant guidance prepared and published by Coimisiún na Meán under *section 36*.

(4) A public authority or entity shall publish its compliance plan, in a form and manner that is easily accessible, on a website maintained by or on behalf of the public authority or entity.

(5) The first compliance plan prepared by a public authority or entity shall be published within 6 months of the date this section comes into operation.

(6) A public authority or entity shall review the content and operation of its compliance plan and shall, not more than 24 months from the date of its publication—

(a) publish a revised compliance plan (in this section referred to as a "revised compliance plan"), or

(b) publish a notice in a form and manner that is easily accessible, on a website maintained by or on behalf of the public authority or entity, that in the view of the public authority or entity a revised compliance plan is not required.

(7) The date of publication of a notice under *subsection (6)(b)* by a public authority or entity shall be taken for the purpose of *subsection (6)* as the date of the publication of the compliance plan.

(8) This section (other than *subsection (5)*) shall apply to the preparation, publication and review of a revised compliance plan as it applies to a compliance plan.

Annual publication of information on state advertising

34. (1) A public authority or entity shall comply with Article 25(2), in respect of its public expenditure for state advertising in the previous calendar year, not later than 31 March every year.

(2) A public authority or entity shall firstly comply with *subsection (1)* in respect of the period beginning on 8 August 2025 and ending on 31 December in the year this section comes into operation.

(3) As soon as may be after it has complied with Article 25(2) and *subsection (1)*, a public authority or entity shall inform Coimisiún na Meán in the form and manner specified in guidelines under *section 36*, and shall provide details to Coimisiún na Meán—

(a) of the information, including the information specified in Article 25(2), it has made publicly available, and

(b) of the electronic and user-friendly means it has used to make the information publicly available.

Designation of Coimisiún na Meán and report

35. (1) Coimisiún na Meán is the body designated to carry out the monitoring and reporting required by Article 25(3).

(2) Coimisiún na Meán shall publish a report in accordance with Article 25(3), (in this section referred to as the "report") in respect of the previous calendar year, not later than 31 October every year on a website maintained by or on its behalf.

(3) The first report shall be published, in respect of the period beginning on 8 August 2025 and ending on 31 December in the year this section comes into operation, not later than 31 October in the immediately following year.

(4) Coimisiún na Meán may include in the report information on a public authority or entity that, in the period to which the report refers, fails to comply with Article 25(2) and *section 34*.

(5) A public authority or entity shall comply with a request by Coimisiún na Meán for further information referred to the second paragraph of Article 25(3) within the period specified by Coimisiún na Meán in the request or such further period as may be agreed by Coimisiún na Meán following a request in that behalf by the public authority or entity.

Guidelines

36. (1) Coimisiún na Meán may, following consultation with a person or body as it considers appropriate, prepare and publish guidelines for the purpose of providing practical assistance to public authorities or entities in complying with their obligations under Article 25 and this Part.

(2) In preparing or publishing guidelines under this section, Coimisiún na Meán shall have regard to the requirements of Article 25.

(3) Coimisiún na Meán shall, as soon as practicable following preparation of guidelines under this section, publish them on a website maintained by or on its behalf.

(4) Coimisiún na Meán may, at such intervals as it considers appropriate, review and revise guidelines prepared under this section and this section shall apply to the preparation and publication of any revised guidelines.

(5) Where guidelines are revised under *subsection (4)*, Coimisiún na Meán shall publish notice of the revision on a website maintained by or on its behalf.

(6) A public authority or entity shall, in the performance of its functions and compliance with its obligations under Article 25 and this Part, have regard to any guidelines prepared and published under this section.

PART 4

Amendment of Broadcasting Act 2009

Chapter 1

Audience Measurement Systems

Amendment of section 34 of Act of 2009

37. Section 34 of the Act of 2009 is amended—

(a) in subsection (1), by the substitution of—

"relating to—

(i) the regulation of programme material, user-generated video or other content, or

(ii) audience measurement systems under and in accordance with Article 24 of EMFA.",

for

"relating to the regulation of programme material, user-generated video or other content.",

(b) by the insertion of the following subsection after subsection (1):

"(1A) For the purpose of subsection (1)(ii), the Commission shall have regard to any guidelines issued under Article 24(4) of EMFA.",

and

(c) by the substitution of the following subsection for subsection (2):

"(2) In this section—

'audience measurement' has the same meaning as it has in Article 2(16) of EMFA;

'self-regulatory system' means a system whereby the members of a group of persons with a shared interest voluntarily adhere to rules or codes of conduct established by that group, and may include a system which provides for the resolution of disputes.".

Amendment of section 139ZG of Act of 2009

38. Section 139ZG(1) of the Act of 2009 is amended—

(a) in the definition of "contravention" by—

(i) the deletion of "or" where it thirdly appears in paragraph (c),

(ii) the substitution of ", or" for ";" in paragraph (d), and

(iii) the insertion of the following paragraph after paragraph (d):

"(e) a failure by a manufacturer, a developer or an importer to comply with Article 20(2) or 20(3) of EMFA;",

and

(b) by insertion of the following definitions:

" 'developer' has the meaning assigned to it by section 203;

'importer' has the meaning assigned to it by section 203;

'manufacturer' has the meaning assigned to it by section 203;".

Amendment of section 139ZK of Act of 2009

39. Section 139ZK(1) of the Act of 2009 is amended—

(a) in subparagraph (i) of paragraph (a), by the substitution of ", designated online service, manufacturer, developer or importer" for "or designated online service",

(b) in paragraph (g), by the substitution of "a hosting service provider, a designated online service, an intermediary service, a manufacturer, a developer or an importer" for "hosting service provider or a designated online service or an intermediary service",

(c) in paragraph (n), by the substitution of ";" for ".", and

(d) by the insertion of the following paragraph after paragraph (n):

"(o) in the case of an investigation where the suspected contravention falls within paragraph (e) of the definition of 'contravention' in section 139ZG, require any person who has relevant equipment in his or her power or control to supply without payment that relevant equipment or sufficient samples thereof for testing, examination or analysis.".

Amendment of section 139ZW of Act of 2009

40. Section 139ZW of the Act of 2009 is amended—

(a) in subsection (1), by the insertion of "or (e)" after "paragraph (a)", and

(b) in subsection (4), by the substitution of the following paragraph for paragraph (b):

"(b) be set with a view to deterring the inquiry subject from committing a contravention and—

(i) where the inquiry subject is a hosting service provider or a provider of broadcasting services, audiovisual on-demand media services, designated online services or intermediary services, with a view to deterring other such providers from committing a contravention, or

(ii) where the inquiry subject is a manufacturer, a developer or an importer, with a view to deterring other manufacturers, developers or importers from committing a contravention.".

CHAPTER 3

Insertion of Part 16 into Broadcasting Act 2009

Insertion of Part 16 into Act of 2009

41. The Act of 2009 is amended by the insertion of the following Part after Part 15:

"PART 16

RIGHT TO CUSTOMISE MEDIA OFFERING

Interpretation (Part 16)

203. In this Part—

'developer' means a developer referred to in Article 20(2), 20(3) or 20(4) of EMFA;

'importer' means an importer referred to in Article 20(2), 20(3) or 20(4) of EMFA;

'manufacturer' means a manufacturer referred to in Article 20(2), 20(3) or 20(4) of EMFA.

Compliance notice (Part 16)

204. (1) Where a person authorised by the Commission under subsection (2) is of the opinion that a manufacturer, developer or importer has infringed Article 20(2) or 20(3) of EMFA, that person may direct an authorised officer to serve a notice (in this section referred to as a 'compliance notice') on the manufacturer, developer or importer concerned.

(2) The Commission may authorise any Commissioner or member of its staff for the purposes of subsection (1).

(3) A compliance notice shall—

(a) state the contravention to which it relates,

(b) state the grounds on which the person authorised under subsection (2) is of the opinion referred to in subsection (1),

(c) for the purpose of ensuring compliance by the manufacturer, developer or importer with the provision which is the subject of the contravention, require the manufacturer, developer or importer to do or refrain from doing anything specified in the notice by a date specified in the notice, and

(d) contain information regarding the bringing of an appeal under subsection (7) against the notice, including information specifying the manner in which an appeal may be brought.

(4) An authorised officer may withdraw a compliance notice at any time.

(5) An authorised officer may amend a compliance notice by notice in writing to the manufacturer, developer or importer concerned to substitute any later date for the date for the time being specified under subsection (3)(c) or this subsection.

(6) A date specified under subsection (3)(c) or (5) must be later than the date by which an appeal under subsection (7) may be brought.

(7) A manufacturer, a developer or an importer may, not later than 14 days after the service on it of a compliance notice, appeal against the notice to the District Court.

(8) An appeal under subsection (7) shall be brought in the manner specified in accordance with subsection (3)(d).

(9) The authorised officer and the manufacturer, developer or importer concerned shall be entitled to be heard and to adduce evidence at the hearing of an appeal under subsection (7).

(10) The District Court shall, on an appeal under subsection (7) against a compliance notice, do one of the following:

(a) affirm the notice;

(b) cancel the notice;

(c) cancel the notice and require the manufacturer, developer or importer, as the case may be, to comply with such directions as may be given by the court.

(11) A manufacturer, a developer or an importer on whom a compliance notice is served who fails to comply with the notice by the due date shall be guilty of an offence and liable on summary conviction to a class B fine or imprisonment for a term not exceeding 6 months or both.

(12) The due date for the purposes of subsection (11) is as follows:

(a) where no appeal is brought under subsection (7), the date for the time being specified in the compliance notice in accordance with subsection (3)(c) or (5);

(b) where an appeal against the notice is brought under subsection (7) and the court affirms the notice, the day falling immediately after the expiration of the period of 14 days from the date on which the court affirms the notice.

(13) Nothing done under this section prevents or restricts the taking of any other action for the purpose of ensuring compliance with Article 20(2) or 20(3) of EMFA.

Complaints (Part 16)

205. (1) A person (in this section referred to as a 'complainant') may make a complaint to the Commission, in the manner and form specified by the Commission, that there has been a failure by a manufacturer, a developer or an importer to comply with Article 20(2) or 20(3) of EMFA.

(2) The Commission may request a complainant or the manufacturer, developer or importer the subject of the complaint, or both, to provide further particulars to it in writing in respect of the complaint within such reasonable period as is specified by the Commission.

(3) The Commission, having considered the complaint made under subsection (1) and any further particulars received upon request under subsection (2), may take any of the following actions:

(a) serve on the manufacturer, developer or importer concerned a compliance notice under section 204;

(b) investigate the complaint in accordance with section 139ZI(1);

(c) dismiss the complaint where the Commission finds—

(i) the complaint is frivolous or vexatious or was not made in good faith,

(ii) the subject matter of the complaint is trivial, or

(iii) the subject matter of the complaint is not relevant to Article 20(2) or 20(3) of EMFA;

(d) take such other action in respect of the complaint as the Commission considers appropriate;

(e) take no further action in respect of the complaint.

(4) The Commission shall notify the complainant and the manufacturer, developer or importer the subject of the complaint made under subsection (1) in writing of its decision under subsection (3) and the reasons for that decision.".

An Bille um Rialáil na Meán, 2026

BILLE

dá ngairtear

Acht do thabhairt lánéifeacht d'Airteagail 6(2) agus 22 de Rialachán (AE) 2024/1083 ó Pharlaimint na hEorpa agus ón gComhairle an 11 Aibreán 2024 lena mbunaítear creat comhchoiteann le haghaidh seirbhísí meán sa mhargadh inmheánach agus lena leasaítear Treoir 2010/13/AE (An Gníomh Eorpach um Shaoirse na Meán) agus, chun na críche sin, do leasú Chuid 3A den Acht Iomaíochta, 2002; do thabhairt lánéifeacht d'Airteagail 20(4) agus 24 den Rialachán sin agus, chun na gcríoch sin, do leasú an Achta Craolacháin, 2009; do thabhairt lánéifeacht d'Airteagal 25 den Rialachán sin agus, chun na críche sin, do dhéanamh socrú maidir le rialacha mionsonraithe i ndáil le fógraíocht stáit; d'aistriú feidhmeanna áirithe arna dtabhairt don Aire Cultúir, Cumarsáide agus Spóirt faoi Chuid 3A den Acht Iomaíochta, 2002 chuig Coimisiún na Meán; dá chumasú do Choimisiún na Meán a cheangal go dtabharfar fógra i dtaobh cumaisc nó fáltais áirithe lena mbaineann gnó meán; dá chumasú do ghnóthais áirithe cumaisc nó fáltais áirithe lena mbaineann gnó meán a chur in iúl do Choimisiún na Meán; do dhéanamh socrú maidir le leasuithe iarmhartacha ar an Acht Iomaíochta, 2002; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

ATHCHLÓ RIARACHÁIN

Bille Dála arna leasú i gCoiste ag Seanad Éireann,

21 *Deireadh Fómhair,* 2026

Media Regulation Bill 2026

BILL

entitled

An Act to give full effect to Articles 6(2) and 22 of Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act) and, for that purpose, to amend Part 3A of the Competition Act 2002; to give full effect to Articles 20(4) and 24 of that Regulation and, for those purposes, to amend the Broadcasting Act 2009; to give full effect to Article 25 of that Regulation and, for that purpose, to provide for detailed rules in relation to state advertising; to transfer certain functions conferred on the Minister for Culture, Communications and Sport under Part 3A of the Competition Act 2002 to Coimisiún na Meán; to enable Coimisiún na Meán to require notification of certain mergers or acquisitions involving a media business; to enable certain undertakings to inform Coimisiún na Meán of certain mergers or acquisitions involving a media business; to provide for consequential amendments of the Competition Act 2002; and to provide for related matters.

ADMINISTRATIVE REPRINT

Dáil Bill as amended in Committee by Seanad Éireann,

21*st October,* 2026

This administrative reprint incorporates amendments made at Committee Stage by Seanad Éireann. It has been produced for ease of reference only, given that amendments made by Seanad Éireann to a Bill initiated in Dáil Éireann cannot have legislative effect unless agreed to by Dáil Éireann.