

Laura Pathe,
An Comhchoiste um Thurasóireacht, Cultúr, Ealaíona, Spórt agus Meáin
Teach Laighean
Baile Átha Cliath 2
D02 XR20
23 Iúil 2021

MAIDIR LE: An Scéim Ghinearálta maidir leis an mBille um Shábháilteacht ar Líne agus Rialúchán Meán
RE: The Online Safety and Media Regulation Bill General Scheme

Léargas Breise TG4/TG4 Additional Commentary

A Laura, a chara,

Go raibh maith agat as do litir den 8 Iúil 2021 agus glacann TG4 buíochas leis an gComhchoiste Oireachtais as an deis a thabhairt dúinn léargas breise a chur ar aghaidh maidir leis an an Scéim Ghinearálta maidir leis an mBille um Sábháilteacht ar Líne agus Rialúchán Meán. Ar mhaithe le héascaíocht don Chomhchoiste, tá moltaí TG4 bunaithe ar an leagan Béarla den Bhille.

Thank you for the opportunity to engage with additional commentary on the Online Safety and Media Regulation General Scheme. TG4 has the following comments on the General Scheme. We are available to discuss further as required. Our suggested amendments are in **bold**.

TG4 has a number of concerns in relation to Head 3 Prominence of Public Service Content.

Prominence Head

1. As set out in our previous submission, we welcome the inclusion of the prominence Head in the Online Safety and Media Regulation Bill (the **OSMR Bill**). However, we note that the language that TG4 had previously suggested in respect of subsections 6(d) and (f) in relation to those who prefer to speak Irish or who otherwise have an interest in Irish has not been included, which is disappointing. Given the specific statutory remit of TG4 in relation to the Irish language and the importance of the rights and expectations of both Irish speakers and those with an interest in Irish, we would suggest that further consideration be given to the inclusion of this wording set out in bold below.

(6) In preparing rules under (5), the Media Commission shall have regard to each of the following matters:

- a. *the definition of public service content under subsection (1),*
- b. *the nature and scale of audiovisual media services providing public service content under subsection (2),*
- c. *the public interest objectives set out under subsection (5)*

- d. *the likely expectation of the audience (including those whose preferred spoken language is Irish or who otherwise have an interest in Irish) as to the nature of public service content,*
 - e. *the nature and scale of services providing access to audiovisual media services,*
 - f. *the fundamental rights of the audience (including those whose preferred spoken language is Irish or who otherwise have an interest in Irish) and operators of services providing access to audiovisual media services.*
2. TG4 does not think it is appropriate to include a reference to existing commercial arrangements in sub-section 6 of the Prominence Head of the OSMR bill. Such an inclusion would have the effect that the Media Commission would have regard to these commercial arrangements when drafting prominence rules. The additional language would give a further advantage to audiovisual media services who already enjoy a very strong market position as they can continue to put in place commercial arrangements securing their own prominence on a rolling basis. This would undermine the statutory prominence of TG4 which does not have the market power to effect these beneficial commercial arrangements and further enhance the position of the dominant players in the market. Such an inclusion would undermine the thrust of the prominence protection being provided to public service content providers and in particular the protection which the statutory prominence would afford to TG4. We request that the reference to existing commercial arrangements be removed.
3. We welcome the extension of subsection (8) to those providing a service providing access to audiovisual media services however we are concerned that the amended wording in subsection (9) which gives the Commission a discretion about whether to impose a sanction when a breach of subsection (8) has been detected may not be sufficiently strong to deter non-compliance with the rules made under subsection (5).

TG4 would also like the Committee to note:

- In relation to Head 1, Closure of RTÉ Aertel, TG4 continues use a very simple one-page teletext service to access Subtitles on Page 888 and 887 on our SD (Standard Definition) feed but we have not operated a full service for many years.
- TG4 strongly supports contestable funds (as envisaged in Head 77) as one way of ensuring diversity and plurality in Public Service Content.

Má tá aon cheist bhreise agat, ná bíodh drogall ort teacht i dteagmháil liom.

Le meas agus buíochas,



Alan Esslemont
Ard-Stiúrthóir TG4/ Director General TG4.