



Meeting with the Joint Oireachtas Committee on Media, Tourism, Arts, Culture, Sports & the Gaeltacht, on Invitation to Pre-Legislative Scrutiny of the Online Safety and Media Regulation Bill on Thurs 20th May 2021 from 12:30 to 4:30 virtually through Microsoft Teams.

Good morning Cathaoirleach and members of the Committee and thank you for asking us to meet you today.

By way of introduction, Virgin Media Ireland employs over 1,000 people and is Ireland's leading cable TV provider, the largest national provider of high-speed broadband services and a leading provider of mobile services nationwide. Our network now reaches 1m homes in Ireland with 1 gigabit broadband services, and as you would know we also operate Virgin Media Television which is Ireland's leading independent, national, public service broadcaster.

My role is Vice-President of Legal and Corporate Affairs.

Virgin Media welcomes the work of this Committee around what is a truly important piece of legislation.

The Committee already has our detailed submission of 18th March and I will now just make summary comments.

The Bill you are examining will establish a framework that is fit for the digital age, online and media content in Ireland where, through our own research, we know there are on average 10 Internet connected devices being used by every home in the country, in addition to mobile Internet, digital platforms and what is, as we know, the Internet everywhere.

The regulation and restriction of harmful content is clearly one of the most important measures and intentions of the legislation, and this is something we care very deeply about, having taken many initiatives of our own in this area, as outlined in our submission.

In particular, we're supportive of the sections of the Bill that will define categories of harmful content and that will extend those definitions, including measures for the protection of children from age inappropriate content, the regulation of online user generated services and video sharing platforms.

However, when it comes to Internet Service Providers like Virgin Media, it is truly essential for members to understand that ISPs provide actual infrastructure or means of connectivity - the cable, the fibre, the actual physical network that you access – and this should not be confused with the regulation of hosted content.

The intention behind Part 4 (of the Bill) in terms of regulation is principally to regulate online user generated services and video sharing platforms rather than internet service providers.

It is not to regulate ISPs as the provider of the physical network that, rather like a motorway, simply allows traffic to move across that network.

ISPs carry content, but we do not host content, and that is a really important distinction to appreciate.

For this reason, Head 56 of the Bill causes us very significant concern, and we do not support measures that would undermine the current, general prohibition on the monitoring of internet traffic.

So, it is the people hosting the content that require this regulation and not intermediaries, and we provide further details of this position in pages 8 and 9 of our submission.

Two further points of interest include the proposed content levy, and the ongoing need for the modernisation of broadcasting legislation.

It is important that the levy imposed on regulated entities is fair and transparent, with all those who will be regulated paying their fair share.

There needs to be a much more transparent and up to date understanding of how the regulated players operate in the market and generate revenues.

We recommend that it should fund as wide a range as possible of designated public service content with a strong focus on the independent sector.

There is already a distortion in the market between licensed broadcasters and digital players, in terms of levies, revenue generation and advertising standards and regulations.

So to impose a levy only on traditional broadcasters would further compound this imbalance.

And I hasten to add, Virgin Media is already a payer of very significant levies to the current Broadcasting Authority that will be subsumed into the Media Commission.

The issue of levies is complex and in considering their imposition, it is essential that Over the Top (OTT) and Video on Demand (VOD) players are included in a levy system that also supports the continuing creation, production and availability of Irish produced content.

An equitable level of regulation, accountability and financial contribution between traditional media organisations and new media organisations is required.

The social platforms and video sharing platforms should therefore be included in this scheme and levied on the basis of revenue generated from content related activities within the State.

Finally, Ireland needs a modernisation of our Broadcasting legislation. The Committee is aware of the work being done by the Future of Media Commission as it looks at the future of public service broadcasting.

This Bill you are examining should encompass the findings of the Future of Media Commission to ensure that what is put in place will serve the Irish audio visual sector well into the future, including issues of licensing, the manner of funding of public service broadcasting and digital platforms for public service media, all of which we mention in our submission.

Thank you very much, Chair and Committee members

<>

