



Community
Radio Ireland
**Raidió Pobail
na hÉireann**

Submission on the transposition of the revised:
Audiovisual Media Services Directive (AVMSD)
to the Online Safety and Media Regulation Bill.
March 8th. 2021

(also approved by CTA: Community Television Association.)

Online Safety and Media Regulation Bill.

Key Points in this Submission:

1) The concept and definition of Community Media Hubs merits legislative recognition

The goal of CRAOL, community radio, Ireland and of CTA (Community Television Ireland) is to promote community media as central to the digital age. A core concept is of a Community Media Hub, owned and run by communities, that provides training, digital literacy, and resources to enable communities to critically appropriate media for their development goals, and for content production and dissemination across a spectrum of online, audio-visual and audio services.

This concept is ideally suited to be supported under the potential content levy envisaged under the AVMSD Directive, since at its core is the idea of communities generating digital content for on-demand use.

2) The social benefits generated by community media should be recognised as a specific form of public service content.

The BAI has recently recognised the specific social benefits that are generated by community media, through being embedded in community development dynamics, and enabled the generation of empirical evidence on them. These constitutes the ‘last mile’ of public service media in Ireland, from the national to the very local, and recognition as such in this Bill would add to a coherent understanding of the media sector into the future.

3) media literacy can be further strengthened in this Bill through the introduction of an active community dimension in the digital era.

The Bill enhanced the understanding of media literacy, building on the 2009 Act, can further deepen this by encompassing those processes by which communities are encouraged to comprehend and engage with media messages, particularly across digital platforms. Community media have a strong commitment and experience in this domain.

4) A Content Support Scheme should support community media to produce “community information and agency” content.

Under the Sound & Vision Scheme (the legislative base for which is being transposed into this Bill) no support can be provided for news or current affairs. We believe that the scheme can legitimately be used to support community media to produce content to provide “community information and reinforce community agency”. This will enable community media to reinforce its role as an overlap between media and the community development sector.

5) The ‘Special Interest media’ concept in Sound Broadcasting should be reintroduced.

The idea of ‘special interest’ should be reintroduced into the Bill, as a specific form of sound broadcasting contract. The rationale is as follows. The legislation seeks to recognise three distinct types of broadcasters, public, commercial and community, each with its own characteristics and license. This worked adequately until the 2009 Act became more prescriptive, which removed the BAI’s flexibility. When the regulator (eventually the Media Commissioner) is presented with a media entity that does not fit under any of the established three headings, the tendency so far, has been to locate them within the community media sector, causing regulatory and organisational difficulties for all concerned.

We would like to see more regulatory choice in the new Bill. A simple and obvious solution is to provide the regulator with the powers to decide on a case by case basis, which applicants belong in which category. Those that do not fall under the public, commercial or community sectors, should be located in a separate category, previously called, ‘Special Interest.’

Introduction

For more than 25 years, Irish community broadcasters have been highly successful, with an impressive media track record, offering citizens accessible participation, democratic ownership, media literacy, diversity, support for local creativity and the Irish language, a welcoming environment for **new Irish communities**, while maintaining links with the **Irish diaspora**. Due to such **social benefit** content, each community media broadcaster has a strong profile **where they operate**. Owned and managed by the communities they serve, community media broadcasters provide a vital communicative and developmental service at the most local of scales.

It may be that members of the Joint Committee on Media, Tourism, Arts, Culture, Sports and the Gaeltacht, are unaware of the ethos and work of community media, so we should begin, by briefly highlighting the acknowledged value of this media sector. Community media in Ireland currently comprise 21 full-time licensed radio stations broadcasting since 1995, (with 11 more broadcasting on temporary licences as they prepare for full time licensing) and two television channels since 2005. Radio channels reach about 55% of the nation's population; and TV stations in Cork and Dublin are distributed by cable to a large proportion of the cities' populations.

Studies by Red C Research (2012) and IPSOS/MRBI (2015) have completed in-depth research into the community radio sector. The Red C Research project, based on over 500 on-to-one interviews, found that **two thirds of people** in community radio catchment areas were **aware of their station**; that **22% had listened to it "yesterday"**; and that almost **80% of these** understood that it was specifically **a community station**.

Thus, when asked about the level of **impact on their community**, **60% gave it a score of 8 or higher** on a scale of ten. This aspect is confirmed by more recent IPSOS/MRBI research, which used focus group research to examine in more depth this specific community impact. Among the results were that community radio:

- supports **community development actions**, facilitates advocacy, and promotes diverse dialogue, including in the Irish language.
- are **more inclusive** by promoting opinions and voices such as those of immigrants and women;
- are best positioned to be **more active in support of marginalised groups**, including older people and social action groups;
- provides access, ranging from **physical access**, to a **welcoming environment**, to offering **training and mentoring** to enable people to broadcast their concerns and aspirations;
- gives **airtime to lesser covered topics** such as minority sports, arts and music;
- provides **a space for the expression of social, political and cultural ideas**;

Community media are to be found all over the world and everywhere in Europe, and their value, role and distinct nature have long been recognised by both the **Council of Europe** and the **European Union**.

In the context of this Committee’s work in re-imagining media into the future, it should be noted that community media demonstrate and represent media that **push the boundaries of both “public service content” and “public service media”**: they open out the production, management and resources of the station to the entire community; and thus establish a media organisation – owned and managed by the community itself - as a tool for enhancing media learning and literacy locally, and as an integral part of the development dynamic of the community.

In conclusion, the fact that many benefits generated by community media are not those conventionally associated with media, may explain the low profile and lack of a distinct identity, especially among elected officials and other media stakeholders. However, repeatedly, research has shown that where community media exist, they are appreciated by people in that locality. This new legislation offers us all an opportunity to devise a cost-effective means to offer this socially beneficial medium to more Irish citizens. We are happy to have this opportunity to introduce ourselves, to offer this brief overview and to contribute to this important, reflective undertaking by the Committee.

Online Safety and Media Regulation Bill

Community media in Ireland (radio, television and online) welcomes the opportunity to contribute to the Public Consultation on the Regulation of Harmful Content and the Implementation of the revised, Audiovisual Media Services Directive (AVMSD). The media landscape has evolved significantly since the implementation of the 2009 Broadcasting Act, but the regulatory framework has not kept pace.

We see a continuing role for public service media in meeting community information needs, however the model now needs to be re-imagined. In the early days of the new Republic, when a large, national broadcaster was first envisaged, this suited the technology at that time. Now with the diversity of communications technologies and myriad forms of access, legislation will have to reflect this changed media-sphere. Legislation can encourage public service media to take advantage of the digital revolution to remake itself by sharing technical and funding resources with other media that have shared values with the original idea of an, homogenised, national public service media, leading to a more accessible and participatory, national and communal media service.

We understand that the 2009 Act will be transposed into the new legislation, but that there will be some necessary elaborations. Without becoming too prescriptive, can we offer some amendments, based on our experience since 2009, to improve the new legislation.

This transposition of the AVMSD makes this consultative process timely. It is also an opportunity for legislators to hear from stakeholders who have direct experience of the shifting media landscape.

Note: Responding to the extensive work to be undertaken under the various Heads, we set out below our responses to the material contained under these various Heads:

Specific Proposals.

Head 5 - Repeals

[The relevant parts/sections of the Broadcasting Act 2009 and any other Acts are repealed. This head will be elaborated further at the detailed drafting stage.]

Explanatory Notes:

A provision to provide for certain definitions for the purposes of this Act.

These definitions include *(a) new definitions adapted from EU legislation or provided for directly by the revised Audiovisual Media Services Directive (2018/1808), (b) restatement of existing definitions contained in the Broadcasting Act 2009 and S.I. 258/2010.*

- Note: As part of such elaboration, we have located the various Heads within each relevant category, starting with Broadcasting.

Broadcasting

Head 1: Repeals and replaces s.1 of the Broadcasting Act 2009.

- Note: Our concern is to ensure that those hard-fought for, references to community media are not lost or diluted in this transposition. We request that if alterations are to be made to the 2009 Act, that our observations are considered. For instance, in the ‘General’ section, it states:

Head 2 - Interpretation

[All following definitions in this Head are un-adapted definitions from the Broadcasting Act 2009 unless otherwise specified]

- Note: We are happy with the retention of the following definitions:

“community broadcaster” means a person holding a contract under [sections x of the Broadcasting Act 2009];

“community of interest” means a group of persons with a shared interest, association or bond;

- Note: Can we draw the attention of the Committee to the fact that the 2009 Act inadvertently removed the regulators capacity to place into a category termed ‘Special Interest’ those media that did not naturally fall under ‘public, private or communal,’ and which may prove useful to the regulator in the future as a growing diversity of media content continues to manifest itself.
- Secondly, we ask that the Committee consider adopting the community media proposal for the establishment of regional, community media ‘Hubs’ as a more cost-effective way to provide communications technologies, and community development opportunities, on a shared basis to strategic regions of the country. (we will expand on this later) We therefore, ask that two further definitions be included:

“special interest media” means all those platforms that cannot be located under public, private or community headings.

“community media hubs” means audiovisual platforms shared by the community concerned.

and to retain:

“local community” means the community of a town or other urban or rural area;

- Note: We request that the text contained in section 64- page 71 of the Act, be broadly retained, with one amendment. This then to state: (proposed change is underlined)

64.—The Authority, on the recommendation of the Contract Awards Committee, may enter into a class of sound broadcasting contract (“community sound broadcasting contract”) with 2 or more members of a local community or of a community of interest if it is satisfied that—

(a) those members are representative of, and accountable to, the community concerned, and

(b) the supply of programme material in pursuance of the contract will be effected with the sole objective of—

(i) ‘delivering public service content, that specifically addresses the interests of, and seeks to provide a social benefit to, the community concerned, and

(ii) achieving a monetary reward of no greater amount than is reasonably necessary to defray the expenses that will be incurred in effecting that supply.

- Note: This to identify the unique characteristics of democratically owned, not-for-profit media. In comparison to mainstream media, community media are about both media and community, which can deliver social benefit to each community as identified in BAI research. ¹

Then:

In defining ‘public service’ the transposition document goes on to state:

(iii) “public service objects” shall mean an activity undertaken by a corporation in pursuance of xxx ;

- Note: we ask that ‘public service objects’ be clarified and contextualised within this proposed Bill, that the Committee approve a restatement of existing definitions contained in the Broadcasting Act 2009, to ensure that community media, through their social benefit actions, are further defined as providing ‘public service content.’

1. The study is based on two pilot studies in the 2020 BAI/CRAOL study *Assessing the Social Benefit of Community Media: A Toolkit for Community Radio*. The survey indicates the highest level of agreement with a statement that the community station “helps voluntary and community- based organisations to achieve their goals”. (page 23-4) See https://www.bai.ie/en/?attachment_id=134923 for the full report and methodology.

Media Literacy

This section goes on to define media literacy thus:

“media literacy” means to bring about a better public understanding of:

- (a) the nature and characteristics of published material,
- (b) the processes by which such material is selected, or made available, for publication by media service providers,
- (c) the processes by which individuals and communities can create and publish material, and
- (d) the available systems by which access to material published by media service providers is or can be regulated;

[adapted from the definition of media literacy in the Broadcasting Act 2009]

- Note: The above is too passive in light of evolving media needs. Citizens are creating and consuming media content today most often without the mediation of conventional journalism, and with little or no training in how to evaluate these media messages. Democracy, personal agency, the ability to live an engaged public life increasingly depend on media literacy, the Media Commission should be statutorily obligated to support the development of open, mediated societies in the digital era. Obligated to create an enabling environment for identifying the key measures and variables in media literacy policies which will go toward establishing an all-inclusive, democratic society. We then, need to insert an additional explanatory point into media literacy (e.g.):

- (e) the processes by which individuals and communities are encouraged to comprehend and actively engage with media messages, including on digital media platforms.

The Media Commission

Head 9 - Objectives

Provides; The Commission has the following objectives:

1. Ensure that democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression are upheld.

2. Ensure that the number and categories of public service media made available in the State serve the needs of the people of the island of Ireland, having regard to the following:

- (a) linguistic, religious, ethical and cultural diversity
- (b) accessibility of services to people with disabilities

- Note: The Media Commission should be obliged to publish at an early stage, a strategic direction and a vision for the new organisation so that stakeholders can respond in a timely manner.

Head 10 - Functions

The Commission has the following functions:

- (i) Ensure the provision of open and pluralistic broadcasting and audio-visual media services;
- (ii) Promote and stimulate the development of Irish language content;

(iii) Stimulate provision of high quality, diverse and innovative content from commercial, community and public service media providers and independent producers;

- Note: In relation to Heads 9 and 10, the new Commission should be charged with recognising the public value of community media and tasked with enabling communities to achieve the above objectives by adding a section, thus:
- *(iv) supporting communities to generate and provide socially beneficial, multi-platform content.*
- Further, the JOC should request the Minister to re-instate the category of **Special Interest media** to permit the Media Commission to locate miscellaneous media into its own category. This may become even more important as varied online services proliferate.

Further the Commission shall;

(xiii) promote public awareness, encourage research and conduct public information campaigns for the purpose of educating and providing information to the public in relation to:

(a) online safety;

(b) media literacy;

(xiv) Promote educational initiatives and activities relating to online safety,

- Note: Community media already have considerable experience in promoting Media and Information Literacy, in their broadcast content, and in workshops within the community. The active engagement of citizens in media production and in running their own media organisation have instilled a capacity in hundreds of community members to critically analyse media. They also have enabled many to develop careers in both mainstream and community media. The Media Commission should be statutorily obliged to continually collaborate with stakeholders to increase public awareness of these subjects, and to avail of existing experiences.

Further;

(xx) The Commission shall have a statutory role in relation to the following:

(b) Undertaking a strategic review or reviews of the regulated sectors covering one or more of the following areas:

(I) Sectoral funding.

(II) technological and societal change

- Note: Community media, as one of the regulated sectors, feel that these are critically important areas of concern for our sector and ask that the Commission be obligated to continually engage with the sector to ensure their ongoing competence in meeting these funding and technological challenges.
- For instance, taking into account, technological aspects, sectoral funding and societal change, legislation could usefully explore the idea of resourcing **Community Media Hubs**, which meet all three criteria.
- This approach is more strategic than the current one where the BAI is legislatively obliged to respond to sporadic and uncoordinated requests for community sound broadcasting licenses. It would involve a coordinated, strategic resourcing of regional, **Community**

Media Hubs, with evolving peripheries of community engagement, where eventually, all citizens can become involved, should they wish, in some manner.

- The delivery of public service content, in the enriched sense outlined, can best be supported at the local level by strategically extending the existing networks of community media, radio, television and online content delivery, to cover the entire country, and by strengthening their capacity to support young journalists, in media literacy through support for the **proposed Community Media Hubs**. (See Annex 1)

Further:

(xxii) The Commission shall impose a levy on [regulated media services and designated online services] to ensure it is sufficiently resourced to properly execute its statutory functions;

- Note: In line with common practice in Ireland, it continues to be our view that the regulatory scheme should be funded by the sector(s) to be regulated, from the sums acquired through advertising. As a media sector defined in law as ‘not-for-profit,’ (i.e. garnering only enough to survive) community media should be exempt from such levy. The broad principles underpinning such a, participants paying scheme, would also include media consumers contributing to the provision of public service media. We suggest that this could be achieved through a PSO on power utilities. (See Annex 2)

Further:

(xxv) The Commission shall draw up a statement of strategy;

- Note: As part of this Strategy, the Commission should be obliged to consult with the community media sector around realistic ways to extend such services to Irish communities in general.

Head 11 – Core Powers of the Media Commission.

The emerging media landscape will continue to bring together different business models with new actors and new roles, which will result in the provision of new services and new consumption habits. The Regulator needs to have the flexibility to deal with this situation, as already, the 2009 Broadcasting Act, by defining tightly, apparently removed certain flexibility from the regulator (BAI), and if not addressed, will continue to hinder the regulatory functions of the new Media Commissioner. Legislation has sought to recognise three distinct types of media, public, commercial and community, each with its own characteristics and license. When the regulator (eventually the Media Commissioner) is presented with a media entity that does not fit under any of the established three headings, the tendency so far, has been to locate them within the community media sector, causing regulatory and organisational difficulties for all concerned. Therefore, we wish to draw attention to a possible solution:

This head, which is.....intended as a high level statement of certain core powers afforded to the Media Commission.

Provides that:

The Commission shall have all such powers as are necessary or expedient for the performance of its functions. Said powers shall include, but are not limited to;

Note. (we propose a new power to the supplied list)

- *the power to operate a registration system that takes full account of the core characteristics of each applicant.*

Nb, that the Media Commission be asked to recognise the core, democratic, not-for-profit nature of community media, and to exclude from the regulated community sector any applicant considered not to display these features. The Committee should ensure that the Media Commissions power of registration is used to carefully designate, according to their characteristics, each media service to ensure that they can best serve the needs of diverse categories. Such flexibility may prove useful to the regulator in future as a growing diversity of media content continues to manifest itself.

Head 19 Membership of the Commission.

- Note:
 - a) The intention of appointing paid commissioners on a 5 year contract with the option to renew for a further 5 year term is a departure from previous media regulation. This raises the dangers of less transparency more group think and less openness to innovation.
 - b) There is a need for the Commission to be independent as set out in the Bill but there is also a need for public oversight, therefore the facility to appoint advisory committees should be strengthened, by appointing permanent advisory groups representing each media sector, with statutory oversight of the work of the Commission.

Funding Aspects

Head 30 - Grants to Commission

In each financial year, the Minister may advance to the Commission out of moneys provided by the Oireachtas such sums as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine.

- Note: apart from any secured levies from audiovisual media service providers, the state should continue to levy the general public to support public service media as a social compact.

Head 76 – Content levy establishment

Regulation of audiovisual media services Provides that:

(1) [The Commission shall make regulations prescribing a levy to be paid by audiovisual media service providers which are

- (a) Established in the State, and
- (b) Established in other Member States and wholly or mainly targeting audiences in the State for the purposes of providing financial contributions to the production of European works.

(2) The amount of the levy referred to in subsection (1) shall be calculated in such manner that

- (a) the levy imposed solely relates to revenues earned within the State;

(b) it shall not apply to entities with a low audience or low turnover as defined by the rules made under Head 64(4)

- Note: The Committee has indicated that it welcomes observations on the application of the content levy. In terms of the Content Levy, this appears to be an equitable approach. We propose that one mechanism might be an online advertising tax (see Annex 3), which would reflect the significant advertising income generation of many online corporations, while also recognising those media that do not generate income at those levels.
- As a sector that is wholly supportive of national, public service broadcasting, we still recognise its participatory limitations. We believe that the community media sector, as public service content providers, should **receive a proportion of public funding**, (*'of no greater amount than is reasonably necessary to defray the expenses that will be incurred in effecting that supply.'* {64- ii; 2009 Act}) As a means to use public monies to the widest possible social benefit.

Head 77 – Content levy scheme

(1) The Commission shall prepare and submit to the Minister for his or her approval a scheme or a number of schemes for the granting of funds to support all or any of the following—{etc}

Note; we wish to comment on the following prohibition included in schemes:

(c) may not provide funding for programmes which are produced primarily for news or current affairs.

- Note: we suggest that a positive way around this would be to enact the following condition.

(d) may provide funding for content that is primarily for community information and agency.

- A scheme of community information and agency, could be approved that recognises the unique content of community media. For instance, the concept of social benefit incorporates public service information content in the “last mile” i.e. right down to the level of the local community. In practice this reinforces and deepens the reach of public service media out through a network of community media organisations.
- This can provide access to impartial reporting with a focus on the community level, through numerous discussion and roundtable programmes and by inviting local organisations to present their own positions on topical issues; play a key role in bringing the community together, and can also reach significant diaspora audiences, making Ireland the centre of an expanded online, Irish community.
- Community information and agency can be enhanced as the principles and practices of journalism are added to the mix. Further, citizens engaging for the first time with these principles and practices can learn from professional journalists while also inducting journalists into the principles and practices of community development, leading to a more informed and participatory democracy.
- It may also be observed that the community television license, unlike its public and commercial counterparts, has no obligation to produce news and current affairs (since the resources to do so, using a license fee or advertising, are not available to the sector). There is thus no possibility that funding this type of local current affairs would displace resources already destined to that end and would be fully additional.

- Finally, on schemes, a clause states:

(5) The Commission in preparing a scheme, may have regard to the developmental needs of community broadcasters.

- Note: We ask that this provision be strengthened to read: ‘*shall* have regard to the developmental needs of community broadcasters.’
 - In light of independent research* which shows the social benefits of such media, legislators need to strengthen the Media Commissions remit to promote the developmental needs of community broadcasters
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Part 4 – ONLINE SAFETY

In treating with the matters of online safety, we wish to say that in a swiftly changing media landscape, these proposals are as future proofed as is currently possible, while leaving room for adjustment. They also seek to bring balance to the online ecology while dealing with the practicality of making it all work. We are happy from a community media perspective that behind the regulation lies a strong commitment to protect diversity and plurality, ensuring culturally-relevant content, while also protecting citizens from harmful content. This approach secures freedom of expression, hinders negative communication, facilitates linguistic and cultural diversity and will sustain and enhance democratic discourse.

The revised Audiovisual Media Services Directive deals with the rules and requirements for audiovisual media services, through further aligning the minimum standards that apply to television broadcasting services and video on-demand services. As we understand it, the revisions to the Directive do not have direct, immediate effect in a Member State, they must be transposed into Irish law in order to take effect in Ireland.

Most of Europe’s largest providers of video-sharing platform services are based in Ireland, therefore, Ireland, while working within the EU Directive, is responsible for regulating the video-sharing platform services based in Ireland. We understand that Ireland’s responsibility under the Directive in respect of video-sharing platform services may be greater than any other EU Member State. Being placed in this position provides an opportunity for Ireland to innovate in legislation and regulation to the benefit of all European citizens, while abiding by the Directive.

The revised Directive envisions a more joined-up approach to all media. Community media welcome this as it provides an opportunity to encourage the creation of platform neutral services, which community media are advocating. In an Irish response, regulation can deal with areas such as advertising, the protection of minors, accessibility, hate speech and incitement to violence. While legislation can provide an enabling environment to encourage more Irish citizens to participate in multi-media projects to implement these elements of the Directive.

Such a seamless means of regulation/legislation would seek to increase standards of protection rather than weakening them. Would see that linear broadcasting would continue to be regulated as heretofore, but would be incentivised to broaden out to become multi-platform services, and that media plurality in terms of ownership, becomes a benchmark for the Media Commission with the establishment of a public register of media ownership.

*. The study is based on two pilot studies in the 2020 BAI/CRAOL study *Assessing the Social Benefit of Community Media: A Toolkit for Community Radio*. The survey indicates the highest level of agreement with a statement that the community station “helps voluntary and community- based organisations to achieve their goals”. (page 23-4) See https://www.bai.ie/en/?attachment_id=134923 for the full report and methodology.

Head 49A – Categories of harmful online content

- Note: Those involved in Community Media are in broad agreement with the decision to enumerate definitions of categories of material that are considered to be harmful online content. This approach is both adaptable and future-proofed.
- The BAI already has devised Codes of Programme Standards, which promote responsible broadcasting, access to high quality information, entertainment and education, while reducing offence and harm. This approach can be expanded to include online content, aligning all media under one standard set of codes.

Head 49B – Provision for further categories of harmful online content

- Note: We believe that the role and powers to be assigned to the Minister and the Media Commission are wide-ranging and should prove effective. We ask that an additional role be considered, namely:
 - A way to deal with ‘Harmful, *response to* online content.’ The Minister and the Media Commission should consider legislating into Irish law, and to encourage the Council of Europe (CoE) to act, on the growing threat of, ‘Strategic Lawsuits Against Public Participation’ (SLAPPs). The term refers to abusive lawsuits that are brought to shut down critical expression, rather than to redress an actual wrong. Typically, they are filed by powerful persons or businesses against their critics, who may for example be journalists, campaigners, academics or demonstrators.
 - This concept should be considered as part of wider reform of Defamation laws.

Please Note: Many of the other ‘Heads’ are outside of our competence we trust in the good sense and commitment to the public good of the JOC members.

Craol: Community Radio Ireland. 8th. March, 2021.

(See attached annex)

Annex 1: Community Media Hubs

Re; 2009 Act: 72.—(1) Subject to this section, 2 or more members of a local community or community of interest may supply a compilation of programme material for the purposes of its being transmitted as a broadcasting service under and in accordance with atransmission licence or by an appropriate network provider.

This condition can be given a new lease of life by re-imagining how this might add to the plurality, diversity and value of public content media. We propose that a cost-effective way to widen and deepen public service, social benefit media content is to resource the following model.

The Community Media Hub

A Community Media Hub is a collective of linear broadcasting, a VSP service function, a community training, facilitating and content distributing service, that independently satisfies all the relevant legal criteria in the definition of a video-sharing, linear broadcasting, platform service.

The JOC could encourage legislation for the creation of **Community Media Hub's**, strategically located across the state. Community media hubs are designed to more cost-effectively, serve several communities working hand in hand with other local organisations and institutions, including libraries, educational establishments and community development organisations. These Hubs would offer:

- A **physical centre** for a community to engage with, learn about and create media and content; that doubles as a virtual centre that reaches out to the peripheries;
- A **training and capacity** provider, physically and virtually, across all media tools and platform with a key focus on media and digital literacy;
- A **production centre** for radio, podcast/vodcast, television, social media blogging, Websites etc.
- A **broadcast and dissemination centre** for all media, and that enables dissemination from the peripheries.
- A **media library to lease or loan communications technologies** short-term, to engaged communities, to facilitate a local 'Right to Communicate.'
- An **archive web site** to capture these cultural, spiritual, creative and socially historical contents for future appreciation.

In short, there will be a reciprocal exchange of communication, out from the hub to the peripheries and from the peripheries in to the hub for shared dissemination across the entire regions. A special function of the Hub might be, under the guidance of the regulator, to issue short term, on-demand, licenses for the creation of **micro-media content**, covering no more than a few streets or a small village, or a community of interest. These could be run by local youth clubs, education institutions, and other organisations **with development goals**, which would also provide the training and supports needed for local people to acquire media literacy and communications skills that will add to increased participatory democracy.

The principles and practices of journalism and those of community development can be enriched by melding them with Media and Information Literacy. Both citizens and journalists will be able to access, receive, critically evaluate, create, use, and disseminate information and media content of all forms, across the diversity of media platforms made available through each **Community Media Hub**.

Example: Community Media Hub.

In Cleveland, Ohio, USA, there is a working model of our proposed ‘Hubs’ which has broken down the silos between platforms and embraced interactivity and the digital space. It sees its mission not as broadcasting but as community service via media. It combines public television station WVIZ-TV, public radio station WCPN-FM, the statewide Ohio Network and four other educational media organizations into one. Based in Cleveland, but interacting with a wider region. The founders seized the opportunity presented by digital convergence to become a seamless multiple media public service organization housed in a new facility in the heart of Cleveland’s Playhouse Square, drawing together the resources of heritage institutions, (museums, theaters, colleges, libraries, medical centres, government agencies, etc.) and making their services digitally available on demand to patrons, clients and students, providing air time and online resources to coverage of news, information, creativity and cultural events with both a regional approach and a local focus.¹

1. The Aspen Institute Communications and Society Program, *Rethinking Public Media: More Local, More Inclusive, More Interactive*, Washington, D.C.: The Aspen Institute, December 2010.

Annex 2: Proposal for Media Sector Levies

A Media, Public Service Obligation Levy

Legislation should consider the use of the existing Public Service Obligation (PSO) levy, already added to every electricity bill, to replace the TV license fee. This approach might offer a swift, low profile solution to charging for Irish media.

This levy could be collected through the Commission for Regulation of Utilities (CRU), Ireland's independent energy regulator, and transferred to the relevant Media Commissioner for distribution. The policy associated with the PSO is already mandated by Government in legislation and approved by the European Commission. Both Greece and Italy have adopted this approach and it has resulted in a significant decrease in the cost to households of the TV levy. Indeed, Greece uses this method to collect other local taxes, which are then remitted to local authorities.

The current Social Welfare exemptions under the existing TV license system could be retained and here, the subsidy per recipient, would also be commensurately reduced for that Department.

Annex 3: Taxing Online Advertising Revenues

A major shift of advertising revenue from print and terrestrial media towards online, digital has been evident for some time. Google and Facebook alone now control about two thirds of global advertising revenue. While regulation can partly address this then, the Commission should also consider proposing taxation measures.

A challenge currently facing legislators is that online advertising is 'placeless' and thus eludes national tax legislation. Transnational media operators assert that advertising sales do not take place in a specific country, but via an auction algorithm that is operated by other algorithms whose physical location is not clearly defined. For example, Google's European invoices are drawn up in Ireland, and there is an exchange between Google in Ireland and the European advertising clients. Who pays, where and why?

How then, to tax online companies who claim that they are stateless?

Applying the first principle of community media - that only people can create content - offers a possible solution to the taxation dilemma. Policy measures for taxing transnational corporations, including digital companies, need to be based not just on the question where and how much value is produced, but also on the question: who actually produces such value?

Only human beings communicate productively and produce communicatively, creating the practical and economic value of the Internet. Put simply, only people can create economic value; the facilitating Google and Facebook technologies cannot. The Commission should apply this criterion to the content of online activity, and this is where taxation policy could be located. A taxation policy could usefully declare that online companies should pay for advertisements sold

online in the country where these advertisements are targeted and consumed i.e. where the value is realised.

If Google and Facebook's value creation takes place where the users are i.e. those who create the value of online advertising, then taxes must be paid in the country where the users are when they consume the advertisements. It is technically possible to determine what percentage of viewed and clicked-upon adverts occur in which country. Such personalised and targeted advertising is thus not placeless, and a taxation policy could be drawn up for Government action here in Ireland. This model could be replicated across the European Union.