



An Bille Craolacháin (Leasú), 2026
Broadcasting (Amendment) Bill 2026

Mar a leasaíodh sa Roghchoiste um Ealaíona, na Meáin, Cumarsáid, Cultúr agus Spórt

As amended in the Select Committee on Arts, Media, Communications, Culture and Sport



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AN BILLE CRAOLACHÁIN (LEASÚ), 2026
BROADCASTING (AMENDMENT) BILL 2026

Bill

entitled

An Act to provide for the disclosure and divestment by members of Coimisiún na Meán 5
of relevant interests in certain providers; to give full effect to Articles 5 and 6(3) of
Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April
2024¹ establishing a common framework for media services in the internal market and
amending Directive 2010/13/EU (European Media Freedom Act); to make further
provision about committees of Coimisiún na Meán; to provide, for the purposes of its 10
functions, for a power for Coimisiún na Meán to require certain information from
certain providers; to extend the application of duties and codes, and provision about
complaints, in relation to public service content published by the corporations; to make
further provision about the appointment and functions of the board and the director
general of a corporation and the appointment and functions of the audience council of a 15
corporation; to provide for the auditing of the accounts of RTÉ by the Comptroller and
Auditor General; to require the publication of information about the remuneration of
staff and contractors of the corporations; to provide for appraisals and reviews of
funding and performance of the corporations; to make further provision about the
commissioning of independent programmes by the corporations; to provide for the 20
renaming of the Broadcasting Fund and for public service content schemes to be funded
from the Fund; to amend the provision relating to the European Works Levy; for those
purposes to amend the Broadcasting Act 2009 and the Comptroller and Auditor General
(Amendment) Act 1993; and to provide for related matters.

Be it enacted by the Oireachtas as follows: 25

PART 1

PRELIMINARY AND GENERAL

Short title, commencement and collective citation

1. (1) This Act may be cited as the Broadcasting (Amendment) Act 2026.

¹ OJ L, 2024/1083, 17.4.2024

- (2) This Act shall come into operation on such day or days as the Minister for Culture, Communications and Sport 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 different provisions.
- (3) This Act and the Broadcasting Acts 2009 to 2023 may be cited together as the Broadcasting Acts 2009 to 2026. 5

Interpretation

2. In this Act, “Principal Act” means the Broadcasting Act 2009.

Repeals

3. The following provisions of the Principal Act are repealed: 10
- (a) subsections (12) to (15) of section 12;
 - (b) section 15(2);
 - (c) section 31(3);
 - (d) subsections (10) to (12) of section 84;
 - (e) section 88(8); 15
 - (f) section 99;
 - (g) sections 101, 102, 108(3) and 109(13), subject to *section 50* of this Act;
 - (h) subsections (7) to (10), (15) and (16) of, and the Table to, section 116;
 - (i) section 119;
 - (j) section 124, subject to *section 50* of this Act; 20
 - (k) Chapter 1A of Part 8B, subject to *section 61* of this Act;
 - (l) Part 10, subject to *section 55* of this Act.

PART 2

AMENDMENT OF PRINCIPAL ACT

Amendment of section 2 of Principal Act 25

4. Section 2(1) of the Principal Act is amended—

- (a) by the substitution of “ ‘children’ (other than in section 37) means” for “ ‘children’ means”,
- (b) by the substitution of the following definition for the definition of “Directive”:

“ ‘Directive’ means Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010² on the coordination of certain provisions laid down by law, regulation or administrative action in 30

2 OJ No. L.95, 15.4.2010, p.1

Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), as amended by Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018³ and EMFA;”,

- (c) by the substitution of the following definition for the definition of “editorial responsibility”:

“ ‘editorial responsibility’—

- (a) subject to paragraph (b), means the exercise of effective control over the selection and organisation of programmes, press publications or public service platform-based content for the purposes of the provision of a media service, regardless of who has any liability for the service, and

(b) in Part 7, has the meaning given by section 89A(2);”,

- (d) by the substitution of the following definition for the definition of “exploitation of commercial opportunities object”:

“ ‘exploitation of commercial opportunities object’ means the object of a corporation referred to in paragraph (j) of section 114(1) or paragraph (i) of section 118(1);”,

- (e) in the definition of “media service provider”, by the insertion of “(except where defined in this Act by reference to Article 2(2) of EMFA)” after “means”,

- (f) in the definition of “programme material”, by the deletion of “(subject to section 153)”,

- (g) by the substitution of the following definition for the definition of “public service objects”:

“ ‘public service objects’ means the objects of a corporation referred to in paragraphs (a) to (i) of section 114(1) or paragraphs (a) to (h) of section 118(1);”,

and

- (h) by the insertion of the following definitions:

“ ‘cohabitant’ shall be construed in accordance with section 172 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

‘disability’ has the meaning given by section 2(1) of the Disability Act 2005;

‘Estimates date’ means the date in any year on which the Government publishes the Estimates for Public Services (within the meaning of section 17 of the Ministers and Secretaries (Amendment) Act 2011) for that year;

‘levy order’ (other than in Parts 9A and 10A) means an order made under section 21;

3 OJ No. L.303, 28.11.2018, p.69

‘media service’ has the meaning given by Article 2(1) of EMFA;

‘press publication’ has the meaning given by Article 2(5) of EMFA;

‘public service media provision’ means the provision of a media service in a state, by a public service media provider of that state, as part of a system of provision of media services directly related to the democratic, social and cultural needs of society in that state (and ‘public service media provider’ has the meaning given by Article 2(3) of EMFA); 5

‘public service content’ has the meaning given by section 2F;

‘public service content provider’ means a media service provider (as defined by Article 2(2) of EMFA) who is capable of making public service content available to the public and— 10

- (a) is subject to regulatory requirements for the exercise of editorial responsibility in one or more Member States and to oversight by a competent national regulatory authority or body, or 15
- (b) adheres to a co-regulatory or self-regulatory mechanism governing editorial standards that is widely recognised by, and accepted in, the relevant media sector in one or more Member States;

‘public service platform-based content’ means content uploaded by a public service content provider to— 20

- (a) a video-sharing platform service, or
- (b) any other service, within the meaning of Article 1(1)(b) of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015⁴, on which user-generated content is made available; 25

‘relevant provider’ means—

- (a) a provider of communications media,
- (b) an intermediary service provider, or
- (c) a hosting service provider;

‘sound programme’ means a set of sounds constituting an individual item, irrespective of its length, within a programme schedule or a catalogue; 30

‘SME’ means a micro, small or medium-sized enterprise within the meaning of Commission Recommendation (2003/361/EC) of 6 May 2003⁵ concerning the definition of micro, small and medium-sized enterprises; 35

‘under-served audience’ has the meaning given by section 2E;”.

4 OJ No. L 241, 17.9.2015, p. 1

5 OJ No. L124, 20.5.2003, p. 36

Provisions relating to under-served audience and public service content

5. The Principal Act is amended by the insertion of the following sections after section 2D:

“Meaning of ‘under-served audience’

- 2E.** (1) In this Act, ‘under-served audience’ means persons who are under-served by the public service content provided by public service content providers, because of the relevance or accessibility of the content in relation to relevant characteristics that are shared by those persons. 5
- (2) In subsection (1), ‘relevant characteristics’ means characteristics falling within any of the following categories: 10
- (a) age;
 - (b) disability;
 - (c) gender;
 - (d) sexual orientation;
 - (e) geography; 15
 - (f) language;
 - (g) nationality;
 - (h) national or ethnic origin;
 - (i) religion;
 - (j) socio-economic status; 20
 - (k) any category of characteristics that is specified in an order under section 2G.
- (3) In this section—
- (a) characteristics falling within the category of gender include— 25
 - (i) male, female, transgender or other genders,
 - (ii) a person’s preferred gender, and
 - (iii) a gender with which a person identifies;
 - (b) ‘sexual orientation’ has the meaning given by section 2(1) of the Equal Status Act 2000;
 - (c) ‘national or ethnic origin’ includes membership of the Traveller community (within the meaning of section 2(1) of the Equal Status Act 2000); 30
 - (d) ‘religion’ includes absence of religious conviction or belief.

Meaning of ‘public service content’

- 2F.** In this Act, ‘public service content’ means any programme, anything published in a press publication, or any public service platform-based content, which informs, educates or entertains and which relates to 35

matters falling within any of the following categories:

- (a) the culture, language, history, heritage, society, music and sport of Ireland and of the people of the island of Ireland, including those matters in a European context and an international context;
- (b) the experiences of the people of the island of Ireland and the experiences of Irish communities outside the island of Ireland; 5
- (c) traditional and contemporary arts;
- (d) agriculture within the meaning of the Agriculture (Research, Training and Advice) Act 1988;
- (e) rural affairs; 10
- (f) the natural environment, environmental sustainability, biodiversity and climate change;
- (g) human rights, equality, diversity and inclusion;
- (h) news and current affairs;
- (i) European and international institutions; 15
- (j) the sciences;
- (k) the humanities;
- (l) education;
- (m) adult literacy;
- (n) media literacy; 20
- (o) any category of matters that is specified in an order under section 2G.

Power to specify further categories within section 2E or 2F

2G. (1) If the Commission makes a proposal to the Minister—

- (a) that a category of characteristics should be specified for the purposes of paragraph (k) of section 2E(2), or 25
- (b) that a category of matters should be specified for the purposes of paragraph (o) of section 2F,

the Minister may make an order giving effect to the proposal.

- (2) The Commission may make a proposal under subsection (1)(a) if it is of the opinion that persons who share characteristics falling within the proposed category are under-served by the public service content provided by public service content providers, because of the relevance or accessibility of the content in relation to the shared characteristics. 30
- (3) The Commission may make a proposal under subsection (1)(b) if it is of the opinion that— 35
 - (a) matters falling within the proposed category are of interest to the all or some of the people of the island of Ireland,

- (b) matters falling within the proposed category are of interest to Irish communities outside the island of Ireland, or
- (c) the provision of public service content relating to matters falling within the proposed category will contribute to free and democratic discourse. 5
- (4) A proposal under subsection (1) shall be accompanied by the grounds for the Commission's opinion referred to in subsection (2) or (3).

Procedure for proposals and orders under section 2G

2H. (1) The Commission may make a proposal under section 2G(1) only if—

- (a) the Commission has published a draft of the proposal and of the grounds for the Commission's opinion referred to in subsection (2) or (3) of section 2G in a way that it thinks appropriate to bring the draft to the attention of members of the public, 10
- (b) the Commission has published with the draft a notice stating how members of the public may submit comments to it, and within what period, 15
- (c) where an advisory committee has been established under section 19A(1)(b), the Commission has consulted the committee about the draft,
- (d) the Commission has carried out any other consultation that it considers appropriate on the draft, and 20
- (e) the Commission has considered any comments submitted to it in accordance with a notice under paragraph (b) or in consultation under this subsection.
- (2) On receiving a proposal the Minister shall, within a reasonable time— 25
 - (a) consult the Joint Oireachtas Committee,
 - (b) consider the proposal in the light of that consultation and any other consultation the Minister considers appropriate, and
 - (c) respond to the Commission.
- (3) The Minister's response shall be either— 30
 - (a) to accept the proposal, or
 - (b) to request the Commission to reconsider the proposal.
- (4) In deciding whether to accept a proposal, the Minister shall have regard in particular to section 2G(2) or (3) and the grounds given for the Commission's opinion. 35
- (5) Where an order is proposed to be made under section 2G(1), a draft of the order shall be laid by the Minister before each House of the Oireachtas and the order shall not be made unless a resolution approving the draft has been passed by each such House.”.

Amendment of section 7 of Principal Act

6. Section 7 of the Principal Act is amended, in subsection (2)(c), by the substitution of the following subparagraph for subparagraph (ii):

“(ii) their experiences, and the experiences of Irish communities outside the island of Ireland.”.

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Amendment of section 8 of Principal Act

7. Section 8(3) of the Principal Act is amended—

- (a) by the substitution of the following paragraph for paragraph (d):

“(d) Part 6,”

and

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- (b) by the insertion of the following paragraphs after paragraph (d):

“(da) section 96(2) or section 96A,

(db) Part 8.”.

Amendment of section 12 of Principal Act

8. Section 12 of the Principal Act is amended—

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- (a) in subsection (5), by the insertion of the following paragraphs after paragraph (b):

“(ba) the Commissioner has failed without reasonable excuse to comply with subsection (1) of section 15A,

(bb) the Commissioner has failed without reasonable excuse to comply with subsection (3) of section 15A,”

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and

- (b) in subsection (11)—

(i) in paragraph (h), by the substitution of “authority, or” for “authority,”

(ii) by the deletion of paragraph (i), and

(iii) by the substitution of the following paragraph for paragraph (j):

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“(j) enters into employment with a relevant provider, or with an organisation representative of relevant providers.”.

Amendment of section 15 of Principal Act

9. Section 15 of the Principal Act is amended by the substitution of the following paragraph for paragraph (d):

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“(d) has (within the meaning of section 15A) a relevant interest in a relevant provider.”.

Disclosure of relevant interest in relevant provider

10. The Principal Act is amended by the insertion of the following section after section 15:

- “15A.** (1) Where a Commissioner acquires a relevant interest in a relevant provider, the Commissioner shall without delay and in any event within two weeks of the date of acquiring the relevant interest disclose to the Commission the following information: 5
- (a) the date the Commissioner acquired the relevant interest;
 - (b) whether subsection (5), (6) or (7) applies and, if subsection (5), which paragraph applies;
 - (c) whether the condition contained in a paragraph of subsection (5), in subsection (6) or in subsection (7) is met in respect of the Commissioner or in respect of a connected person; 10
 - (d) the name of the relevant provider to which the relevant interest relates;
 - (e) where subsection (5)(a), (b) or (d) or subsection (6) applies, the value of the relevant interest; 15
 - (f) such other information as the Commission may consider appropriate.
- (2) Within two weeks of the date on which the Commission receives a disclosure under subsection (1), the Commission shall publish the following information on a website maintained by the Commission: 20
- (a) where the condition contained in a paragraph of subsection (5), in subsection (6) or in subsection (7) is met in respect of the Commissioner, the information specified in subsection (1);
 - (b) where the condition contained in a paragraph of subsection (5), in subsection (6) or in subsection (7) is met in respect of a connected person, the information specified in paragraphs (a), (b), (d) and (e) of subsection (1). 25
- (3) Where the condition contained in a paragraph of subsection (5), in subsection (6) or in subsection (7) is met in respect of a Commissioner, the Commissioner shall divest himself or herself of that relevant interest within two months of the date of acquiring the interest. 30
- (4) References in this section to a relevant interest in a relevant provider are to be read in accordance with subsections (5) to (7). 35
- (5) A person has a relevant interest in a relevant provider if the person, or a connected person—
- (a) holds shares or any other proprietary interest in the provider, where the value of the interest exceeds €5,000,
 - (b) holds bonds, debentures, or other like investments in the provider, where their aggregate value exceeds €13,000, 40

- (c) holds a directorship or shadow directorship (within the meaning of the Companies Act 2014) in the provider, or
- (d) receives gifts or other benefits from the provider, where their aggregate value exceeds €650.
- (6) A person also has a relevant interest in a relevant provider if the person or a spouse, civil partner or cohabitant of the person is a party to an arrangement or agreement concerning land (whether or not enforceable) with the provider. 5
- (7) A person also has a relevant interest in a relevant provider if the person, or a connected person, becomes a relevant provider. 10
- (8) Where a person has a relevant interest under more than one of the provisions contained in subsections (5), (6) and (7), the provisions of this section for disclosure, publication and divestment apply to each case as giving rise to a separate relevant interest.
- (9) References in this section to the value of a relevant interest are references— 15
 - (a) where subsection (5)(a) applies, to the value of the interest,
 - (b) where subsection (5)(b) applies, to the aggregate value of the investments,
 - (c) where subsection (5)(d) applies, to the aggregate value of the benefits, and 20
 - (d) where subsection (6) applies, to the value of any benefit that is likely to be derived from being a party to the arrangement or agreement.
- (10) In this section, ‘connected person’, in relation to a person, means— 25
 - (a) a spouse, civil partner or cohabitant of the person,
 - (b) a person acting on behalf of the person or on behalf of a person referred to in paragraph (a),
 - (c) a company or other body of which the person or a person referred to in paragraph (a), or a nominee of either of them, is a member, 30
 - (d) a partnership in which the person or a person referred to in paragraph (a) is a partner, or
 - (e) an employer of the person or of a person referred to in paragraph (a).”.

Amendment of section 19 of Principal Act

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11. Section 19 of the Principal Act is amended, in subsection (1), by the substitution of “Subject to section 19A, the Commission” for “The Commission”.

Review committees

12. The Principal Act is amended by the insertion of the following section after section 19:

“19A. (1) The Commission may establish—

- (a) a committee to assist and advise the Commission in the exercise of its functions under sections 112A to 112H, and 5
- (b) a committee to assist and advise the Commission in the exercise of its functions under section 152E.
- (2) A committee established under this section is referred to in this section as a review committee.
- (3) Subject to subsection (4), section 19 does not apply to a review committee. 10
- (4) Subsections (4), (6), (7) and (8) of section 19 apply to a review committee as they apply to a committee established under section 19(1).
- (5) A review committee shall consist of such number of members, not being less than 7 nor greater than 13, as the Commission determines, and the Commission shall appoint one of those members as chairperson of the committee. 15
- (6) A person shall not be appointed to be a member of a review committee unless he or she has experience and expertise in one or more of the following matters: 20
 - (a) media law;
 - (b) the economics of the media sector;
 - (c) finance in the media sector;
 - (d) production or distribution of programmes and other content; 25
 - (e) being active in or actively engaging with one or more under-served audiences;
 - (f) the development of the Irish language or Gaeltacht affairs;
 - (g) any other matter that the Commission considers relevant to the functions of the committee concerned. 30
- (7) A person specified in subsection (8) shall not be appointed as a member of a review committee, and a member of a review committee who becomes a person specified in that subsection shall cease to be a member of the committee.
- (8) The persons referred to in subsection (7) are— 35
 - (a) a member of the board of a corporation,
 - (b) a member of a committee of the board of a corporation,
 - (c) a member of staff of a corporation,

- (d) a Commissioner,
 - (e) a member of staff of the Commission, and
 - (f) a relevant provider, or a person who has a relevant interest in a relevant provider.
- (9) In subsection (8)(f), the reference to a relevant interest in a relevant provider is to be read in accordance with subsections (5) to (7) of section 15A. 5
- (10) The Commission may, at any time, dissolve a review committee, or for any reason remove any members of a review committee.
- (11) Subject to subsection (1), the terms of reference of a review committee shall be specified in writing by the Commission.”. 10

Amendment of section 21 of Principal Act

13. Section 21 of the Principal Act is amended—

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

- “(1) The Commission may make an order imposing a levy— 15
- (a) on providers of audiovisual media services, calculated by reference to the Commission’s expenses in performing functions in relation to audiovisual media services,
 - (b) on providers of sound broadcasting services, calculated by reference to its expenses in performing functions in relation to sound broadcasting services, 20
 - (c) on providers of designated online services, calculated by reference to its expenses in performing functions in relation to designated online services,
 - (d) on intermediary service providers, calculated by reference to its expenses in performing functions in relation to intermediary services, 25
 - (e) on hosting service providers, calculated by reference to its expenses in performing functions in relation to hosting services,
 - (f) on providers of AVMS access services, calculated by reference to its expenses in performing functions in relation to AVMS access services, and 30
 - (g) on the corporations, calculated by reference to its expenses in performing functions in relation to the corporations under—
- (i) section 46N(1A), 35
 - (ii) section 46OA where the function concerned is performed in relation to a media service code made under section 46N(1A),
 - (iii) Part 4,

- (iv) Part 7, and
- (v) Part 8B where the function concerned is performed in relation to a suspected failure to comply with a media service code made under section 46N(1A).”,
- (b) by the insertion of the following subsection after subsection (1): 5
 - “(1A) In subsection (1), expenses referred to in paragraphs (a) to (f) do not include expenses referred to in paragraph (g), and paragraph (g) does not affect the power to impose a levy on a corporation under another paragraph.”,
- (c) in subsection (5), by the substitution of the following paragraph for 10
 - paragraph (a):
 - “(a) shall consider the expenses referred to in that paragraph that are incurred in that period, as a proportion of all expenses referred to in subsection (1) that are incurred in that period, and”,
- and 15
- (d) by the substitution of the following subsection for subsection (12):
 - “(12) In this section—
 - ‘AVMS access services’ means services providing access to audiovisual media services, within the meaning of the European Union (Accessibility Requirements of Products and Services) Regulations 2023 (S.I. No. 636 of 2023); 20
 - ‘levy period’ has the meaning given by subsection (2).”.

Amendment of section 37 of Principal Act

14. Section 37 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of “the relevant person (in addition where 25
 - applicable to complying with section 15A)” for “the relevant person”, and
- (b) by the substitution of the following subsection for subsection (5):
 - “(5) For the purposes of this section—
 - ‘connected relative’ means, in relation to a relevant person—
 - (a) a spouse, civil partner, or cohabitant, of the relevant person, 30
 - (b) a parent, brother, sister, child or step-child, of the relevant person, or
 - (c) a spouse, civil partner or cohabitant of a child or step-child of the relevant person;
 - ‘relevant interest’ shall be construed in accordance with subsections 35
 - (5) to (7) of section 15A, subject to the modification that references to a relevant provider in those subsections shall be construed as

references to the business, or organisation representative of a business, referred to in this section;

‘relevant person’ means a Commissioner, a member of the staff of the Commission, or a consultant or adviser engaged under section 20.”.

Amendment of section 46J of Principal Act

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15. Section 46J(1) of the Principal Act is amended by the substitution of “a provider of an audiovisual on-demand media service shall not make available in a catalogue of the service, and a corporation shall not include in any other public service content published by it” for “and a provider of an audiovisual on-demand media service shall not make available in a catalogue of the service”.

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Amendment of section 46K of Principal Act

16. Section 46K of the Act of 2009 is amended—

- (a) by the insertion of the following subsection after subsection (2):

“(2A) A corporation shall ensure that, in all public service content (other than public service content referred to in subsections (1) and (2)) published by the corporation, and in the means employed to make such content, the privacy of any individual is not unreasonably encroached upon.”,

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and

- (b) in subsection (3), by the substitution of “subsection (1), (2) or (2A)” for “subsection (1) or (2)”.

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Amendment of section 46L of Principal Act

17. Section 46L of the Principal Act is amended—

- (a) in subsection (1)—

- (i) by the substitution of “a relevant media service provider, in programmes which he or she makes available in a catalogue of the relevant service, and a corporation in all other public service content which it publishes” for “and a relevant media service provider, in programmes which he or she makes available in a catalogue of the relevant service”,

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- (ii) in paragraph (a), by the substitution of “the broadcaster’s, provider’s or corporation’s own views” for “the broadcaster’s or provider’s own views”, and

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- (iii) in paragraph (b), by the substitution of “broadcast, made available or published is presented in an objective and impartial manner and without any expression of the broadcaster’s, provider’s or corporation’s own views” for “broadcast or made available is presented in an objective and impartial manner and without any expression of the broadcaster’s or provider’s own views”,

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- (b) in subsection (2), by the insertion of “that is broadcast, or that is made available by a relevant media service provider in a catalogue of the relevant service” after “a single programme”,
- (c) by the insertion of the following subsection after subsection (2):
 - “(2A) Should it prove impracticable, in the case of public service content 5
other than programmes referred to in subsection (2), to apply
subsection (1)(b) in relation to a single publication, two or more
related publications may be considered as a whole, if the publications
are published in the same way within a reasonable period of each
other.”, 10
- and
- (d) in subsection (4)—
 - (i) by the substitution of “broadcaster, a relevant media service provider or a corporation” for “broadcaster or a relevant media service provider”, and
 - (ii) in paragraph (a), by the substitution of “a matter potentially affecting the 15
activities of the broadcaster, relevant media service provider or corporation
concerned” for “broadcasting”.

Amendment of section 46M of Principal Act

18. Section 46M of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (1): 20
 - “(1) A programme broadcast or made available in a catalogue of an
audiovisual on-demand media service, or other public service content
published by a corporation, may include advertisements inserted in
it.”,
- (b) in subsection (2), by the substitution of “A broadcaster shall not broadcast, a 25
relevant media service provider shall not make available in a catalogue of the
relevant service, and a corporation, in relation to all other public service content,
shall not publish, an advertisement which” for “A broadcaster shall not broadcast,
and a relevant media service provider shall not make available in a catalogue of
the relevant service, an advertisement which”, and 30
- (c) in subsection (5), by the substitution of “broadcast or made available in a
catalogue of an audiovisual on-demand media service, or other public service
content published by a corporation” for “broadcast by a broadcaster, or
advertisements made available in a catalogue of a relevant service by a relevant
media service provider”. 35

Amendment of section 46N of Principal Act

19. Section 46N of the Act of 2009 is amended—

- (a) in subsection (1), by the deletion of “(‘media service codes’)”,
- (b) by the insertion of the following subsections after subsection (1):

- “(1A) The Commission shall make codes governing the standards and practices of corporations in relation to public service content published by them other than as broadcaster or as provider of audiovisual on-demand media services.
- (1B) The first code made by the Commission under subsection (1A) shall be made not later than 12 months after the commencement of that subsection. 5
- (1C) In this section, references to programme material include, in the case of a corporation, references to other public service content published by the corporation.”, 10
- (c) in subsection (2)—
- (i) in paragraph (a), by the substitution of “broadcasters, providers of audiovisual on-demand media services and corporations” for “broadcasters and providers of audiovisual on-demand media services”, and
- (ii) in paragraph (b), by the substitution of “broadcasters, relevant media service providers and corporations” for “broadcasters and relevant media service providers”, 15
- (d) in subsection (4)—
- (i) by the substitution of “promote and measure” for “promote”,
- (ii) in paragraph (b), by the substitution of “women;” for “women.”, and 20
- (iii) by the insertion of the following paragraph after paragraph (b):
- “(c) the broadcast in programmes broadcast on sound broadcasting services of a diversity of music composed or performed by persons with a connection with the island of Ireland.”,
- (e) in subsection (6)(f), by the insertion of “and, in the case of a corporation, over other public service content published by the corporation” after “programmes”, and 25
- (f) in subsection (7), by the substitution of “the inclusion, in programmes or in the case of a corporation other public service content published by the corporation, of commercial communications” for “the inclusion in programmes of commercial communications”. 30

Compliance with media service codes and media service rules: information notices

20. The Principal Act is amended by the insertion of the following section after section 46O:

- “**46OA.** (1) The Commission may by notice in writing require a broadcaster, provider of audiovisual on-demand media services or corporation (each of which in this section is referred to as a ‘provider’) to provide the Commission with information relating to the provider’s compliance with a media service code or media service rules, and may require such information to be provided periodically for a succession of periods. 35 40

- (2) A notice shall—
 - (a) identify the information to be provided and the period or periods it must relate to, and
 - (b) state the date by which the information is to be provided.
- (3) A notice may not require information to be provided before the end of the period of seven days beginning on the date on which the notice is given to the provider. 5
- (4) The Commission may at any time by notice in writing extend the time within which information is to be provided.
- (5) If within the period referred to in subsection (3) the provider requests the Commission to make an extension under subsection (4), the period beginning with the date on which the Commission receives the request and ending on the date notice of the Commission's decision on the request is given to the provider does not count towards the time within which the information is to be provided. 10 15
- (6) A provider to whom this section applies shall be guilty of a category 1 offence if—
 - (a) the provider fails without reasonable excuse to comply with a notice under this section, or
 - (b) in purported compliance with a notice under this section, the provider provides false information, knowing that it is false or being reckless as to whether it is false.”. 20

Amendment of section 46P of Principal Act

21. Section 46P of the Principal Act is amended—

- (a) by the insertion of the following subsection after subsection (2): 25

“(2A) A corporation shall retain a copy of all public service content published by it other than as a broadcaster or provider of audiovisual on-demand media services.”,
- (b) in subsection (3)—
 - (i) by the substitution of “programme material or other public service content” for “programme material”, and 30
 - (ii) by the substitution of “subsections (1), (2) and (2A)” for “subsections (1) and (2)”,
- (c) by the substitution of the following subsection for subsection (4):

“(4) The Commission may require the broadcaster, provider or corporation referred to in subsection (1), (2) or (2A) to provide a copy of any programme material or other public service content to which that subsection applies within a specified period.”, 35

- (d) in subsection (5), by the substitution of “subsection (1), (2) or (2A)” for “subsection (1) or (2)”, and
- (e) in subsection (7)—
 - (i) by the substitution of “programme material or other public service content” for “programme material”, and 5
 - (ii) by the substitution of “subsection (1), (2) or (2A)” for “subsection (1) or (2)”.

Amendment of section 47 of Principal Act

22. Section 47 of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (1): 10
 - “(1) A broadcaster in relation to a programme broadcast by it, the provider of an audiovisual on-demand media service in relation to programme material made available on the service, and a corporation in relation to any other public service content published by it, shall give due and adequate consideration to a complaint made in writing to it that it has failed to comply with one or more of the matters referred to in section 48(1) where, in the opinion of the broadcaster, provider of an audiovisual on-demand media service or corporation, the complaint is made in good faith and is not frivolous or vexatious.” 15
- (b) in subsection (2)— 20
 - (i) by the substitution of “broadcaster, provider of an audiovisual on-demand media service or corporation” for “broadcaster or provider of an audiovisual on-demand media service”,
 - (ii) in paragraph (c), by the substitution of “dates,” for “dates, or”,
 - (iii) in paragraph (d) by the substitution of “service, or” for “service.”, and 25
 - (iv) by the insertion of the following paragraph after paragraph (d):
 - “(e) in the case the complaint relates to other public service content published by a corporation, the later of the date of publication or the date on which the corporation ceased to make the publication available (other than by accessing the archives of the corporation).” 30
- (c) in subsections (3) and (4), by the substitution of “broadcaster, provider of an audiovisual on-demand media service or corporation” for “broadcaster or provider of an audiovisual on-demand media service”, in each place where it occurs, 35
- (d) in subsection (5), by the substitution of “broadcasters, providers of an audiovisual on-demand media service or corporations” for “broadcasters or providers of an audiovisual on-demand media service”, and
- (e) in subsections (6), (7) and (8), by the substitution of “broadcaster, provider of an audiovisual on-demand media service or corporation” for “broadcaster or 40

provider of an audiovisual on-demand media service”, in each place where it occurs.

Amendment of section 48 of Principal Act

23. Section 48 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of “subsection (1), (2) or (2A) of section 46P” for “section 46P(1) or (2)”, 5
- (b) in subsection (2)—
 - (i) in paragraph (c), by the substitution of “dates,” for “dates, or”,
 - (ii) in paragraph (d), by the substitution of “service, or” for “service.”, and
 - (iii) by the insertion of the following paragraph after paragraph (d): 10
 - “(e) where the complaint relates to public service content published by a corporation other than as broadcaster or as provider of audiovisual on-demand media services, the later of the date of publication or the date on which the corporation ceased to make the publication available (other than by accessing the archives of the corporation).”, 15
- and
- (c) in subsection (3), by the substitution of “broadcaster, provider of an audiovisual on-demand media service or corporation” for “broadcaster or provider of an audiovisual on-demand media service” in both places where it occurs. 20

Amendment of section 71 of Principal Act

24. Section 71 is amended, in subsection (8A), by the substitution of “Where, under a levy order, a levy becomes payable in respect of a levy period (within the meaning of section 21)” for “Where under a levy order under section 21 a levy becomes payable in respect of a levy period”. 25

Boards of corporations

25. The Principal Act is amended by the insertion of the following section after section 80:

- “80A.** (1) A corporation shall have a board which is the governing body of the corporation.
- (2) The board of a corporation has authority to perform the functions of the corporation. 30
- (3) The board of a corporation shall—
 - (a) ensure that the activities of the corporation in pursuance of its objects are performed efficiently, effectively and to the highest standards, 35
 - (b) ensure through the statement prepared under section 112F that the corporation’s strategy is consistent with its objects,

- (c) ensure that the corporation has in place the policies and procedures needed to carry out its strategy, and
- (d) operate effective arrangements for the accountability of the director general to the board under section 89(3).
- (4) Without prejudice to the generality of section 98, the board of a corporation shall safeguard the independence of the corporation, as regards the conception, content and production of material published by it, the editing and presentation of news and current affairs content, and the definition of programme schedules, from the influence of governmental, political, economic and private interests.
- (5) The functions of the board of a corporation under this section are subject to section 89A.”.

Amendment of section 81 of Principal Act

26. Section 81 of the Principal Act is amended—

- (a) in subsection (2), by the deletion of “or under that paragraph arising from a vacancy referred to in section 84(12)”,
- (b) by the substitution of the following subsection for subsection (3):
 - “(3) The members appointed under paragraphs (a) and (b) of subsection (1) shall, in so far as is practicable, together comprise five men and five women.”,
- and
- (c) in subsection (5)—
 - (i) by the substitution of the following paragraph for paragraph (a):
 - “(a) have experience and expertise in one or more of the matters specified in section 82(1),”,
 - and
 - (ii) in paragraph (c), by the substitution of “matters relating to public service media provision” for “public service broadcasting matters”.

Amendment of section 82 of Principal Act

27. Section 82 of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (1):
 - “(1) A person shall not be appointed under paragraph (a) or (b) of section 81(1) to be a member of the board of a corporation unless he or she has experience and expertise, relevant to the oversight of an organisation of the size, range of activities and level of complexity of the corporation, in one or more of the following matters:
 - (a) media affairs;

- (b) production, distribution or consumption of digital media;
 - (c) public service media provision;
 - (d) public service content production;
 - (e) human resources or industrial relations;
 - (f) trade union affairs; 5
 - (g) business or commercial affairs;
 - (h) matters pertaining to the development of the Irish language;
 - (i) matters pertaining to equality, diversity and inclusion;
 - (j) matters pertaining to disability;
 - (k) arts, music, sport or culture; 10
 - (l) science, technology or environmental matters;
 - (m) corporate governance and risk management;
 - (n) legal or regulatory affairs;
 - (o) accounting and finance;
 - (p) social, educational or community activities or rural or Gaeltacht affairs.”, 15
- (b) by the substitution of the following subsection for subsection (2):
- “(2) A person shall not be appointed under paragraph (a) or (b) of section 81(1) to be a member of the board of TG4 unless he or she is competent in the Irish language and able to conduct the business of the board in that language.”, 20
- (c) by the insertion of the following subsection after subsection (2):
- “(2A) For the purposes of subsection (2), the Minister may, having regard to the system of standards known as the Common European Framework of Reference for Languages, after consultation with the Minister for Rural and Community Development and the Gaeltacht, prescribe the level of competence in the Irish language required by a person referred to in that subsection.”, 25
- and
- (d) by the insertion of the following subsections after subsection (5): 30
- “(5A) Subject to subsection (5B), re-appointment in accordance with subsection (5), under paragraph (a), (b) or (c) of section 81(1), is subject to the requirements of the paragraph concerned.
- (5B) Where a person appointed under paragraph (b) of section 81(1) is to be re-appointed under that paragraph, section 81(2) does not apply.”. 35

Amendment of section 83 of Principal Act

28. Section 83 of the Principal Act is amended—

(a) by the substitution of the following subsection for subsection (13):

“(13) Every employee of a corporation who, on the day specified by the returning officer and on the day on which the poll is taken, has been an employee of the corporation for a continuous period of not less than one year, shall be entitled to vote at an election.”, 5

and

(b) in subsection (14)(a), by the deletion of “is not less than 18 years of age and”.

Amendment of section 84 of Principal Act

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29. Section 84 of the Principal Act is amended—

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

“(7) The director general of a corporation shall cease to be a member of the board of the corporation on ceasing to be director general.”,

(b) by the insertion of the following subsection after subsection (7):

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“(7A) A person appointed as a member of the board of a corporation under section 81(1)(c) shall cease to be a member of the board on the cessation of his or her contract of service with the corporation.”,

and

(c) by the insertion of the following subsection:

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“(13) This section, except subsection (7), does not apply to the director general of a corporation.”.

Duties of board members

30. The Principal Act is amended by the substitution of the following section for section 87:

“**87.** (1) Every member of the board of a corporation, in performing his or her functions as a member of the board, shall— 25

(a) act in good faith with care, skill and diligence in what the member considers the best interests of the corporation, and

(b) represent the interests of the people of the island of Ireland and of Irish communities outside the island of Ireland. 30

(2) A member of the board of a corporation shall not use the corporation’s information for his or her own or anyone else’s private advantage unless the use has been approved by the board.”.

Board committees

31. The Principal Act is amended by the insertion of the following section after section 88:

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- “88A.** (1) The board of a corporation may establish committees of the board to advise and assist it in the performance of its functions.
- (2) A committee shall consist of—
- (a) such members of the board as the board determines, and
 - (b) where the board considers it appropriate, such other persons as the board determines who have experience and expertise in any matter relating to the purpose for which the committee is established. 5
- (3) The board of a corporation—
- (a) shall specify in writing the purpose and terms of reference of any committee, and 10
 - (b) shall review the purpose and terms of reference annually.
- (4) Where a committee includes members other than members of the board or staff of the corporation, such members shall be paid by the corporation, out of monies at its disposal, such allowances for expenses incurred by them in the performance of their functions as the Minister, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, from time to time determines. 15
- (5) A member of a committee who is not a member of the board of the corporation shall, in performing his or her functions as a member of the committee, comply with the duties referred to in section 87. 20
- (6) The acts of a committee are subject to confirmation in writing by the board of the corporation, except in the case of a determination referred to in subsection (10) or an act specified by the board under subsection (7). 25
- (7) The board may specify acts of a committee that are not to be subject to confirmation by the board if in the case of those acts the board considers it necessary to do so for the efficient performance of its functions.
- (8) The board of a corporation may regulate the procedure of its committees, but subject to such regulation, a committee may regulate its own procedure. 30
- (9) The board of a corporation may at any time dissolve a committee, or for any reason remove any members of a committee.
- (10) Without prejudice to the generality of this section, the board of a corporation shall establish a committee whose purpose and terms of reference include the making of determinations for the purposes of section 89C(6) in relation to the remuneration of the director general of the corporation. 35
- (11) The director general shall not be a member of a committee established under subsection (10). 40

- (12) In this section ‘committee’ means a committee established under subsection (1).”.

Director general

32. The Principal Act is amended by the substitution of the following section for section 89:

- “89. (1) A corporation shall have an officer to be known as its *ardstiúrthóir*, in the Irish language, or director general, in the English language. 5
- (2) The director general of a corporation (in addition to functions otherwise provided for)—
- (a) shall carry on and manage, and control generally, the administration of the corporation, and 10
- (b) shall perform such other functions as may be determined by the board of the corporation.
- (3) The director general of a corporation—
- (a) is accountable to the board of the corporation for the efficient and effective management of the corporation and the performance of his or her functions, and 15
- (b) shall provide the board with all information that it requests relating to the performance of those functions.
- (4) Subsection (3) does not apply in relation to functions under paragraph (a) or (c) of section 89A(1). 20
- (5) The director general of a corporation shall not take part in proceedings of the board of the corporation relating to the performance, removal or replacement of the director general.
- (6) The board of a corporation may appoint a member of staff of the corporation to perform the functions of the director general for any period when— 25
- (a) the office of director general is vacant, or
- (b) the director general is unable to perform those functions.
- (7) Section 89D applies to removal of a person appointed under subsection (6) as it applies to removal of the director general.”. 30

Director general: functions, appointment and removal

33. The Principal Act is amended by the insertion of the following sections after section 89:

“Director general’s editorial functions

89A. (1) The director general of a corporation shall—

- (a) determine the corporation’s overall editorial policies, standards and priorities, in relation to content published by it, 35

- (b) put in place and revise from time to time a statement of principles and procedures to ensure high standards in content published by the corporation and compliance by the corporation with its obligations under sections 46J, 46K and 46L, and
 - (c) exercise editorial responsibility and act as editor-in-chief in relation to content published by the corporation. 5
- (2) In this Part, ‘editorial responsibility’ means the exercise of effective control over the selection and organisation of content for publication by a corporation in programmes and press publications and as public service platform-based content. 10

Delegation of functions of director general

- 89B.** (1) Subject to subsections (2) to (4), the director general of a corporation, with the consent of the board of the corporation, may delegate the performance of any of the functions of the director general to a member of the staff of the corporation. 15
- (2) A director general may not delegate a function under paragraph (a) or (b) of section 89A(1).
 - (3) A director general may not delegate a function under paragraph (c) of section 89A(1) other than—
 - (a) a function of taking editorial decisions of a description specified in the delegation, or 20
 - (b) a function of exercising editorial responsibility over so much of a service provided by the corporation as is specified in the delegation.
 - (4) A delegation in accordance with paragraph (a) or (b) of subsection (3) may be made without the consent of the board of the corporation. 25
 - (5) A function delegated under this section continues to be a function of the director general and is capable of being performed concurrently by the director general and by the person to whom it is delegated.
 - (6) The delegation of a function under this section does not affect the accountability of the director general to the board for the performance of the function. 30
 - (7) In this section ‘editorial decision’ means a decision taken on a regular basis for the purpose of exercising editorial responsibility and linked to the day-to-day operation of the corporation. 35

Appointment of director general

- 89C.** (1) The director general of a corporation shall be appointed by the board of the corporation on a recommendation under subsection (5) following a public selection competition conducted by the board.
- (2) Before a selection competition is conducted— 40
 - (a) the board shall publish on a website maintained by the corporation—

- (i) the procedure, which shall be transparent, open, effective and non-discriminatory, for conducting the competition, and
 - (ii) the selection criteria, in accordance with subsection (3),

and
- (b) the chairperson of the board shall appoint the selection panel, which shall include the chairperson of the board. 5
- (3) The selection criteria—
 - (a) shall comply with the principles of transparency, objectivity, non-discrimination and proportionality, and
 - (b) shall include criteria ensuring that any person selected has sufficient relevant experience and expertise for performing the functions of director general. 10
- (4) A selection competition shall be conducted in accordance with the procedure and selection criteria published under subsection (2), subject to any amendment published by the board in accordance with that procedure. 15
- (5) Following a selection competition, the selection panel may recommend a person to the board for appointment under subsection (1) if in its opinion the person is qualified for appointment in accordance with the selection criteria. 20
- (6) The director general of a corporation shall hold office for such term and on such terms and conditions, and be paid such remuneration, as the board of the corporation may, with the approval of the Minister given with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, determine. 25
- (7) The term of office of a director general provided for under subsection (6) shall be not less than five years and not more than seven years.
- (8) The director general of a corporation holds office until—
 - (a) the director general's term of office expires,
 - (b) the director general resigns by written notice to the board of the corporation, or 30
 - (c) the director general is removed from office in accordance with section 89D.

Removal of director general

- 89D.** (1) The board of a corporation may remove the director general of the corporation from office if the board is satisfied that— 35
- (a) the director general has become incapable through ill-health or otherwise of performing the functions of the office,
 - (b) the director general has engaged in serious misconduct,

- (c) the director general has a conflict of interest of such significance that he or she should cease to hold office, or
 - (d) the director general has failed without reasonable cause to perform the functions of the office for a continuous period of at least three months. 5
- (2) Where the board of a corporation proposes to remove the director general from office, the board shall give the director general notice in writing of the proposal.
- (3) A notice under subsection (2) shall contain a statement—
 - (a) of the reasons for the proposed removal, 10
 - (b) that the director general may make representations to the board of the corporation in such form and manner as may be specified by the board,
 - (c) that any such representations must be made within a period of 20 working days from the date of the giving of the notice, or such longer period as the board may specify in the notice, and 15
 - (d) that at the end of the period referred to in paragraph (c) or the period specified in the notice, whether or not any representations are made, the board shall decide whether to remove the director general from office. 20
- (4) In considering whether to remove the director general of a corporation from office under subsection (1), the board of the corporation shall take into account—
 - (a) any representations made by the director general in accordance with paragraphs (b) and (c) of subsection (3), and 25
 - (b) any other matter the board considers relevant.
- (5) Where, after giving notice under subsection (2), the decision of the board is not to remove the director general from office, the board shall notify the director general in writing of the decision.
- (6) Where, after giving notice under subsection (2), the decision of the board is to remove the director general from office, the board shall— 30
 - (a) notify the director general in writing of the decision, the reasons for it and the date from which it takes effect (which shall not be earlier than the date of the notice under this paragraph), and
 - (b) give the Minister a statement in writing of the decision and the reasons for it. 35
- (7) The Minister shall lay a copy of a statement provided under paragraph (b) of subsection (6) before each House of the Oireachtas.”.

Amendment of section 90 of Principal Act

- 34.** Section 90(4) of the Principal Act is amended by the substitution of “Subject to sections 40

89A and 89B, a corporation” for “A corporation”.

Accountability of director general to Committee of Public Accounts

35. The Principal Act is amended by the insertion of the following section after section 92:

- “92A.** (1) The director general of a corporation shall, whenever required to do so by a Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on— 5
- (a) the regularity and propriety of the transactions recorded or required to be recorded in accounts of the corporation prepared under section 109(3), 10
 - (b) the economy and efficiency of the corporation in the use of its resources,
 - (c) the systems, procedures and practices employed by the corporation for the purpose of evaluating the effectiveness of its operations, and 15
 - (d) any matter affecting the corporation that is referred to in—
 - (i) a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 , or
 - (ii) any other report of the Comptroller and Auditor General that is laid before Dáil Éireann in so far as the report relates to a matter specified in paragraph (a), (b) or (c). 20
- (2) In giving evidence under subsection (1), a director general shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy. 25
- (3) In appearing before a Committee referred to in subsection (1), a director general appears as a person accountable to the Committee and not as an accounting officer.”.

Amendment of section 95 of Principal Act

36. Section 95 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of “adviser and member of an advisory committee of the corporation” for “adviser, member of an advisory committee and member of an audience council of the corporation”,
- (b) by the insertion of the following subsections after subsection (2): 35

“(2A) The Commission shall, as soon as may be, draw up a code of conduct in respect of controls on interests and ethical behaviour to apply to each member of an audience council.

(2B) The audience council concerned shall review and adopt, with such amendments as it considers appropriate (if any), the code of conduct referred to in subsection (2A).”,

and

(c) in subsection (3), by the insertion of “and any code of conduct adopted by its audience council under subsection (2B)” after “subsections (1) and (2)”. 5

Audience councils

37. The Principal Act is amended by the substitution of the following section for section 96:

“**96.** (1) There shall be an audience council for each corporation.

(2) An audience council shall consist of 15 members, appointed by the Commission in accordance with section 96A. 10

(3) An audience council shall elect one of its members to be the chairperson of the audience council for a period of not less than two years and not more than four years.

(4) The quorum for a meeting of an audience council shall be 8. 15

(5) Subject to subsection (4), an audience council shall establish its own procedures.

(6) Subject to subsection (7), a corporation shall provide its audience council with the staff, other resources and information that it requires for the performance of its functions. 20

(7) The Commission may, by agreement with the corporation concerned, provide the corporation’s audience council with some or all of the staff, other resources and information that it requires for the performance of its functions.

(8) A corporation or the Commission may provide staff under subsection (6) or (7) by assigning members of its staff to the audience council, subject to arrangements in accordance with subsection (10). 25

(9) Any costs incurred by the Commission under subsection (7) or (8) shall be recouped from the corporation concerned.

(10) An audience council shall be independent in the performance of its functions.”. 30

Audience councils: members, functions and reporting

38. The Principal Act is amended by the insertion of the following sections after section 96:

“Appointment of members of audience council

96A. (1) In appointing persons to be members of an audience council, the Commission shall endeavour to ensure— 35

- (a) diversity of membership, taking into account the diversity of the people of the island of Ireland (including religious, ethical, cultural, linguistic, socio-economic, and gender diversity),
 - (b) inclusion of a member or members who have been active in or have actively engaged with one or more Irish communities outside the island of Ireland, 5
 - (c) inclusion of a member or members who have been active in or have actively engaged with one or more under-served audiences, with particular consideration being given to under-served audiences identified by reference to disability, 10
 - (d) inclusion of members, and in the case of the audience council for TG4 at least 10 members, who are competent in the Irish language and able to conduct the business of the audience council in that language, and
 - (e) inclusion of members, and in the case of the audience council for TG4 at least five members, who have expertise in Gaeltacht affairs or experience of Gaeltacht communities. 15
- (2) For the purposes of paragraph (d) of subsection (1), the Minister may, having regard to the system of standards known as the Common European Framework of Reference for Languages, after consultation with the Minister for Rural and Community Development and the Gaeltacht, prescribe the level of competence in the Irish language required by a person referred to in that paragraph. 20
 - (3) The members of an audience council shall, in so far as is practicable, include at least seven men and at least seven women. 25
 - (4) A relevant office holder may not be appointed as a member of an audience council.
 - (5) Any appointment as a member of an audience council shall be made on a recommendation under subsection (10) following a public selection competition conducted by the Commission. 30
 - (6) Advertising for a selection competition shall be carried out—
 - (a) by the Commission, and
 - (b) by the corporation concerned, subject to any directions given by the Commission.
 - (7) The advertising shall include advertising calculated to reach members of under-served audiences. 35
 - (8) Before a selection competition is conducted the Commission shall appoint the selection panel and specify the selection criteria.
 - (9) The selection panel shall comprise at least three persons and shall not include more than one relevant office holder. 40

- (10) Following a selection competition, the selection panel may recommend a person to the Commission for appointment if in its opinion the person is qualified for appointment in accordance with this section and the selection criteria.
- (11) In this section, ‘relevant office holder’ means— 5
- (a) a Commissioner,
 - (b) a member of staff of the Commission,
 - (c) a member of the board of a corporation,
 - (d) a member of a committee of the board of a corporation, or
 - (e) a member of staff of a corporation. 10

Terms of membership of audience council

- 96B.** (1) A person appointed to be a member of an audience council—
- (a) shall be appointed for such period of not less than two years and not more than four years as the Commission may determine, and
 - (b) shall not be eligible for re-appointment. 15
- (2) A corporation shall pay to each member of its audience council such out-of-pocket expenses as the member may reasonably incur in the performance of his or her functions.
- (3) A member of an audience council may resign by letter addressed to the chairperson of the Commission, and the resignation takes effect on the date of receipt of the letter or, if the letter specifies a later date, on that date. 20
- (4) A member of an audience council ceases to be a member if he or she becomes a relevant office holder, within the meaning given by section 96A(11). 25
- (5) A member of an audience council may be removed from the audience council by the Commission if—
- (a) the member has, without reasonable excuse, failed for a consecutive period of six months to attend meetings of the audience council, or 30
 - (b) the member has engaged in serious misconduct.

Functions of audience councils

- 96C.** (1) The audience council for a corporation shall represent to the board of the corporation—
- (a) the views and interests of the people of the island of Ireland, and 35
 - (b) the views and interests of Irish communities outside the island of Ireland,

with regard to the corporation's activities in pursuance of its public service objects, including types of content provided by the corporation.

- (2) An audience council shall have regard to the public service objects of its corporation and, in particular, how the corporation is pursuing those objects in so far as they relate to the Irish language and addressing the needs of members of Gaeltacht communities. 5
- (3) The audience council for a corporation may, for the purposes of its functions under subsection (1)—
 - (a) hold public meetings on any part of the island of Ireland, 10
 - (b) conduct public consultations with, or with any part of, the people of the island of Ireland or Irish communities outside the island of Ireland,
 - (c) require the corporation, as far as is reasonably practicable, to conduct or arrange for surveys to ascertain the views and interests of, or of any part of, the people of the island of Ireland or Irish communities outside the island of Ireland, 15
 - (d) without prejudice to paragraph (c), require the corporation, as far as is reasonably practicable, to conduct or arrange for surveys to ascertain the views and interests of under-served audiences, and 20
 - (e) require the corporation to provide, in each year, the equivalent of up to two hours of television programme material, and in the case of RTÉ two hours of sound broadcasting programme material, and to broadcast the material at times and on services proposed by the audience council and agreed by the corporation. 25
- (4) For the purpose of enabling the audience council for a corporation to perform its functions under this section—
 - (a) the director general of the corporation shall meet with the audience council at least twice in each year, and
 - (b) the board of the corporation shall meet with the audience council at least twice in each year. 30
- (5) A corporation shall enable material produced by its audience council about the work of the audience council to be published on a website maintained by the corporation, and shall, as far as is reasonably practicable, ensure the prominence of the material on the website. 35

Reporting by audience council

- 96D.** (1) The audience council for a corporation shall not later than 30 June in each year prepare and submit to the corporation a report on—
- (a) its activities in the immediately preceding year, and
 - (b) its representation of the views and interests referred to in section 96C(1) for that year. 40

- (2) An audience council for a corporation may at any time prepare and submit to the corporation a special report on any matter relevant to the functions of the audience council.
- (3) At the same time as submitting a report under subsection (1) or (2) to the corporation, the audience council shall submit a copy of that report to the Commission and the Minister. 5
- (4) Not later than one month after the submission of a report under subsection (2) by the audience council for a corporation, the corporation shall prepare and submit to the audience council a response to the report. 10
- (5) At the same time as submitting a response under subsection (4) to the audience council, the corporation shall submit a copy of that response to the Commission and the Minister.
- (6) The Minister shall cause a copy of a report submitted under subsection (1) or (2) and of a response submitted under subsection (4) to be laid before each House of the Oireachtas.”. 15

Audience councils: transitional provisions

- 39.** (1) A person who immediately before the commencement of *sections 37 and 38* was a member of the former audience council of a corporation shall, from that commencement, be a member of the new audience council of that corporation for the unexpired term of his or her appointment. 20
- (2) A person who becomes a member of a new audience council under *subsection (1)* shall be treated as having been appointed in accordance with section 96A of the Principal Act, and section 96B of that Act, except subsection (1)(a) and subsection (4), shall apply to the person’s membership. 25
- (3) The person who immediately before the commencement of this section was the chairperson of the former audience council of a corporation shall, from that commencement, be treated as having been elected under section 96(3) of the Principal Act as the chairperson of the new audience council of that corporation.
- (4) For the purposes of this section— 30
- (a) “former audience council” means an audience council established under section 96 of the Principal Act, as it had effect before the commencement of this section,
 - (b) “new audience council” means an audience council established by section 96 of the Principal Act as substituted by *section 37*, and 35
 - (c) “corporation” has the same meaning as in the Principal Act.

Amendment of section 103 of Principal Act

- 40.** Section 103 of the Principal Act is amended, in subsection (8)(b), by the substitution of “the Directive and with recommendations of the Council of Europe in respect of public service media provision” for “the Council Directive and recommendations of the Council 40

of Europe in respect of public service broadcasting”.

Amendment of section 109 of Principal Act

41. Section 109 of the Principal Act is amended—

(a) by the substitution of the following subsection for subsection (3):

“(3) The accounts of a corporation for each financial year shall be prepared 5
by the director general in accordance with accounting standards
specified by the Minister, and shall be approved by the board of the
corporation.”,

(b) by the insertion of the following subsections after subsection (3):

“(3A) As soon as practicable but not later than three months after the end of 10
the financial year to which they relate, accounts approved under
subsection (3) shall be submitted by the corporation to the Comptroller
and Auditor General, who shall audit the accounts.

(3B) RTÉ may, in the period referred to in subsection (3A), submit accounts
approved under subsection (3) to be audited by a statutory auditor or 15
statutory audit firm appointed by the board of RTÉ.

(3C) The auditing of accounts under subsection (3B) does not affect
subsection (3A).”,

(c) by the substitution of the following subsections for subsection (4):

“(4) On completion of an audit under subsection (3A), the Comptroller and 20
Auditor General shall prepare a report on the accounts and present to
the board of the corporation the report and a copy of the audited
accounts.

(4A) On completion of an audit under subsection (3B), the statutory auditor
or statutory audit firm shall prepare a report on the accounts and 25
present to the board of the corporation the report and a copy of the
audited accounts.

(4B) Copies of the documents presented to the board of a corporation under
subsections (4) and (4A) for any financial year of the corporation shall
be presented by the board to the Minister— 30

(a) at the time when the annual report under section 110 relating to that
year is made to the Minister, or

(b) if later, as soon as those documents are presented to the board.”,

and

(d) by the substitution of the following subsection for subsection (16): 35

“(16) In this section—

‘statutory audit firm’ has the meaning given by section 1461(1) of the
Companies Act 2014;

‘statutory auditor’ has the meaning given by section 1461(1) of the Companies Act 2014.”.

Amendment of section 110 of Principal Act

- 42.** Section 110 of the Principal Act is amended by the insertion of the following subsection after subsection (1):

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“(1A) The annual report shall include information about remuneration in accordance with section 110A.”.

Information about remuneration

- 43.** The Principal Act is amended by the insertion of the following section after section 110:

“110A. (1) The information about remuneration referred to in section 110(1A) shall be given by reference to bands of remuneration designated by the Minister by direction to the corporations.

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(2) The information shall consist of—

(a) the number of members of the staff of the corporation and its subsidiaries whose remuneration for the preceding year fell within each band, and

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(b) the number of other persons engaged under relevant contracts by the corporation and its subsidiaries whose remuneration for the preceding year fell within each band.

(3) The information shall be given in a table or tables in such form and with such explanatory material as the Minister may approve.

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(4) Subject to subsection (5), for the purposes of this section a person’s remuneration for any year is any remuneration, including pay, allowances and benefits in any form, that the person receives in that year from the corporation or subsidiary—

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(a) as a member of the staff of the corporation or subsidiary, or

(b) under a relevant contract.

(5) The Minister may direct a corporation, in calculating the remuneration of a person or a class of persons—

(a) to disregard remuneration of a description specified in the direction,

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(b) to treat remuneration of a description specified in the direction as received in a year determined in accordance with the direction, and

(c) to follow a method specified in the direction for calculating the value of remuneration of a description specified in the direction.

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(6) A table relating to remuneration to which a direction under subsection (5) applies shall include a note stating the effect of the direction.

- (7) In designating bands of remuneration or giving a direction under this section, the Minister shall have regard—
 - (a) to policies and guidance published by the Government or the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation relating to transparency in reporting by statutory bodies on remuneration of employees and contractors, and 5
 - (b) subject to paragraph (a), to relevant accounting standards.
- (8) In this section, ‘relevant contract’ means a contract of any description, other than a contract made only for purposes referred to in section 116(2)(a) or 118A(1)(a), under which a person undertakes— 10
 - (a) work in content production, editorial functions or journalism, or
 - (b) work in roles, related to content production, editorial functions or journalism, that are specified by the Minister in a direction given to the corporation.”.

Appraisal and reporting for funding and performance of corporations 15

44. The Principal Act is amended by the insertion of the following sections after section 112:

“Three-year appraisal process for funding and performance

112A. (1) Every three years the Commission shall, in relation to each of the corporations—

- (a) carry out an appraisal of the corporation’s funding and performance, and 20
- (b) submit a report to the Minister on the basis of the appraisal.
- (2) The process for appraisals and submission of reports under subsection (1) in relation to a corporation shall be as follows:
 - (a) the Commission shall, in accordance with section 112B(2), consult on a draft statement of procedure and methodology for the appraisal; 25
 - (b) not later than five months before the submission date for the report, the Commission shall finalise and adopt the statement of procedure and methodology; 30
 - (c) not later than three months after the adoption of the statement of procedure and methodology, the corporation shall make a submission to the Commission in accordance with section 112C;
 - (d) the Commission shall carry out the appraisal in accordance with section 112D; 35
 - (e) the Commission shall, in accordance with section 112E, prepare the report and submit it to the Minister by the submission date.
- (3) Following the submission of a report under subsection (1)(b) to the Minister—

- (a) the Minister shall submit the report to the Government, and
- (b) the Government shall publish a response to the report.
- (4) The submission date for a report under subsection (1)(b) is:
 - (a) for the first report in relation to each corporation, 30 June 2027;
 - (b) for each subsequent report, the third anniversary of the submission date for the preceding report. 5
- (5) In sections 112B to 112F—
 - ‘three-year appraisal’ means an appraisal under subsection (1)(a);
 - ‘appraisal year’, in relation to a three-year appraisal or the report under subsection (1)(b) based on the appraisal, means any of the first three financial years commencing after the submission date for the report. 10

Procedure and methodology for three-year appraisal

- 112B.** (1) The statement of procedure and methodology referred to in section 112A(2)(b) for a three-year appraisal in relation to a corporation shall include the procedure and methodology for— 15
- (a) identifying the input costs and cost structure of the corporation and the existing level of current expenditure and capital expenditure by the corporation to meet those costs, in relation to the pursuit of—
 - (i) its public service objects, and 20
 - (ii) its exploitation of commercial opportunities object,
 - (b) identifying the level of resources, other than funding under section 123, available to the corporation, and identifying for that purpose—
 - (i) the assets and liabilities of the corporation, and 25
 - (ii) the income of the corporation from commercial activities undertaken in pursuance of its exploitation of commercial opportunities object,
 - (c) projecting changes in the costs, cost structure, expenditure and levels of resources referred to in paragraphs (a) and (b), 30
 - (d) taking account of the corporation’s existing levels of funding under section 123,
 - (e) determining the performance commitments and intended outputs of the corporation and the performance indicators and metrics to be applied to them, 35
 - (f) relating costs, cost structure and expenditure to performance commitments and intended outputs, and
 - (g) taking any other step that appears to the Commission to be necessary for the purposes of the appraisal.

- (2) Before adopting a statement of procedure and methodology for a three-year appraisal, the Commission shall—
 - (a) prepare a draft of the statement and send copies to—
 - (i) the corporation,
 - (ii) the Minister, and 5
 - (iii) the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation,
 - and
 - (b) publish the draft on a website maintained by the Commission, with details of the process for making submissions about it to the Commission and the period in which submissions may be made. 10
- (3) The period referred to in paragraph (b) of subsection (2) shall be not more than four weeks beginning with the first day on which the draft is published in accordance with that paragraph.
- (4) The Commission shall, in finalising a statement of procedure and methodology for a three-year appraisal, have regard to any submissions made during the period referred to in paragraph (b) of subsection (2). 15
- (5) On adopting a statement of procedure and methodology for a three-year appraisal, the Commission shall provide a copy of the statement to the Minister. 20
- (6) The Minister shall as soon as may be cause copies of the statement to be laid before each House of the Oireachtas.

Submission by corporation for three-year appraisal

- 112C.** (1) The submission made by a corporation under section 112A(2)(c) shall comply with the statement of procedure and methodology for the three-year appraisal concerned, and shall be in such form and manner as may be specified by the Commission. 25
- (2) The submission shall set out—
 - (a) the corporation's proposals for the performance commitments and intended outputs of the corporation for the appraisal years and the performance indicators and metrics to be applied to them, 30
 - (b) the corporation's projection of its input costs and cost structure, and of its current expenditure and capital expenditure to meet those costs, for each of the appraisal years, and how they relate to the performance commitments and intended outputs of the corporation proposed under paragraph (a), 35
 - (c) the corporation's resources projected by the corporation for each of the appraisal years, other than funding under section 123 in those years, and 40

- (d) any other information that is required by the statement of procedure and methodology or is required by the Commission by notice in writing to the corporation.

Scope of three-year appraisal

- 112D.** (1) In a three-year appraisal, the Commission shall— 5
- (a) assess the level of current expenditure and the level of capital expenditure by the corporation that will be necessary in each of the appraisal years—
 - (i) to enable the corporation to fulfil its public service objects, and
 - (ii) to safeguard its editorial independence, 10
 - (b) assess the level of resources other than funding under section 123 that will be available to the corporation to meet the levels of expenditure referred to in paragraph (a),
 - (c) assess the level of funding under section 123 for current expenditure, and the level of funding under section 123 for capital expenditure, necessary to enable the corporation to meet the levels of expenditure referred to in paragraph (a), 15
 - (d) review the proposals made by the corporation under section 112C(2)(a) and its submission under section 112C(2)(b) as to the costs, cost structure and expenditure related to those proposals, 20
 - (e) determine the performance commitments and intended outputs of the corporation for the appraisal years and the performance indicators and metrics to be applied to them, having regard to its assessment of the costs, cost structure and expenditure related to those commitments and outputs, and 25
 - (f) carry out such other assessments relating to the funding and performance of the corporation as the Minister may specify by notice in writing to the Commission.
- (2) In carrying out a three-year appraisal the Commission shall take into account— 30
- (a) the net expenditure path recommended by the European Council under Article 17(1) of Regulation (EU) 2024/1263 of the European Parliament and of the Council of 29 April 2024⁶ on the effective coordination of economic policies and on multilateral budgetary surveillance and repealing Council Regulation (EC) No 1466/97, 35
 - (b) the application of the law of the European Union governing state aid,
 - (c) the submission of the corporation under section 112C,
 - (d) such other matters as the Minister may specify by notice in writing to the Commission, and 40

- (e) any other matter that the Commission considers relevant.

Report and recommendations following three-year appraisal

112E. (1) The report based on a three-year appraisal shall—

- (a) set out the Commission's findings in the appraisal,
 - (b) recommend the level of funding under section 123 for current expenditure, and the level of funding under section 123 for capital expenditure, that the Commission considers necessary in each of the appraisal years—
 - (i) to enable the corporation to fulfil its public service objects in those years, and
 - (ii) to safeguard the corporation's editorial independence,
 - (c) state the performance commitments and intended outputs of the corporation determined by the Commission for the appraisal years, and the performance indicators and metrics to be applied to them, and
 - (d) address such other matters as the Minister may specify by notice in writing to the Commission.
- (2) Following the submission to the Minister of the Commission's report on a three-year appraisal—
- (a) the Minister shall submit the report to the Government not later than six weeks after the first Estimates date following the date of submission of the report to the Minister, and
 - (b) the Government shall publish a response to the report.
- (3) The Minister shall, as soon as may be, cause copies of a report submitted under subsection (2)(a) and of the Government's response published under subsection (2)(b) to be laid before each House of the Oireachtas.

Three-year statement of strategy by corporation

112F. (1) Within six months of the submission date for a report under section 112A(1)(b), the corporation shall prepare and present to the Minister a statement of strategy.

- (2) The statement shall set out the corporation's strategy for fulfilling its objects during the appraisal years, having regard to—
- (a) the corporation's projection of the level of resources, other than funding under section 123, that will be available to the corporation,
 - (b) the level of funding under section 123 recommended in the report referred to in subsection (1) and the Government's response under section 112E(2)(b), and
 - (c) the performance commitments and intended outputs of the corporation stated in the report.

- (3) The statement shall address any such other matter as the Commission may direct.
- (4) The corporation in preparing the statement shall have regard to the need to ensure the most effective, efficient, and economical use of its resources. 5
- (5) When preparing the statement, the corporation may consult such persons as it considers appropriate.
- (6) The statement shall be prepared in the form and manner specified by the Commission.
- (7) As soon as may be after the statement has been presented to the Minister, the Minister shall cause a copy of the statement to be laid before each House of the Oireachtas. 10

Yearly reviews of funding and performance

- 112G.** (1) Every year the Commission shall, in relation to each of the corporations— 15
- (a) carry out a review of the corporation's funding, performance and other matters in accordance with this section, and
 - (b) on the basis of the review, submit to the Minister by the submission date a report of the outcome of the review.
- (2) The submission date for a report under this section is: 20
- (a) for the first report in relation to each corporation, 30 June 2027;
 - (b) for each subsequent report, 30 June in each subsequent year.
- (3) In a review under this section the Commission shall review—
- (a) the extent to which a corporation has during the previous financial year met the performance commitments for that financial year stated under section 112E(1)(c) (or, for a financial year beginning before the submission date for the first report under section 112A(1)(b), the performance commitments published under section 102(3) for that year), 25
 - (b) whether the funding provided to the corporation under section 123 in the previous financial year, and the income of the corporation from commercial activities undertaken in pursuance of its exploitation of commercial opportunities object, was sufficient to enable it to fulfil its public service objects, 30
 - (c) whether the funding provided to the corporation under section 123 in the previous financial year, and the income of the corporation from commercial activities undertaken in pursuance of its exploitation of commercial opportunities object, ensured that the corporation had resources that were adequate, sustainable and predictable for the purposes of fulfilling and developing within its public service remit, 35 40

- (d) whether the resources of the corporation in the previous financial year, including the funding provided to the corporation under section 123 in that year, were such that the editorial independence of the corporation was safeguarded,
- (e) compliance by the corporation with section 111, 5
- (f) compliance by the board of the corporation with sections 89C and 89D, and
- (g) whether, for the purposes of applying the definition of ‘high budget production’ in section 116B (including that section as applied by section 118A) to programmes first broadcast or made available by the corporation in the previous financial year, the editorial input of the corporation meets the requirements of section 116B(3). 10
- (4) For the purposes of paragraphs (a) to (d) of subsection (3) the Commission shall have regard to—
- (a) its appraisal and report under section 112A(1) in relation to the corporation, so far as they relate to the financial year concerned, 15
- (b) the statement of procedure and methodology adopted for that appraisal under section 112A(2)(b), and
- (c) the matters referred to in section 112D(2).
- (5) In its report under subsection (1)(b), the Commission shall recommend to the Minister the level of funding under section 123 that it considers necessary to enable the corporation to fulfil its public service objects— 20
- (a) in the financial year in which the report is submitted, and
- (b) in the next financial year, unless the report is submitted in a year in which the Commission also submits a report under section 112A(1) (b). 25
- (6) Not later than six weeks after the first Estimates date following the date on which the report under subsection (1)(b) is submitted to the Minister, the Minister shall publish the Minister’s response to the recommendation made under subsection (5) in the report. 30
- (7) The Minister shall as soon as may be cause copies of a report submitted under subsection (1)(b) and of the Minister’s response published under subsection (6) to be laid before each House of the Oireachtas. 35

Yearly funding compliance reviews

112H. (1) Every year the Commission shall, in relation to each of the corporations—

- (a) carry out a review in accordance with this section (in this section referred to as a ‘funding compliance review’), and 40

- (b) on the basis of the review, submit to the Minister by the submission date a report of the outcome of the review (in this section referred to as a ‘funding compliance report’).
- (2) The submission date for a funding compliance report is:
 - (a) for the first report in relation to each corporation, 31 October 2027; 5
 - (b) for each subsequent report, 31 October in each subsequent year.
- (3) In a funding compliance review the Commission shall review—
 - (a) whether the corporation complied with subsections (1) and (2) of section 108 in the previous financial year,
 - (b) whether the statements made by the corporation under section 109(9) in relation to the previous financial year meet the requirements of that section and comply with any guidance issued under that section, and 10
 - (c) any other matter relevant to the application of the laws of the European Union governing state aid to the provision of funding to the corporation under section 123 in the previous financial year. 15
- (4) The Minister shall, as soon as may be, cause copies of a report submitted under subsection (1)(b) to be laid before each House of the Oireachtas.”.

Amendment of section 116 of Principal Act

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45. Section 116 of the Principal Act is amended—

- (a) in subparagraphs (i) and (iii) of subsection (2)(a), by the substitution of “independent programmes” for “independent television or sound broadcasting programmes”,
- (b) by the substitution of the following subsection for subsection (3): 25
 - “(3) RTÉ shall in each financial year pay into the account, in accordance with subsection (4), an amount which is not less than the appropriate percentage, as defined by section 116A, of the sum of the monies paid to RTÉ under section 123(1) and (3) in that financial year.”,
- (c) by the substitution of the following subsection for subsection (11): 30
 - “(11) For the purposes of this Part, the making of an independent programme shall not be regarded as having been commissioned by RTÉ unless, before work on making the programme commences—
 - (a) RTÉ has incurred a legal obligation to pay part of the cost of making it, and 35
 - (b) that part, except in the case of a high budget programme, as defined by section 116B, is at least 25 per cent.”,
- (d) in subsection (12)—
 - (i) by the substitution of the following for the words before paragraph (a):

- “(12) In this section and section 116C, references to an independent programme of any kind are references to a programme made by a person who complies with the following conditions, namely—”,
- and
- (ii) by the substitution of the following paragraphs for paragraphs (b) and (c): 5
- “(b) he or she is not a qualifying person,
- (c) he or she is not a subsidiary of a qualifying person, and
- (d) he or she is not a holding company of a qualifying person.”,
- (e) in subsection (13)—
- (i) by the substitution of “qualifying persons” for “broadcasters” in each place 10
 where it occurs, and
- (ii) by the substitution of “paragraph (c)” for “paragraph (b)”,
- (f) by the substitution of the following subsection for subsection (14):
- “(14) For the purposes of subsection (13)(b) a qualifying person shall be 15
 deemed to have power to appoint to a directorship in relation to which
 the condition specified in paragraph (a) or (b) of section 7(4) of the
 Companies Act 2014 is satisfied, and for this purpose references in
 those paragraphs to the superior company shall be construed as
 references to the qualifying person.”,
- and 20
- (g) by the insertion of the following subsection after subsection (14):
- “(14A) In subsections (12) to (14), ‘qualifying person’ means—
- (a) a broadcaster, or
- (b) a provider of an audiovisual on-demand media service who, in the 25
 last financial year before the making of the programme concerned,
 had annual sales derived from the provision of such services that
 were greater than €1,000,000.”.

Matters relating to independent programmes

46. The Principal Act is amended by the insertion of the following sections after section 116:

“Appropriate percentage for payments to independent programmes account 30

- 116A.** (1) For the purposes of section 116(3), subject to subsection (2), the ‘appropriate percentage’ is 25 per cent.
- (2) For the purposes of section 116(3), the Commission may, with the agreement of the Minister, by order specify a percentage greater than 25 per cent as the appropriate percentage in relation to a financial year 35
specified in the order.
- (3) In making an order under this section the Commission shall have regard to—

- (a) the most recent recommendation of the Commission made under section 112E(1)(b), and
- (b) the most recent response from the Government published under section 112E(2)(b).
- (4) An order made under this section shall be laid by the Commission 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 under it.

High budget programmes

- 116B.** (1) In section 116(11), subject to subsection (3), ‘high budget programme’ means an audiovisual programme—
- (a) which is a qualifying film for the purposes of section 481 of the Taxes Consolidation Act 1997,
 - (b) for which the budgeted expenditure per programme hour is not less than €1,000,000 or such greater amount as the Commission may specify by order, and
 - (c) which meets such other criteria as the Commission may specify by order.
- (2) In subsection (1), ‘budgeted expenditure’ means expenditure included in the production budget agreed between RTÉ and the person making the programme at the time when RTÉ incurs a legal obligation to pay part of the cost of making it.
- (3) A programme is not a high budget programme if making it involves no, or no significant, editorial input by RTÉ.
- (4) In making an order made under subsection (1)(b) or (c) the Commission shall have regard to—
- (a) the most recent recommendation of the Commission made under section 112E(1)(b), and
 - (b) the most recent response from the Government published under section 112E(2)(b).
- (5) An order made under this section shall be laid by the Commission 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 under it.

Report on independent programmes account

- 116C.** (1) Not later than 30 June in each year, beginning with the year 2028, RTÉ shall submit to the Minister a report on—

- (a) its activities in the preceding financial year for purposes referred to in section 116(2)(a),
 - (b) the matters referred to in subsection (2) relating to each independent programme the making of which was commissioned by RTÉ in the preceding financial year, 5
 - (c) the operation by RTÉ of the independent programmes account during the preceding financial year, and
 - (d) such other matters relating to the matters referred to in paragraphs (a), (b) and (c) as the Minister may direct by notice in writing.
- (2) The matters referred to in subsection (1)(b) are, in relation to each independent programme— 10
- (a) the name of the person making the programme,
 - (b) whether that person was an SME at the time when RTÉ commissioned the making of the programme by that person,
 - (c) the band of costs, designated under subsection (4) for the financial year concerned, that the estimated cost of making the programme falls within, 15
 - (d) the percentage of that cost that RTÉ has paid or has a legal obligation to pay,
 - (e) the percentage of that cost that is estimated to be claimable under section 481(2G) of the Taxes Consolidation Act 1997, 20
 - (f) the percentage of that cost that is estimated to be claimable under section 487A(21) and (22) of the Taxes Consolidation Act 1997,
 - (g) the percentage of that cost for which funding is estimated to be available under a scheme prepared under section 152F(1), 25
 - (h) the percentage of that cost for which funding is estimated to be available under a scheme prepared under section 159F(1),
 - (i) the percentage of that cost for which funding is estimated to be available under section 6 of the Irish Film Board Act 1980, and
 - (j) the sum of the percentages referred to in paragraphs (d) to (i). 30
- (3) The references in subsection (2) to the estimated cost of making a programme are references to the cost of making the programme as estimated by RTÉ at the time when RTÉ commissioned the making of the programme.
- (4) The bands referred to in subsection (2)(c) shall be designated by the Minister by direction to RTÉ. 35
- (5) The Minister shall cause copies of a report under this section to be laid before each House of the Oireachtas.”.

Amendment of section 118 of Principal Act

47. Section 118 of the Principal Act is amended, in subsection (9)(b), by the substitution of “section 21” for “section 33”.

Report on activities relating to independent programmes

48. The Principal Act is amended by the insertion of the following section after section 118: 5

“118A. (1) Not later than 30 June in each year, beginning with the year 2028, TG4 shall submit to the Minister a report on—

- (a) its activities in the preceding financial year for the following purposes:

(i) commissioning the making of independent programmes; 10

(ii) procuring the formulation by persons of proposals for the commissioning by TG4 of the making of independent programmes;

(iii) assisting the completion of independent programmes the making of which has not been commissioned by TG4, 15

(b) the information described in subsection (2) relating to each independent programme the making of which was commissioned by TG4 in the preceding financial year, and

(c) such other matters relating to the matters referred to in paragraphs (a) and (b) as the Minister may direct by notice in writing. 20

(2) The information required by subsection (1)(b) for each independent programme is—

(a) the name of the person making the programme,

(b) whether that person was an SME at the time when TG4 commissioned the making of the programme by that person, 25

(c) the band of costs, designated under subsection (4) for the financial year concerned, that the estimated cost of making the programme falls within,

(d) the percentage of that cost that TG4 has paid or has a legal obligation to pay, 30

(e) the percentage of that cost that is estimated to be claimable under section 481(2G) of the Taxes Consolidation Act 1997,

(f) the percentage of that cost that is estimated to be claimable under section 487A(21) and (22) of the Taxes Consolidation Act 1997,

(g) the percentage of that cost for which funding is estimated to be available under a scheme prepared under section 152F(1), 35

(h) the percentage of that cost for which funding is estimated to be available under a scheme prepared under section 159F(1),

- (i) the percentage of that cost for which funding is estimated to be available under section 6 of the Irish Film Board Act 1980, and
 - (j) the sum of the percentages referred to in paragraphs (d) to (i).
- (3) The references in subsection (2) to the estimated cost of making a programme are references to the cost of making the programme as estimated by TG4 at the time when TG4 commissioned the making of the programme. 5
- (4) The bands referred to in subsection (2)(c) shall be designated by the Minister by direction to TG4.
- (5) Subsections (11) to (14A) of section 116, and section 116B, apply for the purposes of this section as they apply for the purposes of section 116, subject to the modification that references to RTÉ are to be read as references to TG4. 10
- (6) The Minister shall cause copies of a report under this section to be laid before each House of the Oireachtas.”. 15

Amendment of section 123 of Principal Act

49. Section 123 of the Principal Act is amended—

- (a) by the substitution of “section 21” for “section 33” in each place where it occurs, and
- (b) in subsection (1)(b), by the substitution of “section 152C(1)” for “section 156(2)”. 20

Part 7 of Principal Act: transitional provisions

- 50.** (1) Section 101 of the Principal Act shall continue to apply in relation to public service statements that apply or are to apply in relation to financial years beginning before the financial year 2027. 25
- (2) Section 102 of the Principal Act shall continue to apply in relation to annual statements of performance commitments that apply or are to apply in relation to financial years beginning before the submission date for the first report under section 112A(1)(b) of that Act.
- (3) Section 102 of the Principal Act, as it applies in relation to annual statements referred to in *subsection (2)*, is amended— 30
- (a) in subsection (1) by the insertion of “and submit to the Commission” after “prepare”,
 - (b) by the deletion of subsection (3),
 - (c) by the insertion of the following subsection after subsection (3): 35
- “(3A) The Commission shall review a statement submitted to it under subsection (1) to assess whether the performance commitments are appropriate for fulfilling the corporation’s public service objects, subject to the resources available to it.

- (3B) Not later than one month after a statement is submitted to it under subsection (1), the Commission shall publish its assessment under subsection (3A).
- (3C) No later than one month after the publication under subsection (3B) of the Commission's assessment of an annual statement of performance commitments, a corporation shall—
 - (a) make any changes to the statement that it considers appropriate to take account of the assessment, and
 - (b) publish the statement.”,
- (d) in subsection (4), by the substitution of “published under subsection (3C)” for “prepared under subsection (1)”, and
- (e) in subsection (5), by the substitution of “published under subsection (3C)” for “published under subsection (3)”.
- (4) The Minister for Culture, Communications and Sport may give a direction under section 108(3) of the Principal Act to prepare and submit a report referred to in that section in relation to a period before the submission date for the first report under section 112G(1)(b) of that Act as if section 108(3) of that Act had not been repealed, and the section shall apply in relation to such a direction.
- (5) The Minister for Culture, Communications and Sport may give a direction under section 109(13) of the Principal Act to carry out a review and submit a report in relation to any financial year before the first financial year to which a report under section 112H of that Act relates as if section 109(13) of that Act had not been repealed, and the section shall apply in relation to such a direction.
- (6) Subsections (1) to (7) of section 124 of the Principal Act shall continue to apply in relation to any review required to be carried out, and report required to be submitted, under those subsections in a financial year before the financial year in which the first report under section 112G(1)(b) is to be submitted.
- (7) Subsections (8) to (15) of section 124 of the Principal Acts shall continue to apply in relation to any review required to be carried out, and report required to be submitted, under those subsections in a financial year before the financial year in which the first report under section 112A(1)(b) is to be submitted.
- (8) Section 124 of the Principal Act, as it applies to reviews and reports referred to in *subsection (7)*, is amended, in subsection (9)(g), by the substitution of “public service media provision” for “public service broadcasting”.
- (9) Section 124(16) of the Principal Act shall continue to apply in so far as that section continues to apply in accordance with *subsection (6)* and *(7)*.

Amendment of section 139O of Principal Act

- 51.** Section 139O(3) of the Principal Act is amended by the substitution of “notice is given to” for “notice is received by”.

Amendment of section 139ZS of Principal Act

- 52.** Section 139ZS of the Principal Act is amended, in paragraph (f) of subsection (4A), by the substitution of “an SME” for “a micro, small or medium-sized enterprise”.

Amendment of section 139ZW of Principal Act

- 53.** Section 139ZW of the Principal Act is amended, in paragraph (f) of subsection (3A), by the substitution of “an SME” for “a micro, small or medium-sized enterprise”. 5

Public service content schemes

- 54.** The Principal Act is amended by the insertion of the following Parts after Part 9:

“PART 9A

CISTE NA MEÁN

10

Ciste na Meán

- 152A.** (1) The Broadcasting Fund is renamed and shall be known as Ciste na Meán.

- (2) Ciste na Meán shall be maintained, managed and controlled by the Commission. 15

- (3) Subject to subsection (4), monies held in Ciste na Meán shall be held in an account known as the general account, and the Commission shall pay into the general account all monies paid to it under section 152C.

- (4) The Commission shall keep an account of Ciste na Meán known as the European Works Levy account, and shall pay into that account the proceeds of any levy under section 159E. 20

- (5) The Commission shall pay out of the general account all monies in respect of expenditure by it for the purposes of—

- (a) administration of Ciste na Meán,

- (b) reviews under section 152E, 25

- (c) preparation of schemes under section 152F,

- (d) approval of schemes and performance of other functions under section 152H,

- (e) grants under schemes approved under section 152H,

- (f) reviews under section 152J, 30

- (g) preparation and submission of a report under section 159EB, to the extent that a levy order under section 159E was not in force during any part of the reporting period referred to in section 159EB, and

- (h) giving effect to any arrangements entered into under section 7(5)(b). 35

- (6) The Commission shall aim to ensure that in any financial year its expenditure for the purposes referred to in paragraphs (a) to (d), (f) and (g) of subsection (5)—
- (a) does not exceed the designated amount, if any, and
 - (b) does not exceed the designated proportion, if any, of its expenditure in that financial year for the purposes referred to in paragraphs (e) and (h) of subsection (5). 5
- (7) The Commission shall pay out of the European Works Levy account all monies in respect of expenditure by it for the purposes of—
- (a) imposition and administration of a levy under section 159E, 10
 - (b) preparation and submission of a report under section 159EB, to the extent that a levy order under section 159E was in force during any part of the reporting period referred to in section 159EB,
 - (c) preparation of schemes under section 159F,
 - (d) approval of schemes and performance of other functions under section 159G, and 15
 - (e) grants under schemes approved under section 159G.
- (8) The Commission shall pay out of the European Works Levy account all monies that it is directed under section 159H(3) to pay to Fís Éireann. 20
- (9) The Commission shall aim to ensure that in any financial year its expenditure for the purposes referred to in paragraphs (a) to (d) of subsection (7)—
- (a) does not exceed the designated amount, if any, and
 - (b) does not exceed the designated proportion, if any, of its expenditure in that financial year for the purposes referred to in subsection (7)(e). 25
- (10) (a) In subsection (6) or (9), ‘designated’ means designated for the purposes of that subsection by the Minister.
- (b) The Minister may designate such amount or proportion, or such amount and such proportion, as the Minister considers reasonable for those purposes. 30
 - (c) The Minister shall notify any designated amount or proportion to the Commission in writing.
- (11) The Commission shall aim to ensure that the amount held in Ciste na Meán at the end of a financial year is not more than the sum of— 35
- (a) any amounts committed, and not yet expended, for purposes referred to in subsections (5) and (7), determined in accordance with the methodology specified for the time being under subsection (12), and 40

- (b) a reserve of such amount, or representing such proportion of the amount paid to the Commission in that financial year under section 152C, as may be specified for the time being under subsection (12).
- (12) The methodology referred to in subsection (11)(a) and the amount or proportion referred to in subsection (11)(b) shall be specified—
 - (a) by the Minister, or
 - (b) if the Minister so directs, by the Commission in accordance with any directions given by the Minister.

Accounts and reports relating to Ciste na Meán

- 152B.** (1) The Commission shall keep all proper and usual accounts of all monies paid into Ciste na Meán and of all disbursements from Ciste na Meán including an income and expenditure account, cash-flow statement and balance sheet. 10
- (2) Accounts kept under subsection (1), signed by the chairperson and one other Commissioner or, in the absence of the chairperson, by two Commissioners, shall be submitted by the Commission to the Comptroller and Auditor General for audit as soon as practicable, but not later than three months, after the end of the financial year to which the accounts relate. 15 20
- (3) A copy of accounts audited in accordance with subsection (2), together with a copy of the report of the Comptroller and Auditor General on them, shall be presented by the Commission to the Minister who shall, as soon as practicable but not more than three months later, cause copies of them to be laid before each House of the Oireachtas. 25
- (4) As soon as may be, but not later than three months, after the end of each financial year of the Commission, the Commission shall make a report to the Minister, in such manner as the Minister may direct, on the following matters with respect to that financial year—
- (a) the operation of Ciste na Meán by the Commission, 30
 - (b) the Commission's expenditure for purposes referred to in subsections (5) and (7) of section 152A,
 - (c) the Commission's compliance with section 152A(11),
 - (d) the methods by which the Commission determined its expenditure for purposes referred to in subsections (5) and (7) of section 152A(5), 35
 - (e) any scheme approved under section 152H, and
 - (f) any payments made to Fís Éireann under section 159H(3).
- (5) The Minister shall cause copies of a report received by the Minister under subsection (4) to be laid before each House of the Oireachtas. 40

Payments by Minister to Ciste na Meán

- 152C.**(1) The Minister, with the approval of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, may pay to the Commission out of monies provided by the Oireachtas for purposes referred to in section 152A(5), in respect of each financial year, an amount equal to seven per cent of net receipts of television licence fees in that year. 5
- (2) In subsection (1) ‘net receipts of television licence fees’ in any year means the total receipts of those fees in that year less any expenses certified by the Minister as having been incurred by him or her in that year in relation to the collection of the fees. 10
- (3) The Minister, with the approval of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, may from time to time pay to the Commission out of monies provided by the Oireachtas such an amount as he or she determines to be reasonable for purposes referred to in section 152A(5). 15

PART 9B

PUBLIC SERVICE CONTENT SCHEMES

Interpretation (Part 9B)

- 152D.** In this Part— 20
- ‘plurality of the media’ has the same meaning as in Part 3A of the Competition Act 2002;
- ‘scheme’ means a public service content scheme prepared under section 152F.

Review of public service content provision 25

- 152E.** (1) Every three years, or as directed by the Minister, the Commission shall—
- (a) carry out a review of public service content supplied by public service content providers in the State, and
- (b) prepare and submit to the Minister a report of the outcome of the review. 30
- (2) The first report under subsection (1) shall be submitted not later than 30 June 2027.
- (3) The purposes of a review under subsection (1) are—
- (a) to identify the types, and measure the quantity, diversity, and accessibility, of public service content which is supplied— 35
- (i) on a national basis,
- (ii) on a regional basis, and
- (iii) on a local basis,

- (b) to measure the capability of public service content providers to supply high quality, diverse and accessible public service content on each of those bases,
 - (c) to identify under-served audiences and to identify the types, and measure the quantity, diversity, and accessibility, of public service content supplied which serves those audiences, 5
 - (d) to measure the capability of public service content providers to supply high quality, diverse and accessible public service content which serves the under-served audiences identified under paragraph (c), and 10
 - (e) to make recommendations and proposals in accordance with subsection (6).
- (4) The procedure and methodology for a review under this section shall be determined by the Commission subject to any directions issued by the Minister. 15
- (5) In carrying out a review the Commission shall take account of—
 - (a) the requirements of subsection (6),
 - (b) its most recent appraisal and report under section 112A(1) in relation to each corporation, so far as they relate to the financial years concerned, 20
 - (c) its most recent reviews and reports under section 112G in relation to each corporation that relate to the financial years concerned,
 - (d) any review of a scheme under section 152J,
 - (e) any review under section 7(5)(d), so far as relevant,
 - (f) the activities of the Commission under Part 6, 25
 - (g) sources of funding, other than under this Part, from public bodies in the State or the European Union, to provide support for purposes mentioned in section 152F(1), and
 - (h) any other matter as directed by the Minister.
- (6) In a report under subsection (1)(b) of the outcome of a review the Commission shall on the basis of the review— 30
 - (a) recommend, for each of the first three financial years commencing after the year in which the report is submitted, the quantity, diversity and accessibility of public service content that would be required— 35
 - (i) to enable meaningful participation by members of the public in political, economic, social and cultural life (taking separately public service content provided on each of the bases referred to in subsection (3)(a)),
 - (ii) to serve under-served audiences identified in the review, and 40

- (iii) to support the implementation of national policy on the Irish language,
- (b) propose measures to be taken by the Commission under this Part and under its other powers and by other persons to—
 - (i) support, and where necessary improve, the capability of public service content providers to supply public service content that meets the recommendations made under paragraph (a), and
 - (ii) otherwise enable those recommendations to be met in a way which is sustainable over the period to which the recommendations relate,
- and
- (c) recommend the level of payments under section 152C, in each of the first three financial years commencing after the year in which the report is submitted, that appears to the Commission to be appropriate for giving effect to any proposals made under paragraph (b).
- (7) In carrying out a review and in making recommendations and proposals, the Commission shall consider public service content in the Irish language and public service content in the English language.
- (8) Following the submission to the Minister of a report under subsection (1)(b)—
 - (a) the Minister shall submit the report to the Government not later than six weeks after the first Estimates date following the date of submission of the report to the Minister, and
 - (b) the Government shall publish a response to the recommendation made under subsection (6)(c).
- (9) The Minister shall, as soon as may be, cause copies of a report submitted under subsection (8)(a) and of the Government's response published under subsection (8)(b) to be laid before each House of the Oireachtas.

Preparation of schemes

- 152F.** (1) The Commission may prepare a scheme or a number of schemes for funds to be granted to provide support for—
- (a) the production of public service content for provision to the general public by public service content providers,
 - (b) the provision to the general public of public service content by public service content providers, and
 - (c) the archiving of public service content provided to the general public by public service content providers.

- (2) Without prejudice to the generality of subsection (1), the kinds of support for which funds may be granted under a scheme include support for—
- (a) developing the capacity of public service content providers to provide and distribute high quality, diverse and accessible public service content, including— 5
 - (i) the development and improvement of digital infrastructure and services of a public service content provider,
 - (ii) the provision of training or professional development for persons employed by, or providing services to, a public service content provider, 10
 - (iii) the promotion and development of training and career pathways in the media sector, including the provision of apprenticeships and bursaries, and
 - (iv) the promotion of innovation and collaboration by public service content providers, 15
 - (b) developing the capacity of community broadcasters,
 - (c) development, and activities supporting the development, of new public service content,
 - (d) development of archiving of public service content, including technological and system development to enhance the availability of and access to archived content, and 20
 - (e) ancillary measures necessary to provide support under a scheme.
- (3) A scheme may in particular—
- (a) specify the kind of public service content for which funds may be granted, 25
 - (b) specify the ways in which grants are to be used,
 - (c) impose requirements regarding the use and reuse of any public service content whose production was funded by a scheme,
 - (d) limit support of a specified kind to a specified period, or a specified geographical area, or to public service content providers of a specified description, 30
 - (e) where the scheme provides support for developing the capacity of public service content providers to provide public service content, impose requirements on such providers regarding the co-funding of measures for developing that capacity, and 35
 - (f) provide for—
 - (i) applications for a grant of funding,
 - (ii) the terms and conditions on which funds are granted, and

- (iii) the records that a recipient which receives funding must keep and make available to the Commission.
- (4) Where under a scheme funding is made available to support the production of new public service content, not less than 25 per cent of the funding made available for that purpose in any year shall be made available for the support of the production of new public service content in the Irish language. 5
- (5) In preparing a scheme, the Commission shall have regard to—
 - (a) the findings of the most recent review under section 152E,
 - (b) the application of the law of the European Union in relation to state aid, 10
 - (c) the need to ensure the provision of objective, accurate and independent coverage of news and current affairs,
 - (d) the need to develop and support public service content that is diverse, accessible, inclusive and representative of the people of the island of Ireland and Irish communities outside the island of Ireland, 15
 - (e) the need to encourage the development of community broadcasters, including development as regards audiovisual on-demand media services provided by such broadcasters, 20
 - (f) the need to promote and protect the sustainability of the media and the plurality of the media, while having particular regard to the needs of public service content providers providing a service targeted at audiences in a particular area rather than the whole of the State, 25
 - (g) the need to provide for the understanding and enjoyment of public service content by people with disabilities,
 - (h) the Commission's activities under Part 6,
 - (i) the need to ensure the appropriate provision of public service content of interest to children, and to adults under the age of 25 years, and 30
 - (j) the needs of under-served audiences.
- (6) A scheme shall include a requirement that public service content funded under the scheme—
 - (a) is made available to the general public free of charge, 35
 - (b) is made available to the general public within a specified period of time,
 - (c) in so far as practicable, is available to the people of the island of Ireland and Irish communities outside the island of Ireland, and

- (d) can be accessed by the widest possible audience, with particular regard to under-served audiences.
- (7) The Commission shall comply with any direction the Minister may give requiring preparation of a scheme offering specified kinds of support for the provision of public service content. 5
- (8) In making a direction under subsection (7), the Minister shall have regard to the most recent report submitted to the Minister under section 152E.
- (9) Where a scheme specifies the proportion of funding under the scheme that may relate to the production of audiovisual or sound programmes, it may specify the proportion of that funding that may relate to the production of such programmes the producers of which are independent producers for the purposes of the scheme. 10
- (10) A scheme that makes provision to which subsection (9) applies shall include provision for determining whether the producer of an audiovisual or sound programme is an independent producer, and for the purpose of making such provision the Commission may have regard to the following matters: 15
 - (a) the ownership structure of the person that produces the programme;
 - (b) the amount of programmes supplied by the person who produces the programme to the same media service provider; 20
 - (c) the ownership of the rights to broadcast the programme or make it available in a catalogue of an audiovisual on-demand media service, or otherwise use the programme for a commercial purpose;
 - (d) such other matters as it considers appropriate. 25
- (11) The Commission shall, subject to the rights of any other person in relation to the content, archive all public service content the production of which was funded by a scheme and ensure that it is available to the public.
- (12) In subsection (10) ‘media service provider’ in relation to a sound programme has the meaning given by Article 2(2) of EMFA. 30

Consultation on schemes

152G. (1) Before submitting a scheme for approval under section 152H, the Commission shall—

- (a) publish a draft of the scheme on a website maintained by it, with details of the process for making submissions about it to the Commission and the period in which submissions may be made, and 35
- (b) consult on the draft, in whatever other ways it considers appropriate, such members, or bodies representing members, of under-served audiences, and such other persons, as it considers appropriate. 40

- (2) The period referred to in subsection (1)(a) shall be not more than four weeks beginning with the first day on which the draft is published in accordance with that paragraph.
- (3) In finalising a scheme for submission under section 152H, the Commission shall have regard to submissions made during the period specified under subsection (1)(a) and the results of consultation under subsection (1)(b). 5

Procedure for making scheme

152H. (1) The Commission shall submit a scheme to the Minister for approval.

- (2) The Minister shall consider a scheme submitted to him or her, and may— 10
 - (a) approve the scheme,
 - (b) refuse to approve the scheme,
 - (c) direct the Commission to reconsider the scheme, or
 - (d) direct the Commission to resubmit the scheme with such amendments as the Commission thinks fit. 15
- (3) As soon as practicable after making a decision under subsection (2), the Minister shall publish the decision and the reasons for it.
- (4) Where a scheme is approved by the Minister under subsection (2)(a), the Commission shall, as soon as is practicable after the approval, make the scheme. 20
- (5) The Commission shall administer a scheme approved by the Minister under subsection (2)(a) in accordance with its terms.
- (6) The Commission may prepare amendments to a scheme approved by the Minister under subsection (2)(a), and subsections (1) to (4) apply to amendments to such a scheme as they apply to a scheme. 25
- (7) The Minister may, in respect of a scheme approved under subsection (2)(a), direct the Commission to—
 - (a) review the scheme, and prepare and submit to the Minister any amendments to the scheme the Commission thinks fit, or 30
 - (b) revoke the scheme.
- (8) As soon as practicable after giving a direction under subsection (7), the Minister shall publish the direction and the reasons for it.
- (9) The Commission shall comply with a direction under paragraph (c) or (d) of subsection (2), or subsection (7). 35
- (10) Any scheme made under this Part shall be laid by the Commission before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House sits after the

scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done under it.

Power of Minister to direct allocation of funds to scheme

152I. (1) The Minister, when making a payment under section 152C(1) or (3), may direct the Commission to allocate a specified part of the payment to the making of grants under a specified scheme made under section 152H. 5

(2) The Commission shall comply with any direction under this section.

(3) In this section, ‘specified’ means specified in a direction under this section. 10

Review of scheme

152J. (1) The Commission shall review the operation, effectiveness and impact of a scheme not later than five years after its approval by the Minister, and not later than every five years after that, or at such other time as may be directed by the Minister, and make a written report to the Minister on the review. 15

(2) In a review or a report under subsection (1) the Commission shall (without prejudice to the generality of that subsection) address such matters as the Minister may direct.

(3) As soon as may be after a report is made to the Minister under subsection (1), the Minister shall lay a copy of the report before each House of the Oireachtas. 20

(4) The Minister shall publish any report made to him or her under subsection (1).”.

Continuation of schemes made under Part 10 of Principal Act 25

55. (1) Where a scheme made under Part 10 of the Principal Act was in force immediately before the repeal of that Part by *section 3* of this Act, the scheme has effect after the commencement of that section, and continues in force, as a scheme approved and made under Part 9B of the Principal Act as inserted by *section 54* of this Act.

(2) Anything that immediately before the repeal referred to in subsection (1) was in the process of being done under a provision of Part 10 of the Principal Act— 30

(a) in relation to such a scheme, or

(b) in connection with the preparation or approval of a scheme,

may be continued and completed under such provision of Part 9B of that Act as has like effect to a provision of Part 10 of that Act, applied subject to such modifications as may be necessary. 35

Amendment of section 159E of Principal Act

56. Section 159E of the Principal Act is amended—

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

- “(1) The Minister may, following consultation with the Minister for Finance and the Commission, direct the Commission, for the purpose of funding a scheme made under section 159F, to make an order imposing a levy on the media service providers referred to in subsection (2), or on any class of those providers specified in the direction.”, 5
- (b) in subsection (2), by the substitution of “providers which” for “providers and”,
- (c) in subsection (3), by the substitution of “, subject to subsections (4), (5) and (6C), make such provision as the Commission considers appropriate” for “provide”,
- (d) by the insertion of the following subsections after subsection (6): 10
- “(6A) The Minister may, following consultation with the Minister for Finance and the Commission, direct the Commission to—
- (a) amend a levy order, or
- (b) revoke a levy order.
- (6B) The Commission may, with the consent of the Minister, amend a levy order. 15
- (6C) A direction under subsection (1) or paragraph (a) of subsection (6A) may, subject to subsections (4) and (5), require a levy order to make such provision under paragraph (a) or (e) of subsection (3) as the Minister considers appropriate. 20
- (6D) In deciding whether to give a direction under subsection (1) for the making of an order imposing a levy, and the terms of any direction, the Minister shall have regard to—
- (a) the probable proceeds of the levy,
- (b) the probable effect of imposition of the levy on the prices and supply of audiovisual media services provided in the State by media service providers subject to the levy, 25
- (c) the probable effect of a scheme to grant funds out of the proceeds of the levy on—
- (i) the supply of public service content in the State, 30
- (ii) the production of European works in the State, and
- (iii) the activities of media service providers subject to the levy,
- (d) any report submitted under section 159EA relevant to the matters referred to in paragraphs (a) to (c), and
- (e) any other matter that appears to the Minister to be relevant. 35
- (6E) In deciding whether to give a direction under subsection (6A) for the amendment or revocation of an order imposing a levy, and the terms of any direction, the Minister shall have regard to—
- (a) the proceeds of the levy,

(b) the effect of imposition of the levy on prices of audiovisual media services provided in the State by media service providers subject to the levy, (c) the effect of a scheme granting funds out of the proceeds of the levy on— (i) the supply of public service content in the State, (ii) the production of European works in the State, and (iii) the activities of media service providers subject to the levy, (d) any report under section 159EB relevant to the matters referred to in paragraphs (a) to (c), and (e) any other matter that appears to the Minister to be relevant.	5
(6F) The Commission shall comply with a direction under this section.”, and (e) by the substitution of the following subsection for subsection (8): “(8) In this Part— ‘levy’ means a levy imposed by a levy order; ‘levy order’ means an order made in compliance with a direction under subsection (1) (including an order to which <i>section 57</i> of the <i>Broadcasting (Amendment) Act 2026</i> applies).”.	10
Continuation of order under section 159E of Principal Act 57. An order made by the Commission under section 159E(1) of the Principal Act in force immediately before the commencement of <i>section 56</i> of this Act has effect, and continues in force, after that commencement as an order made in compliance with a direction under section 159E(1) of the Principal Act as amended by <i>section 56</i> of this Act.	15
European Works Levy: reports 58. The Principal Act is amended by the insertion of the following sections after section 159E: “European Works Levy: feasibility reports 159EA. (1) In this section, ‘feasibility report’ means a report by the Commission on the matters referred to in subsections (6) and (7). (2) Subject to subsection (5), for so long after the date of the commencement of <i>section 58</i> of the <i>Broadcasting (Amendment) Act 2026</i> as no direction is given under section 159E(1), the Commission shall prepare a feasibility report and submit it to the Minister— (a) in the period of three years beginning with that date, and (b) in each succeeding period of three years.	20
(a) in the period of three years beginning with that date, and (b) in each succeeding period of three years.	25
(a) in the period of three years beginning with that date, and (b) in each succeeding period of three years.	30
(a) in the period of three years beginning with that date, and (b) in each succeeding period of three years.	35

- (3) Subject to subsection (5), if a levy order is revoked without a direction under section 159E(1) being given for another order, then for so long after the date of the revocation as no direction under section 159E(1) is given, the Commission shall prepare a feasibility report and submit it to the Minister— 5
- (a) in the period of three years beginning with that date, and
- (b) in each succeeding period of three years.
- (4) The Minister may at any time direct the Commission to prepare a feasibility report and submit it to the Minister, and the Commission shall comply with the direction. 10
- (5) After the submission of a report pursuant to a direction under subsection (4), subsequent reports under subsection (2) or (3) shall be prepared and submitted (subject to any further direction under subsection (4))—
- (a) in the period of three years beginning with the date of that submission, and 15
- (b) in each succeeding period of three years.
- (6) A feasibility report shall set out the Commission's estimate as to the feasibility and probable effects of imposing a levy.
- (7) Where the Commission estimates that it is feasible to impose a levy, a feasibility report shall include the following: 20
- (a) the category or categories of media service providers on which it is feasible to impose the levy;
- (b) possible methods of calculation of the levy;
- (c) the probable proceeds of the levy; 25
- (d) the probable effect of imposition of the levy on the prices and supply of audiovisual media services provided in the State by media service providers subject to the levy;
- (e) any other probable effects of imposition of the levy on the activities of media service providers subject to the levy; 30
- (f) any scheme proposed by the Commission to grant funds out of the proceeds of the levy;
- (g) the probable effect of a scheme referred to in paragraph (f) on—
- (i) the supply of public service content in the State,
- (ii) the production of European works in the State, and 35
- (iii) the activities of media service providers subject to the levy.
- (8) A feasibility report shall address such other matters as the Minister may direct.

- (9) As soon as may be after a feasibility report is submitted to the Minister, a copy of it shall be laid by the Minister before each House of the Oireachtas.

European Works Levy: levy reports

- 159EB.** (1) In this section, a ‘levy report’ means a report on a levy order, reporting on the matters referred to in subsection (5). 5
- (2) Subject to subsection (4), the Commission shall make a levy report on a levy order—
- (a) within three years after the date of the coming into force of the order, and 10
- (b) in each succeeding period of three years for all or part of which the order remains in force.
- (3) The Minister may at any time direct the Commission to prepare a levy report on a levy order and submit it to the Minister, and the Commission shall comply with the direction. 15
- (4) After the submission of a report pursuant to a direction under subsection (3), subsequent reports under subsection (2) shall be prepared and submitted (subject to any further direction under subsection (3))—
- (a) in the period of three years beginning with the date of that submission, and 20
- (b) in each succeeding period of three years.
- (5) A levy report on a levy order shall report the findings of the Commission on each of the following matters in relation to the reporting period: 25
- (a) the proceeds of the levy;
- (b) the effect of imposition of the levy on prices of audiovisual media services provided in the State by media service providers subject to the levy;
- (c) any other effects of imposition of the levy on the activities of media service providers subject to the levy; 30
- (d) the operation of any scheme granting funds out of the proceeds of the levy and any matter arising from the most recent review of the scheme (if any) under a direction under section 159G(6)(a);
- (e) the effect of a scheme referred to in paragraph (d) on— 35
- (i) the supply of public service content in the State,
- (ii) the production of European works in the State, and
- (iii) the activities of media service providers subject to the levy.
- (6) A levy report shall address such other matters as the Minister may direct. 40

- (7) As soon as may be after a levy report is submitted to the Minister, a copy of it shall be laid by the Minister before each House of the Oireachtas.
- (8) In this section, ‘reporting period’ in relation to a levy report on a levy order means the period ending with the date of the report, and beginning—
 - (a) in the case of the first levy report on the levy order, with the date of the coming into force of the order, and
 - (b) in any other case, with the date of the preceding report.”.

Amendment of section 159F of Principal Act 10

59. Section 159F of the Principal Act is amended—

- (a) in subsection (2), by the substitution of the following paragraph for paragraph (a):

“(a) new audiovisual programmes relating to—

- (i) the culture, language, history, heritage, society, music and sport of Ireland and of the people of the island of Ireland, including those matters in a European context and an international context, 15
- (ii) the experiences of the people of the island of Ireland and the experiences of Irish communities outside the island of Ireland, 20
- (iii) the natural environment, environmental sustainability, biodiversity and climate change,
- (iv) human rights, equality, diversity and inclusion,
- (v) news, current affairs and international affairs,
- (vi) the sciences, 25
- (vii) the humanities, or
- (viii) education;”,

and

- (b) in subsection (9), by the substitution of “sections 159EA, 159EB, 159G and 159H” for “sections 159G and 159H”. 30

Information notices for certain purposes where Commission is competent authority

60. The Principal Act is amended by the insertion of the following Part after Part 15:

“PART 16

PROVISION OF CERTAIN INFORMATION WHERE COMMISSION IS COMPETENT AUTHORITY

Terrorist Content Online Regulation: information about status

- 203.** (1) The Commission may by notice in writing require a person to provide the Commission with information relating to whether that person— 5
- (a) is a hosting service provider, or
 - (b) is a hosting service provider that is, or has been, exposed to terrorist content.
- (2) A notice under subsection (1) shall specify the information to be provided and the form and manner in which it is to be provided. 10
- (3) A person to whom notice is given under subsection (1) shall comply with the notice within 20 working days of the date of the notice or within such further period as may be agreed in writing between the Commission and that person before the expiry of the 20 days.
- (4) Where it appears to the Commission that a person has failed to comply with subsection (3), the Commission may, on notice to the person, apply to a judge of the District Court who is assigned to the Dublin Metropolitan District for an order under subsection (5). 15
- (5) On hearing an application under subsection (4), the judge of the District Court may, if satisfied that the person has failed to comply with subsection (3), make an order directing the person, within such period as is specified in the order, to provide the information requested in the notice under subsection (1). 20
- (6) In this section and section 204 ‘exposed to terrorist content’ shall be construed in accordance with Article 5 of the Terrorist Content Online Regulation. 25

Terrorist Content Online Regulation: information about compliance

- 204.** (1) Where it appears to the Commission that a hosting service provider is, or has been, exposed to terrorist content, the Commission may by notice in writing require the hosting service provider to provide the Commission with information relating to the provider’s compliance with a relevant provision of the Terrorist Content Online Regulation, over any period, and may require such information to be provided periodically for a succession of periods. 30
- (2) A notice shall— 35
- (a) identify the information to be provided and the period or periods it must relate to, and
 - (b) state the date by which the information is to be provided.
- (3) A notice may not require information to be provided before the end of the period of seven days beginning on the date on which the notice is given to the provider. 40

- (4) The Commission may at any time by notice in writing extend the time within which information is to be provided.
- (5) If within the period referred to in subsection (3) the provider requests the Commission to make an extension under subsection (4), the period beginning with the date on which the Commission receives the request and ending on the date notice of the Commission's decision on the request is given to the provider does not count towards the time within which the information is to be provided. 5
- (6) A hosting service provider shall be guilty of a category 1 offence if—
 - (a) the provider fails without reasonable excuse to comply with a notice under subsection (1), or 10
 - (b) in purported compliance with a notice under subsection (1), the provider provides false information, knowing that it is false or being reckless as to whether it is false.
- (7) In this section 'relevant provision' of the Terrorist Content Online Regulation means Article 3(3) or (6), Article 4(2) or (7), Article 5(1), (2), (3), (5) or (6), Article 6, Article 7, Article 10, Article 11, Article 14(5), Article 15(1), or Article 17 of that Regulation. 15

Digital Services Regulation: information about compliance

- 205.** (1) The Commission may by notice in writing require a provider of an intermediary service to provide the Commission with information relating to the provider's compliance with a relevant provision of the Digital Services Regulation over any period, and may require such information to be provided periodically for a succession of periods. 20
- (2) A notice shall— 25
 - (a) identify the information to be provided and the period or periods it must relate to, and
 - (b) state the date by which the information is to be provided.
 - (3) A notice may not require information to be provided before the end of the period of seven days beginning on the date on which the notice is given to the provider. 30
 - (4) The Commission may at any time by notice in writing extend the time within which information is to be provided.
 - (5) If within the period referred to in subsection (3) the provider requests the Commission to make an extension under subsection (4), the period beginning with the date on which the Commission receives the request and ending on the date notice of the Commission's decision on the request is given to the provider does not count towards the time within which the information is to be provided. 35
 - (6) The provider of an intermediary service shall be guilty of a category 1 offence if— 40

- (a) the provider fails without reasonable excuse to comply with a notice under subsection (1), or
 - (b) in purported compliance with a notice under subsection (1), the provider provides false information, knowing that it is false or being reckless as to whether it is false. 5
- (7) In this section, ‘relevant provision’ of the Digital Services Regulation means a designated provision, within the meaning given by section 139ZG(1), other than Article 57 or 60.”.

Section 139ZGA of Principal Act: transitional provisions

61. Where a notice is given under section 139ZGA(1) of the Principal Act and, immediately before the commencement of *section 60* of this Act, the person concerned has not provided the information that the notice requires to be provided, then, on that commencement— 10
- (a) the notice shall be deemed to be a notice given under section 203(1) of the Principal Act, and 15
 - (b) any proceedings brought in relation to that notice under section 139ZGA(4) of the Principal Act that have not been concluded before that commencement shall be deemed to be proceedings brought under section 203(4) of the Principal Act.

PART 3

AMENDMENT OF COMPTROLLER AND AUDITOR GENERAL (AMENDMENT) ACT 1993 20

Amendment of Comptroller and Auditor General (Amendment) Act 1993

62. The Comptroller and Auditor General (Amendment) Act 1993 is amended in the Second Schedule by the deletion of “Radio Telefís Éireann”.

BILLE

(mar a leasaíodh sa Roghchoiste um Ealaíona, na Meáin, Cumarsáid, Cultúr agus Spórt)

dá ngairtear

Acht do dhéanamh socrú maidir le comhaltaí de Choimisiún na Meán do nochtheadh agus do dhífheistiú leasanna iomchuí i soláthraithe áirithe; do thabhairt lánéifeacht d'Airteagail 5 agus 6(3) 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); do dhéanamh socrú breise maidir le coistí de Choimisiún na Meán; do dhéanamh socrú, chun críocha a fheidhmeanna, maidir le cumhacht a bheith ag Coimisiún na Meán chun faisnéis áirithe a éileamh ó sholáthraithe áirithe; do leathnú cur chun feidhme dualgas agus cód, agus do leathnú na forála maidir le gearáin, i ndáil le lánas seirbhíse poiblí ama fhoilsiú ag na corparáidí; do dhéanamh socrú breise maidir le bord corparáide, agus an t-ardstiúthóir ar chorparáid, a cheapadh agus maidir lena fheidhmeanna nó lena feidhmeanna, agus maidir leis an gcomhairle lucht féachana agus éisteachta ar chorparáid a cheapadh agus maidir lena fheidhmeanna; do dhéanamh socrú maidir leis an Ard-Reachtaire Cuntas agus Ciste d'iniúchadh chuntais RTÉ; dá cheangal faisnéis a fhoilsiú i dtaobh luach saothair chomhaltaí foirne agus chonraitheoirí na georparáidí; do dhéanamh socrú maidir le breithmheasanna a thabhairt agus athbhreithnithe a dhéanamh ar mhaoiniú agus ar fheidhmíocht na georparáidí; do dhéanamh socrú breise maidir leis na corparáidí do choimisiúnú cláir neamhspleacha; do dhéanamh socrú maidir leis an gCiste Craolacháin a athainmniú agus maidir le scéimeanna lánais seirbhíse poiblí a mhaoiniú as an gCiste; do leasú na forála a bhaineann leis an tobhach i leith saothar Eorpach; chun na geríoch sin, do leasú an Acha Craolacháin, 2009 agus Acht an Ard-Reachtaire Cuntas agus Ciste (Leasú), 1993; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Ordaíodh ag an Roghchoiste a chlóbhualadh,

22 Meán Fómhair, 2026

BILL

(as amended in the Select Committee on Arts, Media, Communications, Culture and Sport)

entitled

An Act to provide for the disclosure and divestment by members of Coimisiún na Meán of relevant interests in certain providers; to give full effect to Articles 5 and 6(3) 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); to make further provision about committees of Coimisiún na Meán; to provide, for the purposes of its functions, for a power for Coimisiún na Meán to require certain information from certain providers; to extend the application of duties and codes, and provision about complaints, in relation to public service content published by the corporations; to make further provision about the appointment and functions of the board and the director general of a corporation and the appointment and functions of the audience council of a corporation; to provide for the auditing of the accounts of RTÉ by the Comptroller and Auditor General; to require the publication of information about the remuneration of staff and contractors of the corporations; to provide for appraisals and reviews of funding and performance of the corporations; to make further provision about the commissioning of independent programmes by the corporations; to provide for the renaming of the Broadcasting Fund and for public service content schemes to be funded from the Fund; to amend the provision relating to the European Works Levy; for those purposes to amend the Broadcasting Act 2009 and the Comptroller and Auditor General (Amendment) Act 1993; and to provide for related matters.

Ordered by the Select Committee to be printed,

22nd September, 2026

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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