Seirbhís Leabharlainne 7 Taighde
Library & Research Service

Bill Digest

Media Regulation Bill 2026

Dr. Lucy M. Davis
Senior Parliamentary Researcher (Law)

Michelle Lynch
Senior Parliamentary Researcher (Law)

4 March 2026

Bill Digest: Bill No. 19 of 2026

Abstract

The Media Regulation Bill seeks to give full effect to Articles 6(2), 22, 24 and 25 of the European Media Freedom Act (Regulation (EU) 2024/1083) in Ireland. It seeks to make amendments to Part 3A of the *Competition Act 2002, as amended* in order to bring the Irish legal framework in alignment with the requirements of Article 22 of the European Media Freedom Act, to transfer the responsibility for the assessment of media mergers from the Minister for Culture, Communications and Sport to Coimisiún na Meán, and to provide for the development of a "national media ownership database" by Coimisiún na Meán in accordance with Article 6(2) of the European Media Freedom Act. In addition, the Bill also seeks to legislate for national rules relating to state advertising and seeks to amend the *Broadcasting Act 2009, as amended* in relation to audience measurement systems in accordance with Articles 24 and 25 of the European Media Freedom Act.

Tithe an Oireachtais
Houses of the Oireachtas

Library & Research Service

Email: library.and.research@oireachtas.ie

This L&RS publication may be cited as:

Oireachtas Library & Research Service, 2026. Bill Digest: Bill No. 19 of 2026. Media Regulation Bill 2026

Legal Disclaimer

No liability is accepted to any person arising out of any reliance on the contents of this paper. Nothing herein constitutes professional advice of any kind. This document contains a general summary of developments and is not complete or definitive. It has been prepared for distribution to Members to aid them in their parliamentary duties. Some papers, such as a Bill Digest, are prepared at very short notice: they are produced in the time available between the publication of a Bill and its scheduling for second stage debate. Authors are available to discuss the contents of these papers with Members and their staff but not with members of the general public.

© Houses of the Oireachtas 2026

Contact

Houses of the Oireachtas
Leinster House
Kildare Street
Dublin 2
D02 XR20

Tel: +353 (0)1 6183000
Twitter/X: @OireachtasNews

www.oireachtas.ie



Executive Summary

- The Media Regulation Bill 2026 and Explanatory Memorandum were published on 26 February 2026. The Bill contains 37 sections in four parts.
- The Media Regulation Bill 2025 is scheduled for Second Stage debate in Dáil Éireann on Thursday 5 March 2026.
- The Media Regulation Bill seeks to give full effect to Articles 6(2), 22, 24 and 25 of the European Media Freedom Act (Regulation (EU) 2024/1083) in Ireland.
- The Bill seeks to make amendments to Part 3A of the *Competition Act 2002, as amended* in order to bring the Irish legal framework in alignment with the requirements of Article 22 of the European Media Freedom Act and to transfer the responsibility for the assessment of media mergers from the Minister for Culture, Communications and Sport to Coimisiún na Meán. The Bill also seeks to provide for the development of a "national media ownership database" by Coimisiún na Meán in accordance with Article 6(2) of the European Media Freedom Act.
- In addition, the Bill also seeks to legislate for national rules relating to state advertising and seeks to amend the *Broadcasting Act 2009, as amended* in relation to audience measurement systems in accordance with Articles 24 and 25 of the European Media Freedom Act.
- The General Scheme of the Media Regulation Bill was published on 2 July 2025. The General Scheme was granted a waiver for pre-legislative scrutiny by the Joint Committee on Arts, Media, Communications, Culture and Sport on 15 July 2025.
- The Regulatory Impact Assessment (RIA) for the Media Regulation Bill was made publicly available on 14 July 2025.

Contents

Executive Summary 2
Glossary and abbreviations 6
Introduction 7
Background 9
European Media Freedom Act (Regulation (EU) 2024/1083) 9
Media Freedom and Pluralism 10
Actions leading to the development of the European Media Freedom Act 12
What does the European Media Freedom Act (Regulation (EU) 2024/1083) do? 13
Purpose of the Bill 15
Legal framework governing media mergers in Ireland and the EMFA 16
Current legal framework governing media mergers in Ireland 17
European Media Freedom Act (EMFA) and the assessment of media market concentration 23
Previous related legislation 25
Domestic 25
European 25
Regulatory Impact Assessment (RIA) 25
Public consultation 29
Legislative proposal 30
Part 1 Preliminary and General 30
Part 2 Competition Act 2002 30
Part 2 Chapter 1 31
Part 2 Chapter 2 32
Part 2 Chapter 3 41
Part 3 State Advertising 42
Part 4 Audience Measurement Systems 44

Table of Tables

Table 1 Glossary and abbreviations 6

Table 2 Costs, benefits and impacts of the policy options (per the RIA) 27

Table of Figures

Figure 1 Overview of key actions leading to European Media Freedom Act 12

Glossary and abbreviations

Table 1 Glossary and abbreviations

Term	Meaning
2002 Act	*Competition Act 2002, as amended*
2009 Act	*Broadcasting Act 2009, as amended*
BAI	Broadcasting Authority of Ireland
Bill	Media Regulation Bill 2026
Board	European Board for Media Services
CCPC	Competition and Consumer Protection Commission
CnaM	Coimisiún na Meán
Department	Department of Communications, Culture and Sport
EMFA	European Media Freedom Act (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)
Joint Committee	Joint Committee on Arts, Media, Communications, Culture and Sport
Minister	Minister for Culture, Communications and Sport
MPM	Media Pluralism Monitor

Introduction

The Media Regulation Bill 2026 ('the Bill') and Explanatory Memorandum were published on 26 February 2026 and the Bill is scheduled for Second Stage debate on Thursday 5 March 2026 in Dáil Éireann. The Bill contains 37 sections in four parts and aims to give full effect to certain provisions of the European Media Freedom Act (Regulation (EU) 2024/1083) in Ireland. The European Media Freedom Act (EMFA) is an EU regulation which puts in place new rules to safeguard "media pluralism and independence" and seeks to ensure that media "can operate more easily across borders in the EU internal market, without undue pressure …".[1]

According to the Explanatory Memorandum to the Bill, the Bill:

- seeks to amend Part 3A of the *Competition Act 2002* in order to bring the Irish legal framework in alignment with the requirements of Article 22 of EMFA, to transfer the responsibility for the assessment of media mergers from the Minister for Culture, Communications and Sport to Coimisiún na Meán and to provide for the development by Coimisiún na Meán of a "national media ownership database";
- sets out provisions in relation to state advertising. The EMFA sets out certain obligations in relation to state advertising and the Bill seeks to provide "detailed requirements for public authorities and entities to publish annual information on their advertising expenditure and notify this to Coimisiún na Meán who will be responsible for monitoring and producing an annual report based on this information"; and
- seeks to amend the *Broadcasting Act 2009* to "provide for a requirement for Coimisiún na Meán to cooperate and encourage the adoption of codes of conduct by industry to promote transparency around audience measurement systems".[2]

In the press release announcing the approval for publication of the Bill, the Minister for Culture, Communications and Sport ('the Minister'), Patrick O'Donovan T.D., stated that the Bill will further enhance the protection afforded to media freedom in Ireland. The Minister said that the Bill:

[1] European Commission, *European Media Freedom Act* (last accessed 24 February 2026).

[2] See 'Purpose of the Bill' in the Explanatory Memorandum to the Media Regulation Bill 2026.

> *"... will modernise the framework for assessment of media mergers, taking into account the digital transformation of the sector. It will also transfer responsibility for media merger assessments to Coimisiún na Meán, leveraging their expertise and ensuring full independence.*
>
> *The Bill will introduce new requirements for public bodies to publish information on their expenditure on advertising. State advertising is an important source of income for many media outlets and the Bill will ensure that such expenditure is subject to the highest level of transparency*".[3]

The General Scheme of the Media Regulation Bill was published on 2 July 2025. The General Scheme was granted a waiver from pre-legislative scrutiny by the Joint Committee on Arts, Media, Communications, Culture and Sport on 15 July 2025.[4]

This Bill Digest provides background information on the legal and policy context for the Bill. It provides an overview of the EMFA, including its origins and the main elements of the EMFA, and examines the legal framework governing media mergers in Ireland and under the EMFA. This Bill Digest then examines the principal provisions of the Bill.

---

[3] Department of Culture, Communications and Sport, 'Minister O'Donovan to publish Media Regulation Bill', *Press Release*, 19 February 2026 (last accessed 24 February 2026).

[4] As advised in email correspondence with the Joint Committee on Arts, Media, Communications, Culture and Sport.

Background

This section provides background on the legal and policy context for the Bill. It provides an overview on the European Media Freedom Act (EMFA), including its origins and the main elements of the EMFA, and examines the legal framework governing media mergers in Ireland and under the EMFA.

European Media Freedom Act (Regulation (EU) 2024/1083)

As noted in the introduction, the Bill aims to give full effect to certain provisions of the EMFA, which are discussed further below. The EMFA is a regulation, so it is directly applicable to Member States, including Ireland. The EMFA entered into force on 7 May 2024 with most of its provisions, including the provisions to which this Bill relates, entering into application in Member States on 8 August 2025.[5]

The Proposal for the EMFA was published in September 2022.[6] It was one of the proposed initiatives in the 2021 State of the Union Address given by Ursula von der Leyen, President of the European Commission. The Explanatory Memorandum accompanying the Proposal, sets out the reasons and objectives for the Regulation, while recognising that media services, particularly independent news media, not only represent an important and dynamic economic sector but are also essential to the functioning of a democratic society.[7] The Explanatory Memorandum also advises that the Proposal "seeks to tackle a series of problems affecting the functioning of the internal market for media services and the operation of media service providers."[8]

These problems include:

---

[5] European Commission, *European Media Freedom Act*, webpage (last accessed 24 February 2026); Regulation (EU) 2024/10831 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) ('EMFA'), Article 29.

[6] Proposal for a Regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU (COM/2022/457 final).

[7] 'Explanatory Memorandum', Proposal for a Regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU (COM/2022/457 final).

[8] 'Explanatory Memorandum', Proposal for a Regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU (COM/2022/457 final).

- the different national rules and procedures related to media freedom and pluralism which create obstacles for media market players and impact legal certainty which results in additional costs when operating across borders.
- insufficient cooperation among national media regulators[9] and the subsequent inadequate regulatory harmonisation affects media market players, in particular providers of audiovisual media services and video-sharing platforms, which harms the public interest.
- increasing interference in European media service providers editorial decisions and their ability to provide quality media services (i.e. services produced independently and in line with journalistic standards) in the internal market. This was highlighted in the European Commission's annual rule of law reports and the Media Pluralism Monitor (both of which will be outlined briefly below).
- an opaque and unfair allocation of economic resources results in internal market barriers and an uneven playing field in the sector, in particular in terms of how audience measurement can negatively impact media service providers and disadvantage competitors that provide audience measurement services in line with industry-agreed standards. The opaque and unfair allocation of state advertising can favour media who have government aligned views.[10]

Media Freedom and Pluralism

Rule of Law Report

The rule of law is enshrined in Article 2 of the Treaty on European Union as one of the common values for all Member States. In 2020, the Annual Rule of Law Cycle was launched and the Rule of Law Report provides the foundation of this. The Rule of Law Report, which is published yearly, monitors significant developments, both positive and negative, relating to the rule of law in Member States. It covers four areas:

1. the justice system,
2. the anti-corruption framework,
3. media pluralism,

---

[9] The European Regulators Group for Audiovisual Media Services (ERGA) has limited scope for action, and this applies to audiovisual media services only. ERGA does not have sufficient tools and resources to assist in solving cross-border matters or practical issues in key areas of media regulation.

[10] 'Explanatory Memorandum', Proposal for a Regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU (COM/2022/457 final).

4. and other institutional issues related to checks and balances.[11]

In the 2025 Annual Rule of Law Report 'The rule of law situation in the European Union', the European Commission emphasises the importance of media freedom and pluralism for rule of law and democracy.[12] Notably, it states that:

> *"A correct application of EMFA will also help address a number of the recommendations made in this Rule of Law Report, in particular those on public media independence, certain aspects of the protection of journalists and the transparency and fairness in the allocation of state advertising".*[13]

Media Pluralism Monitor

The Centre for Media Pluralism and Media Freedom[14] which carries out independent, multi-disciplinary research on media pluralism, press freedom, and EU media policy has developed the Media Pluralism Monitor[15] (MPM). The MPM measures the risks to media freedom and pluralism in all EU Member States and some candidate countries, across four key areas - fundamental protection, market plurality, political independence, and social inclusiveness.

The MPM2025, looks at the findings for 2024. The publication reports a medium low risk with a score of 43% for Ireland.[16] In comparison, the average risk score for the EU is estimated to be 49%, also falling within the medium-low risk band.[17] The Media Pluralism Monitor 2025 results -Ireland, provide country specific results, and observe that "[m]arket [p]lurality remains a high risk for Ireland as it has done ever since the first Monitor report."[18] The Media Pluralism Monitor 2025 results -Ireland also revealed that "the allocation of state advertising continues to lack any transparency despite a decade of warnings in the Monitor as to the implications of

---

[11] European Commission, 'Annual Rule of Law Cycle', webpage, (last accessed 2 March 2026).

[12] European Commission, 2025 Annual Rule of Law Report 'The rule of law situation in the European Union' at p. 23.

[13] European Commission, 2025 Annual Rule of Law Report 'The rule of law situation in the European Union' at p. 24.

[14] The Centre for Media Pluralism and Media Freedom (CMPF) is based at the European University Institute in Florence and is co-funded by the European Union. It does not accept funding from national governments or private companies and carries out research on the state of the media across Europe and beyond to support evidence-based policymaking.

[15] The MPM was first developed in 2020. To explore the research in detail, the MPM offers an interactive data tool which can be accessed here.

[16] The Centre for Media Pluralism and Media Freedom, 'Media Pluralism Monitor 2025 results- Ireland' (last accessed 2 March 2026).

[17] The Centre for Media Pluralism and Media Freedom, 'Monitoring media pluralism in the European Union: results of the MPM2025', at p.2.

[18] The Centre for Media Pluralism and Media Freedom, 'Media Pluralism Monitor 2025 results- Ireland' (last accessed 2 March 2026).

this for media pluralism in Ireland." These risks however should lower considerably if the Bill as proposed is enacted.

Actions leading to the development of the European Media Freedom Act

It is not within the remit of this Digest to explore the background to the EMFA in detail. However, Figure 1 below provides a visual overview of key actions and steps which gave effect to the European Media Freedom Act.

Figure 1 Overview of key actions leading to European Media Freedom Act

August 2025	Most of the provisions of the European Media Freedom Act become applicable
May 2024	Entry into force of the European Media Freedom Act and of new rules against abusive lawsuits against public participation (SLAPP)
December 2023	Political agreement reached on the European Media Freedom Act
November 2023	Political agreement reached on countering abusive lawsuits against public participation (SLAPP)
September 2022	Proposal for a European Media Freedom Act
April 2022	Recommendation to protect journalists and rights defenders from abusive litigation (SLAPP)
September 2021	Recommendation on the protection, safety and empowerment of journalists
December 2020	Digital Services Act (DSA) and Digital Markets Act (DMA)
December 2020	Media and Audiovisual Action Plan
December 2020	European Democracy Action Plan
September 2020	First annual rule of law report
June 2019	Directive on Copyright in the Digital Single Market
November 2018	Revised Audiovisual Media Services Directive

Source: Compiled by Library & Research Service from European Commission, 'European Media Freedom Act', webpage (last accessed 2 March 2026).

As noted above, the majority of provisions of the EMFA entered into force on 8 August 2025 becoming directly applicable to all Member States. Article 29 of the EMFA sets out the dates that the EMFA will enter into force, with some remaining provisions regarding users' rights to customise media offerings on devices and interfaces and control access to media services not entering into application until 8 May 2027.[19] In a press release announcing the EMFA's entry into application, Michael McGrath, Commissioner for Democracy, Justice and the Rule of Law affirmed that:

> *"Independent media are the backbone of any democracies. With the European Media Freedom Act entering into application, media and journalists across the EU gain unprecedented safeguards, and citizens can trust that the news they receive is driven by facts, not by business or political agenda".*[20]

The European Union recognises the importance of media freedom and pluralism as vital to holding power to account and ensuring the flow of information. The right to freedom of expression, which underpins media freedom and pluralism, includes the right to receive and impart information without interference by public authority, and this right is enshrined in Article 11 of the EU's Charter of Fundamental Rights, as well as Article 10 of the European Convention on Human Rights. [21]

What does the European Media Freedom Act (Regulation (EU) 2024/1083) do?

The EMFA provides a new set of rules to protect media pluralism and independence in the EU to ensure that public and private media can operate harmoniously within the internal market, without undue pressure and in light of the digital transformation of the media sphere.[22] In the Recital to the EMFA, it highlights that due to the unique role of media services:

---

[19] Article 29 of the 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), see European Commission, 'Europe strengthens media freedom, independence and pluralism with new European Media Freedom Act', *Press Release*, 8 August 2025.

[20] European Commission, 'Europe strengthens media freedom, independence and pluralism with new European Media Freedom Act', *Press Release*, 8 August 2025.

[21] European Commission, 'Media freedom and pluralism', webpage (last accessed 26 February 2026).

[22] European Commission, 'European Media Freedom Act', webpage (last accessed 26 February 2026).

> *"... the protection of media freedom and media pluralism as two of the main pillars of democracy and of the rule of law constitutes an essential feature of a well-functioning internal market for media services".*[23]

The main aims of the EMFA are:

- protecting editorial independence;
- protecting journalistic sources, including against the use of spyware;
- ensuring the independent functioning of public service media;
- enhancing transparency of media ownership;
- safeguarding media against unjustified online content removal by very large online platforms;
- introducing a right of customisation of the media offer on devices and interfaces;
- guaranteeing transparency in state advertising for media service providers and online platforms;
- ensuring Member States provide an assessment of the impact of key media market concentrations on media pluralism and editorial independence and;
- boosting transparency in audience measurement for media service providers and advertisers.[24]

The EMFA contains 29 Articles in four Chapters. Chapter I deals with the scope of the EMFA and relevant definitions. Chapter II sets out the rights and duties of media service providers and recipient of media services. Chapter III sets out a framework for regulatory cooperation and a well-functioning internal market for media services. This includes amending Directive 2010/13/EU [25] by replacing the European Regulators Group for Audiovisual Media Services (ERGA) with the European Board for Media Services (the 'Board').[26] The Board is an independent advisory body comprised of representatives from national media authorities or

---

[23] 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).

[24] European Commission, 'European Media Freedom Act', webpage (last accessed 1 March 2026).

[25] Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive).

[26] European Union, 'Summary of European Media Freedom Act', webpage, (last accessed 1 March 2026).

bodies and works closely with the European Commission to support media regulation at EU level.[27] Chapter IV deals with final provisions including monitoring and evaluation of the EMFA.

Purpose of the Bill

The Bill primarily seeks to fully implement Articles 6(2), 22, 24 and 25 of the EMFA. While the contents of the Bill will be explored in more detail in the section on Principal Provisions, the following provides an outline of the parts of the EMFA mentioned above, which the Bill seeks to fully implement.

Article 6(2) of the EMFA relates to duties of media service providers, seeking to ensure the transparency of media ownership by specifically providing that:

> *"Member States shall entrust national regulatory authorities or bodies or other competent authorities or bodies with the development of national media ownership databases ...".*[28]

The national media databases must include information on media service providers including, among other things, their legal name(s) and contact details, names of beneficial owners, and the amount of public funding allocated to the media service provider for state advertising.

Article 22 of the EMFA provides for national rules which allow for the assessment of media market concentrations that could have a significant impact on media pluralism and editorial independence. The requirements for these rules are set out under Article 22 and include that they must be transparent, objective, proportionate and non-discriminatory and that advance notification must be given to the designated national regulatory body. Article 22(2) sets out several elements to be taken into consideration in the assessment, including the expected impact on media pluralism, the safeguards for editorial independence, the economic sustainability of the entities concerned in the absence of the media market concentration, the finding of the Commission's annual rule of law report (where relevant), and any commitments offered by the parties involved in the media market concentration.[29] Article 22 is explored in more detail later in this Bill Digest.

Article 24 of the EMFA relates to audience measurement. Article 24(1) requires that providers of audience measurement systems ensure that their systems and the methodology used "comply with the principles of transparency, impartiality, inclusiveness, proportionality, non-

---

[27] Who we are - The Media Board - European Union (last accessed 1 March 2026).

[28] Article 6 (2) 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).

[29] Department of Culture, Communications and Sport, *Regulatory Impact Assessment: Media Regulation Bill*, 14 July 2025 (last accessed 1 March 2026), p 23.

discrimination, comparability and verifiability".[30] Article 24 also provides that providers of proprietary audience measurement systems must ensure that the methodology used by their audience measurement systems and the way in which it is applied is independently audited annually. It goes on to provide that national regulatory authorities must encourage providers of audience measurement systems to draw up codes of conduct to promote the transparency of audience measurement systems.

Article 25 of the EMFA sets out the requirements affecting the allocation of public funds for state advertising and supply or service contracts.[31] Article 25(1) requires that Member States must seek to ensure that the overall yearly public expenditure allocated for state advertising is allocated to a wide variety of media service providers represented on the market. It also provides that any public funding, consideration or advantage, for state advertising or supply or service contracts, must be awarded in accordance with:

> *"... transparent, objective, proportionate and non-discriminatory criteria, made publicly available in advance by electronic and user-friendly means, and by means of open, proportionate and non-discriminatory procedures".*[32]

Public authorities are obliged to make public information on their public expenditure for state advertising on an annual basis, including the legal names of the media service providers or the providers of online platforms, and the total annual amount spent as well as the amount spent per media service provider or provider of an online platform.[33] Article 25(3) requires that national regulatory bodies must monitor the allocation of state advertising and report annually.

Legal framework governing media mergers in Ireland and the EMFA

This section provides an overview of the Irish legislative provisions governing media mergers and explores the provisions in the EMFA relating to the assessment of media market

---

[30] Article 24(1) 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).

[31] Supply or service contracts covers other goods or services purchased from media service providers or online platforms, such as audiovisual productions, market data and consulting or training services – see Department of Culture, Communications and Sport, *Regulatory Impact Assessment: Media Regulation Bill*, 14 July 2025 (last accessed 1 March 2026), p 36.

[32] Article 25(1) 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).

[33] Article 25(2) 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).

concentration, to which Part 2 of the Bill relates. This section does not consider the broader Irish and European legal framework governing mergers.

Current legal framework governing media mergers in Ireland

Part 3A (sections 28A to 28O) of the *Competition Act 2002, as amended* ('2002 Act') governs media mergers in Ireland.[34] Under this Part, a media merger involves a merger or acquisition between:

- two or more undertakings[35] who are involved in carrying on a "media business" in the State or
- between one or more undertakings who are involved in carrying on a media business in the State and one or more undertakings who are involved in carrying on a media business elsewhere.[36]

A media business can comprise all or part of the relevant undertaking's business. This business may include the transmission, re-transmission or relay of a broadcasting service or, where it substantially contains news and comments on current affairs, the publication of newspapers or periodicals, provision of programmes to a broadcasting service or making available of content on an electronic communications network.[37]

Under Part 3A, the procedure for media mergers involves:

1. Notification to the Minister under section 28B; and
2. Initial examination by the Minister under section 28D ("Phase 1 Assessment")

When requested by the Minister, a media merger may undergo further steps, as follows:

1. A full media merger examination under section 28E ("Phase 2 Assessment")
2. Determination of the Minister after full media merger examination under Section 28G.[38]

---

[34] Part 3A of the 2002 Act was inserted by section 74 of the *Competition and Consumer Protection Act 2014*.

[35] *Competition Act 2002, as amended*, section 3 defines an undertaking as "a person being an individual, a body corporate or an unincorporated body of persons engaged for gain in the production, supply or distribution of goods or the provision of a service and, where the context so admits, shall include an association of undertakings".

[36] *Competition Act 2002, as amended*, section 28A.

[37] *Competition Act 2002, as amended*, section 28A.

[38] The media merger process, include the reference to "Phase 1 Assessment" and "Phase 2 Assessment", are set out in: Department of Culture, Communications and Sport, *Guidelines on Media Mergers*, 10 April 2024 (last accessed 25 February 2026).

Notification to Minister under Section 28B of the 2002 Act

Under section 28B of the 2002 Act, the undertakings involved in a merger or acquisition that is a media merger that has been notified to the Competition and Consumer Protection Commission (CCPC) under section 18(1) of the 2002 Act or to the European Commission, are required to notify the Minister for Culture, Communications and Sport (the 'Minister') in writing and provide the Minister with details on the proposal to put the merger or acquisition into effect.[39] Notifications are required to be made in accordance with the requirements in section 28B, including prescribed times, and shall include full information on "all circumstances in relation to the media merger concerned that may impair plurality of the media in the State".[40]

Initial examination by the Minister under Section 28D ("Phase 1 Assessment")

In accordance with requirements set out in section 28D, including prescribed times,[41] the Minister is required to inform the undertakings that made the notification of the determination that he or she has made. The determination will be one of the following[42]:

- that the media merger may be "put into effect" as in the opinion of the Minister the "result of the media merger will not be contrary to the public interest in protecting plurality of the media in the State",
- that the media merger may be put into effect subject to proposed commitments made under section 28D(5), as in the opinion of the Minister with the conditions complied with the "result of the media merger will not be contrary to the public interest in protecting plurality of the media in the State", or

---

[39] *Competition Act 2002, as amended*, section 28B refers to the Minister for Communication, Energy and Natural Resources but the functions under Part 3A are now responsibility of the Minister for Culture, Communications and Sport. : see Communications, Energy and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2016 (S.I. No. 421/2016), Telecommunications (Transfer of Departmental Administration and Ministerial Functions) Order 2025 (S.I. No. 237/2025) and Tourism, Culture, Arts, Gaeltacht, Sport and Media (Alteration of Name of Department and Title of Minister) Order 2025 (S.I. No. 236/2025).

[40] There are requirements in relation to when the Minister is required to be notified under Section 28B(2). For more information on the notification requirements, see an overview of this notification procedure is set out in: Department of Culture, Communications and Sport, *Guidelines on Media Mergers*, 10 April 2024 (last accessed 25 February 2026).

[41] *Competition Act 2002, as amended*, section 28D requires the Minister to inform undertakings of the determination he or she has made not later than 30 working days or 45 working days (where proposed commitments referred to in subsection (5) have been made) from the relevant date or appropriate date as defined in the sections 28A and 28D(9) respectively, whichever is later.

[42] *Competition Act 2002, as amended*, section 28D(1).

- that the Minister is concerned that the media merger may be "contrary to the public interest in protecting the plurality of the media in the State" and he or she intends to request Coimisiún na Meán (CnaM) to carry out an examination under Section 28E.[43]

The factors that the Minister is required to consider when making a determination under this section include, but are not limited to, the "relevant criteria" defined in section 28A (set out in Box 1 below), guidelines issued under section 28L, as well as submissions made by the undertakings involved in the media merger, and relevant reports published by the Minister and CnaM.

Box 1: Relevant criteria per Section 28A of the 2002 Act

"Relevant criteria" means the following:

a) the likely effect of the media merger on plurality of the media in the State;

b) the undesirability of allowing any one undertaking to hold significant interests within a sector or across different sectors of media business in the State;

c) the consequences for the promotion of plurality of the media in the State of intervening to prevent the media merger or attaching conditions to the approval of the media merger;

d) if appropriate, the adequacy of the following to protect the public interest in plurality of the media in the State:

i. the scale and reach of RTÉ and TG4;

ii. Part 6 of the *Broadcasting Act 2009*;

iii. the ownership and control policy of CnaM for the time being in force;

e) the proposed commitments that the undertakings are prepared to offer and which the Minister may incorporate pursuant to section 28D(5) or section 28E(10) in his or her determination;

f) the extent to which the public interest can be secured by the imposition of any conditions by the Minister under section 28D or section 28G;

Source: Library and Research Service based on *Competition Act 2002, as amended*, section 28A.

Full media merger examination under Section 28E ("Phase 2 Assessment")

Where the Minister is concerned that the media merger may be "contrary to the public interest in protecting the plurality of the media in the State" and has made a determination under

[43] *Competition Act 2002, as amended*, section 28D. Sections 28D and 28E currently refer to the Broadcasting Authority of Ireland (BAI) and not Coimisiún na Meán (CnaM). However, the BAI was dissolved by the *Online Safety and Media Regulation Act 2022* and the functions of the BAI were transferred to CnaM: *Online Safety and Media Regulation Act 2022*, Part 16.

section 28D(1)(c), he or she shall request CnaM to carry out a full media merger examination under Section 28E.[44]

Section 28E sets out the procedure to be followed by CnaM in carrying out a full media merger examination, including inviting submissions. Not later than 80 working days from the date of receiving the request from the Minister or the applicable date, whichever is later, CnaM are required to make a written report to the Minister in relation to its examination that includes the CnaM's "recommendation as to whether the media merger should be put into effect with or without conditions or should not be put into effect".[45] In order to make a report, CnaM must "form a view as to whether the result of the media merger is likely to be contrary to the public interest in protecting plurality of the media in the State" and for that purpose, CnaM is required to have regard to a number of factors including, but not limited to, the relevant criteria (set out in Box 1 above), guidelines issued under section 28L, as well as submissions made to the Minister by the undertakings involved in the media merger and to CnaM under sections 28D and 28E, and the opinion of the advisory panel established by the Minister under section 28F.[46] The advisory panel must provide a "reasoned opinion in writing" not later than 20 working days from the date of a request by the Minister to CnaM for a full media merger examination under section 28E and the advisory panel must clarify its opinion if requested by CnaM in writing.[47]

Determination of the Minister after full media merger examination under Section 28G

The Minister is required, not later than 20 working days after receiving the report made to him or her by CnaM under section 28E, to make a determination regarding the media merger as he or she considers appropriate as follows:

- the media merger may be put into effect,
- the media merger may not be put into effect or

---

[44] *Online Safety and Media Regulation Act 2022*, Part 16. Section 28E currently refers to the Broadcasting Authority of Ireland (BAI) and not CnaM. However, the BAI was dissolved by the *Online Safety and Media Regulation Act 2022* and the functions of the BAI were transferred to CnaM.

[45] *Competition Act 2002, as amended*, section 28E(4) and (5). The CnaM is also required under section 28E(9) to provide the undertakings involved with a draft report and draft recommendation not later than 30 days before it is due to provide this report to the Minister.

[46] *Competition Act 2002, as amended*, section 28E.

[47] *Competition Act 2002, as amended*, section 28F. The advisory panel shall be appointed by the Minister where he or she "considers that the opinion of an advisory panel is required" to assist the CnaM in conducting a full media merger examination. The opinion of the advisory panel or clarification on its opinion shall not be requested or provided after the draft report and recommendation is sent to undertakings under section 28F(6).

- the media merger may be put into effect, subject to certain conditions set out in the determination.[48]

The determination must be made on the basis that the Minister considers that the result of the media merger will or will not "be contrary to the public interest in protecting plurality of the media in the State", or will not be contrary to this public interest if certain specified conditions are complied with.[49] The Minister shall, when making the determination, have regard to the factors set out in section 28G including, but not limited to, the relevant criteria (set out in Box 1 above), the report of CnaM made under section 28E, the opinion of the advisory panel established under section 28F and any clarifications of the opinion provided as well as guidelines issued under section 28L and reports published by the Minister under section 28M.[50] The Minister is required to provide a copy of the determination to the undertakings involved and is required, with due regard for commercial confidentiality, to publish the determination online, along with the report of CnaM and, where applicable, the opinion of the advisory council after 15 working days and not later than 30 working days after the date of the determination being made.[51]

If all the undertakings involved in the media merger are of the opinion that the "market conditions applicable to the merger have substantially changed" since CnaM made its report to the Minister, the undertakings may request the Minister to review the conditions to be implemented under the determination made under section 28E(4).[52] This request may be made not later than 40 workings days from the date that the determination under section 28G(1)(c) is notified to them.[53] On a request, the Minister must consider whether the market conditions have substantially changed and if he or she is satisfied that this is the case, the Minister is required to review the conditions contained in the determination to ascertain if one or more should be amended or revoked because they no longer necessary.[54] With the consent of the undertakings involved, and not later than 40 working days from the date of the request, the Minister may amend or revoke in writing one or more of the conditions contained in the determination.[55]

A media merger shall not be put into effect until the Minister has made a determination that the merger may be put into effect under section 28D(1)(a) or (b) or section 28G(1)(a) or (c).

---

[48] *Competition Act 2002, as amended*, section 28G(1).

[49] *Competition Act 2002, as amended*, section 28G(1).

[50] *Competition Act 2002, as amended*, section 28G(2).

[51] *Competition Act 2002, as amended*, section 28G(3) and (4).

[52] *Competition Act 2002, as amended*, section 28H(1).

[53] *Competition Act 2002, as amended*, section 28H(1).

[54] *Competition Act 2002, as amended*, section 28H(2).

[55] *Competition Act 2002, as amended*, section 28H(3).

Moreover, the merger will be void if it is not put into effect before the expiry of the period of 12 months from the date on which the determination of the Minister was made.[56]

Further detail on the procedure for media mergers in Ireland, including enforcement of certain determinations and judicial review, may be found in the Guidelines on Media Mergers published by the Department of Culture, Communications and Sport in April 2024. These Guidelines were initially published in 2015, following a public consultation in accordance with section 28L of the 2002 Act, and were amended in April 2024 to "reflect the introduction of a simplified notification procedure for certain media mergers".[57] These guidelines are intended to provide guidance to undertakings and other interested parties in the media merger process and how the Minister will apply the "relevant criteria" (as set out in Box 1 above) in making a determination under Part 3A of the 2002 Act on whether a proposed media merger will be "contrary to the public interest in protecting plurality of media in the State".[58]

European Media Freedom Act (EMFA) and the assessment of media market concentration

Part 2 of the Bill seeks to give further effect to Article 6(2) and Article 22 of the EMFA. Article 22 of the EMFA relates to the assessment of media market concentrations.

'Media market concentration' is defined in Article 2 of the EMFA as a concentration which meets the definition of concentration in the EC Merger Regulation (Regulation (EC) No 139/2004)[59] and which involves "at least one media service provider or one provider of an online platform providing access to media content".[60] Article 3(1) of the EC Merger Regulation states that:

---

[56] *Competition Act 2002, as amended*, section 28C. See Department of Culture, Communications and Sport, *Guidelines on Media Mergers*, 10 April 2024 (last accessed 25 February 2026), p.9.

[57] Department of Culture, Communications and Sport, *Media Merger Guidelines*, webpage, 10 April 2024 (last accessed 27 February 2026).

[58] Department of Culture, Communications and Sport, *Guidelines on Media Mergers*, 10 April 2024 (last accessed 25 February 2026), p.2.

[59] EC Merger Regulation, Article 3(1) states that a "concentration shall be deemed to arise where a change of control on a lasting basis results from: (a) the merger of two or more previously independent undertakings or parts of undertakings, or (b) the acquisition, by one or more persons already controlling at least one undertaking, or by one or more undertakings, whether by purchase of securities or assets, by contract or by any other means, of direct or indirect control of the whole or parts of one or more other undertakings."

[60] 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), Article 2(15).

> *"A concentration shall be deemed to arise where a change of control on a lasting basis results from:*
>
> *(a) the merger of two or more previously independent undertakings or parts of undertakings, or*
>
> *(b) the acquisition, by one or more persons already controlling at least one undertaking, or by one or more undertakings, whether by purchase of securities or assets, by contract or by any other means, of direct or indirect control of the whole or parts of one or more other undertakings."*

Article 22(1) of the EMFA requires Member States to lay down in national law "substantive and procedural rules which allow for an assessment of media market concentrations that could have a significant impact on media pluralism and editorial independence". This provision requires the rules set down by Member States in relation to the assessment of media market concentration to:

- be "transparent, objective, proportionate and non-discriminatory";
- provide for the designation of the national regulatory authorities or bodies as "the ones responsible for the assessment" or to "ensure that they are substantively involved in the assessment";
- require the parties involved in a media market concentration to notify the relevant national authorities or bodies of the concentration in advance or appropriately empower these authorities or bodies to obtain information needed to assess the concentration from those parties; [61]
- outline in advance "objective, non-discriminatory and proportionate criteria for notifying such media market concentrations and for assessing the impact on media pluralism and editorial independence"; and
- detail in advance the timelines for completing assessments of media market concentration.

Article 22(2) sets out the elements that are to be considered when measuring media market concentration. These include, but are not limited to:

- the anticipated impact of the media market concentration on media pluralism, including, but not limited to, the effect on the "formation of public opinion and on the diversity of media services";
- the protections for "editorial independence";

---

[61] European Media Freedom Act, Article 7(4) requires Member States to ensure that national regulatory authorities or bodies are "are empowered to request the following persons to provide, within a reasonable period of time, information and data that are proportionate and necessary for carrying out the tasks under this Chapter: (a) the natural persons to whom or the legal persons to which this Chapter applies; and (b) any other natural or legal person that, for purposes related to its trade, business or profession, might reasonably be in possession of such information and data."

- if the parties involved in the media market concentration would "remain economically sustainable" without the media market concentration and if there are other options to ensure their "economic sustainability";
- where relevant, the findings of the European Commission's annual rule of law report related to media pluralism and media freedom; and
- where applicable, the commitments that any of the parties involved in the media market concentration may offer to protect media pluralism and editorial independence.

Article 24(4) requires the national regulatory authority or body to consult the European Board for Media Services, in advance of its draft assessment or draft opinion where "a media market concentration is likely to affect the functioning of the internal market for media services". The European Board for Media Services (the 'Board') was established under Article 8 of the EMFA.[62] The Board, within timelines set by the Board in its rules of procedures, shall draft an opinion on the draft assessment or draft opinion of the national regulatory authority/body taking into account the elements referred to above and shall provide this opinion to the national regulatory authority/body and the European Commission.[63] The national regulatory authority/body is required to "take into utmost account" the opinion of the Board. Where a national regulatory authority/body does not follow the opinion of the Board fully or in part, it is required to provide the Board and the European Commission with a "reasoned justification explaining its position within timelines to be established by the Board in its rules of procedure".[64]

Previous related legislation

Domestic

- *Competition Act 2002*
- *Broadcasting Act 2009*
- *Competition (Amendment Act) 2022*
- *Online Safety and Media Regulation Act 2022*
- European Union (Media Freedom Act) Regulations 2025 (SI 2025/22)

---

[62] Section 2 of the EMFA relates to the Board including its independence, structure, secretariat, consultation mechanism and tasks.

[63] European Media Freedom Act, Article 22(5).

[64] European Media Freedom Act, Article 22(6).

European

- European Media Freedom Act (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)
- EC Merger Regulation (Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings)

Regulatory Impact Assessment (RIA)

The Department published the Regulatory Impact Assessment (RIA) in July 2025.[65] The RIA provides an overview of the policy context and objectives that the proposed Bill seeks to pursue. It notes that the existing Irish legal framework for media "includes a number of important protections for media pluralism and independence which are in line with the overall objectives of EMFA".[66] These include Part 3A of the 2002 Act in relation to media mergers (as discussed above) and Part 7 of the *Broadcasting Act 2009, as amended*, which safeguards the independence of public media service in Ireland. The RIA states that the "existing protections will need to be strengthened, and specific details adapted where necessary to ensure full alignment with EMFA".[67]

The RIA notes that certain aspects of the EMFA are "more novel in an Irish context", including the requirements in relation to state advertising, and noted that not all aspects of the EMFA will be implemented by the Bill. The RIA states as follows:

> *"It should be noted that it is proposed to implement certain aspects of EMFA separately from the proposed Bill. These include the safeguards for the independence of public service media under Article 5 of EMFA, which will be incorporated into the Broadcasting (Amendment) Bill given it contains complementary proposals in relation to the governance of public service media. Implementation of Article 4 of EMFA which deals with the protection of journalistic sources, will be progressed separately by the Department of Justice, given its potential impact on criminal law provisions ..."*[68]

A small number of provisions of the EMFA, which relate to the "information-gathering and cooperation powers" of CnaM, are given further effect by European Union (Media Freedom Act) Regulations 2025, SI 2025/22. The RIA states that these aspects had an earlier date of

---

[65] Department of Culture, Communications and Sport, *General Scheme for the Media Regulation Bill*, 14 July 2025 (last accessed 27 February 2026).

[66] Department of Culture, Communications and Sport, *Regulatory Impact Assessment: Media Regulation Bill*, 14 July 2025 (last accessed 27 February 2026), p.6.

[67] Department of Culture, Communications and Sport, *Regulatory Impact Assessment: Media Regulation Bill*, 14 July 2025 (last accessed 27 February 2026), p.6.

[68] Department of Culture, Communications and Sport, *Regulatory Impact Assessment: Media Regulation Bill*, 14 July 2025 (last accessed 27 February 2026), p.6.

application under the EMFA and thus required implementation in advance of primary legislation.[69]

The short-term objective of the Bill is to give effect to the EMFA in law, including, but not limited to, amending the media mergers regime to meet EMFA requirements and establishing a legal framework for state advertising in Ireland. The medium/long-term objective of the Bill is to enhance and modernise the legal framework for media pluralism and freedom in Ireland.[70]

Three policy options were considered in the RIA:

Policy options set out in RIA

1. Do nothing.
2. Solely implement EMFA requirements with minimal changes to existing regulatory regime
3. Implement EMFA requirements with additional improvements to the regulatory regime

Source: Department of Culture, Communications and Sport (2025) Regulatory Impact Assessment: Media Regulation Bill

Of these, Option 3 was the preferred option as it is considered to be the "most appropriate way to comprehensively implement EMFA". It is considered that this option will provide the most significant benefits to citizens through "robust protections for media plurality with limited additional costs to industry and the exchequer".[71] Table 2 provides an overview of the costs, benefits and impacts of each policy option, as set out in the RIA.

[69] Department of Culture, Communications and Sport, *Regulatory Impact Assessment: Media Regulation Bill*, 14 July 2025 (last accessed 27 February 2026), pp. 6-7.

[70] Department of Culture, Communications and Sport, *Regulatory Impact Assessment: Media Regulation Bill*, 14 July 2025 (last accessed 27 February 2026), pp. 6-7.

[71] Department of Culture, Communications and Sport, *Regulatory Impact Assessment: Media Regulation Bill*, 14 July 2025 (last accessed 27 February 2026), p.4.

Table 2 Costs, benefits and impacts of the policy options (per the RIA)

Policy option	Costs	Benefits	Impacts
1	Cost to exchequer from fines arising from failure to transpose the Regulation Cost to citizens of not strengthening protections for media plurality	No additional regulatory burdens on the exchequer or industry	EU obligations not met; Reputational damage.
2	Cost to exchequer of additional resourcing for regulator Cost to business of adapting to additional regulatory requirements from changes to the media mergers regime. Administrative burden related to requirement for implementation of state advertising provisions by public authorities and entities	Limited amount of progress in enhancing protections for media plurality Some increase in transparency of state advertising but gaps in implementation	EU obligations adequately met in principle with gaps arising in practice
3	Cost to exchequer of additional resourcing for regulator Cost to business of media merger notification fee and adapting to additional regulatory requirements from changes to the media mergers regime (reduced due to proportionate notification criteria). Administrative burden related to requirement for implementation of state advertising provisions by public authorities and entities and obligation to publish plans for compliance	Significant progress in enhancing protections for media plurality Increased transparency of state advertising	EU obligations fully addressed

Source: Library and Research Service based on Department of Culture, Communications and Sport (2025) Regulatory Impact Assessment: Media Regulation Bill

Public consultation

On 11 September 2024, the then Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Catherine Martin, announced the launch of a public consultation on the implementation of the EMFA. The then Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media was tasked with leading the national implementation of the EMFA and sought submissions from interested parties to guide it in this work. The Department prepared an explanatory note, covering the main provisions of the EMFA, and setting out a number of questions on key aspects of it to guide responses from interested stakeholders.[72] The consultation closed for submissions on 9 October 2024. In total, 19 submissions were received from a variety of stakeholders including "media groups and representative organisations, regulators, legal firms and academics".[73] A thematic analysis of the responses received was undertaken by the Department and a summary of the key themes identified is outlined in the Regulatory Impact Assessment for the Media Regulation Bill.

[72] Department of Culture, Communications and Sport, 'Public consultation on the implementation of the European Media Freedom Act', *Press Release*, 11 September 2024.

[73] Department of Culture, Communications and Sport, *Regulatory Impact Assessment: Media Regulation Bill*, 14 July 2025 (last accessed 27 February 2026), pp. 18-19.

Legislative proposal

The Media Regulation Bill 2026 ('the Bill') contains 4 parts and 37 sections. The Bill seeks to give full effect to Articles 6(2), 22, 24 and 25 of the EMFA. It seeks to make amendments to Part 3A of the *Competition Act 2002, as amended* ('2002 Act') in order to bring the Irish legal framework in alignment with the requirements of Article 22 of EMFA, to transfer the responsibility for the assessment of media mergers from the Minister to CnaM, and to provide for the development by CnaM of a "national media ownership database".[74] In addition, the Bill also seeks to legislate for national rules relating to state advertising and seeks to amend the *Broadcasting Act 2009, as amended* ('2009 Act') in relation to audience measurement systems.

This section of the Bill Digest provides an overview of certain key provisions of the Bill. It is not intended to be an exhaustive examination of all the provisions in the Bill.

Part 1 Preliminary and General

This Part includes standard provisions for the short title, collective citations and commencement[75] and includes definitions for the purposes of the Bill, including the definition of Minister, meaning the Minister for Culture, Communications and Sport.[76]

Section 4 of the Bill proposes to repeal sections 28G, 28H and 28O of the 2002 Act. These provisions fall under Part 3A of the 2002 Act on media mergers and acquisitions and relate to the role of the Minister in making determinations in relation to full media merger examinations and provide for the expenses of the Minister in the administration of this Part 3A. Under Part 2 of the Bill, it is proposed that the majority of functions of the Minister under Part 3A of the 2002 Act will be transferred to CnaM. The new functions of CnaM under the Bill will be explored further below. The expenses of the Minister in the administration of the Bill are provided for in section 3 of this Bill.

Part 2 Competition Act 2002

Part 2 of the Bill seeks to amend Part 3A of the 2002 Act in relation to media mergers and seeks to align this Part with the requirements of the EMFA.

In the RIA for the Bill, a policy paper on media mergers was included in Annex 1. This policy paper noted that Article 22 of the EMFA, which relates to the assessment of media market

---

[74] See Explanatory Memorandum to the Media Regulation Bill 2026. These amendments are provided for in Part 2 of the Bill.

[75] Media Regulation Bill 2026, section 1.

[76] Media Regulation Bill 2026, section 2.

concentration (as discussed earlier in this paper) differs from the current framework set out in Part 3A.[77] These differences relate to:

- The scope of the media mergers captured under the EMFA and the media mergers that are required to be notified and assessed under Article 22 of the EMFA in comparison to Part 3A the 2002 Act;
- The role to be assigned to the designated national authorities or bodies under Article 22 of the EMFA in comparison to the current role of the CnaM under the 2002 Act.[78]

The policy paper considered different options to amend the Part 3A in light of these differences and recommended the following amendments to the current regulatory framework in the 2002 Act:

- Amending the definition of "media merger" to only focus on media mergers where the "target of the proposed transaction carries on a media business in the State".
- Amending the definition of "carries on a media business in the State" to include a turnover threshold.
- Introducing a "call-in" procedure for mergers that fall below the threshold "which have not been notified but may have a significant impact on media pluralism and editorial independence".
- Transferring the responsibility for media mergers to CnaM.[79]

Part 2 of the Bill contains **sections 5 to 28** and seeks to amend the 2002 Act in relation to media mergers. This Part contains 3 Chapters.

Part 2 Chapter 1

Chapter 1 (**sections 5 to 9 of the Bill**) seeks to provide for the transfer of functions under Part 3A of the 2002 Act from the Minister to CnaM. This Chapter provides that the Minister shall appoint a day by ministerial order and on this day, the functions conferred on the Minister by or under Part 3A of the 2002 Act are to be transferred to CnaM.[80] This transfer of functions would not include the functions of the Minister conferred under sections 28K and 28M of the 2002 Act,[81] which relate to the recovery by CnaM of costs incurred in the performance of its functions under Part 3A and the publication of reports by the Minister respectively.

---

[77] Department of Culture, Communications and Sport, *Regulatory Impact Assessment: Media Regulation Bill*, 14 July 2025 (last accessed 27 February 2026), pp. 23-35.

[78] Department of Culture, Communications and Sport, *Regulatory Impact Assessment: Media Regulation Bill*, 14 July 2025 (last accessed 27 February 2026), pp. 24, 31-32.

[79] Department of Culture, Communications and Sport, *Regulatory Impact Assessment: Media Regulation Bill*, 14 July 2025 (last accessed 27 February 2026), pp. 31, 35.

[80] Media Regulation Bill 2026, sections 5 and 6.

[81] Media Regulation Bill 2026, section 6(2).

Section 7 provides that the administration and business that connects with the performance of the functions transferred to CnaM under section 6 of the Bill are also transferred on the same appointed day. References to the Minister in other legislation which relate to the administration and business transferred to CnaM under this section will be taken as referring to CnaM, with the exception of:

- section 18(6A) of the 2002 Act, to be inserted by section 26 of the Bill,
- section 28AA of the 2002 Act, to be inserted by section 11 of the Bill, or
- section 28CA(3)(g) of the 2002 Act, to be inserted by section 15 of the Bill.

In these provisions, which will be explored in the discussion below, the reference to the Minister will continue to refer to the Minister and not CnaM.[82]

Section 8 of the Bill provides for the substitution of the CnaM for the Minister in legal proceedings that were pending before the appointed day and that relate to a function transferred to CnaM under section 6 of the Bill. This substitution would not terminate the proceedings.

Section 9 provides for transitional arrangements in relation to determinations made by the Minister in relation to initial examinations (under section 28D(1) of the 2002 Act) and full media merger examinations (under section 28G(1) of the 2002 Act) and the application of Part 3A of the 2002 Act mergers notified to the Minister under section 28B of the 2002 Act. The determinations made by the Minister will continue to have effect from the appointed day as if they had been made by CnaM and Part 3A will continue to apply to media mergers notified to the Minister before the appointed day as if Chapter 2 of the Bill had not come into operation.

Part 2 Chapter 2

Chapter 2 of this Part of the Bill contains the majority of the sections (**sections 10 to 25 of the Bill**) and provides for amendments to Part 3A of the 2002 Act governing media mergers.

Section 10 of the Bill seeks to amend section 28A of the 2002 Act, which sets out definitions for terms used in Part 3A of the 2002 Act. It seeks to substitute in new definitions for "carries on a media business in the State", "media business" and "media merger" and seeks to insert new definitions for a number of terms including "editorial decision" and "editorial responsibility". It defines a "media merger" as meaning:

- an acquisition where the undertaking being acquired or part of the undertaking carries on a media business in the State,
- a merger between one or more undertakings involved in carrying on a media business in the State and after the merger, the merged undertaking will be a media business that is active in the State, or

---

[82] Media Regulation Bill 2026, section 7.

- the creation of a "joint venture" to undertake "on a lasting basis, all the functions of an autonomous economic entity, in which one or more of the undertakings involved carries on a media business in the State and, following the joint venture being put into effect, the joint venture will be a media business active in the State".[83]

This is a broader definition than the current definition of media merger in section 28A of the 2002 Act. According to the Explanatory Memorandum to the Bill, the amended definition focuses on "mergers and acquisitions where the target of the transaction (i.e. the business being acquired) is or will be active as a media business in the State".[84]

The term "carries on a media business in the State" is to be construed in accordance with the new section 28AA(1) that the Bill proposes to insert in the 2002 Act.[85] Section 28AA(1) would provide that an undertaking will be taken to carry on a media business in the State where the media business in the most recent financial year of the undertaking made sales of not less than €2,000,000 or the monetary amount specified by an order by the Minister under the section.[86] In making the order, the Minister would be required to consult with CnaM and have regard to the "economic data pertaining to the media market in the State", the nature and size of the media mergers or acquisitions notified under section 28B(1) or 28BA(2) of the 2002 Act, and in the public interest in safeguarding the "plurality of the media and editorial independence in the State".[87] Only one order per year could be made by the Minister under this proposed section and every order would be required to be laid before each House of the Oireachtas.[88]

Section 10 of the Bill also seeks to delete the definitions of "broadcasting service", "full media merger examination" and "programme material".[89] Section 17 of the Bill seeks to substitute in a new section 28E into the 2002 Act to replace the current "full media merger examination" with a "full examination". This will be explored further below.

Under the Bill, where a word or expression is used in Part 3A that is also used in the EMFA, the same meaning will be adopted unless the context requires otherwise.[90]

Sections 12 to 18 of the Bill seek to make amendments to the procedure for media mergers under Part 3A of the 2002 Act. With these amendments, the new procedure for media mergers under Part 3A would involve the following:

---

[83] Media Regulation Bill 2026, section 10.

[84] See Explanatory Memorandum to the Media Regulation Bill 2026.

[85] Media Regulation Bill 2026, section 10.

[86] Section 28AA(1) and (2) as proposed to be inserted by Media Regulation Bill 2026, section 11.

[87] Section 28AA(3) as proposed to be inserted by Media Regulation Bill 2026, section 11.

[88] Section 28AA(5) and (6) as proposed to be inserted by Media Regulation Bill 2026, section 11. Section 28AA(5) provides that the Minister may only make his first order under this section after 12 months have passed after the date that section 11 of the Bill comes into operation.

[89] Media Regulation Bill 2026, section 10.

[90] Media Regulation Bill 2026, section 10.

1. Notification to CnaM
2. Examination of a merger or acquisition notified to CnaM including:
    a) an initial examination and determination by CnaM,
    b) where determined to be required by CnaM, a full examination and further determination made by CnaM.

Proposed amendments to notifications under Part 3A

Sections 12 and 13 of the Bill seek to make amendments in relation to the notification of media mergers to CnaM and seek to provide for the voluntary informing of CnaM of certain mergers or acquisitions and for the withdrawal of notifications.

Section 12 seeks to amend section 28B of the 2002 Act. With the transfer of functions from the Minister to CnaM under section 6 of the Bill, as discussed above, undertakings that notified the CCPC or the European Commission of a merger or acquisition would be required to notify CnaM (instead of the Minister as currently required) of proposals to put a merger or acquisition into effect. Under section 12(a) of the Bill, these undertakings would be required to provide CnaM with full information on all circumstances related to the media merger that "could have a significant impact on plurality of the media and editorial independence"[91].

Section 12(c) proposes to insert new subsections (7A) to (7C) into section 28B to provide that where undertakings fail to notify CnaM on or before the relevant date of the media merger, that CnaM may examine the media merger as if a notification had been made by the undertakings on the relevant date. CnaM would be required to notify the undertakings involved in the media merger in writing that it will be examining the media merger. The period of initial examination of a merger under subsection (7A) may be extended by CnaM by not more than 15 days.[92]

The Bill proposes to substitute a new subsection (8) into section 28B of the 2002 Act. This new subsection would mean an undertaking or person in control of an undertaking would be guilty of an offence where the undertaking or person in control of an undertaking fails to comply with subsection (1) or (3) of section 28B of the 2002 Act by failing to notify CnaM of a media merger or not providing the information set out above. It would also be an offence for an undertaking or person in control of an undertaking to provide CnaM with information under subsection (1) or (3) "knowing it to be false or misleading in a material respect".[93] An undertaking or person in control who is guilty of an offence under this proposed subsection would be liable on summary conviction to a class A fine or on conviction on indictment to a fine no exceeding €250,000.[94]

Section 13 of the Bill seeks to insert new sections 28BA, 28BB and 28BC into the 2002 Act.

---

[91] Section 12(a) of the Media Regulation Bill 2026.

[92] Section 28B(7A) to (7C) as proposed to be inserted by Media Regulation Bill 2026, section 12.

[93] Section 28B(8) as proposed to be inserted by Media Regulation Bill 2026, section 12.

[94] Section 28B(8A) as proposed to be inserted by Media Regulation Bill 2026, section 12.

The proposed section 28BA would establish a new "call-in" procedure for CnaM, as proposed in the RIA.[95] This procedure would empower CnaM, after consultation with the CCPC, to require undertakings involved in a merger or acquisition to notify CnaM and provide full details of the merger or acquisition.[96] This power would apply to mergers or acquisitions that are not required to be notified under section 28B(1) but that involve at least one media business and that in the opinion of CnaM may have a "a significant impact on plurality of the media or editorial independence in the State".[97] Where CnaM requires notification under this proposed section, the notice of the requirement to the undertakings would need to be made in writing and include, amongst other things, the reasons for CnaM view that the merger may have a significant impact on plurality of the media or editorial independence in the State.[98] Under the proposed provision, CnaM may require notification no later than 60 working days after the earliest of either:

- the date on which one of the undertakings involved publicly announces an intention to make a public bid or a public bid is made but not yet accepted;
- the date that CnaM becomes aware that the undertakings involved have entered into an agreement that will result, if implemented, in the merger or acquisition being put into effect;
- the date on which the merger or acquisition is put into effect.[99]

The new provision would provide that where an undertaking fails to comply with a requirement to notify CnaM of a merger or acquisition under this section with the period specified by CnaM in the notice, CnaM may examine the merger or acquisition as if it had been notified with the required period.[100] The proposed section 28BA(7) of the 2002 Act would provide for offences under this section, and if an undertaking or person in control of an undertaking is guilty of an offence under this subsection, the undertaking or person would be liable on summary conviction to a class A fine or on conviction on indictment to a fine not exceeding €250,000.[101]

The proposed section 28BB of the 2002 Act seeks to provide for the voluntary notification of CnaM of:

---

[95] See Explanatory Memorandum to the Media Regulation Bill 2026. See also Department of Culture, Communications and Sport, *Regulatory Impact Assessment: Media Regulation Bill*, 14 July 2025 (last accessed 27 February 2026), pp. 30-31.

[96] Section 28BA as proposed to be inserted by Media Regulation Bill 2026, section 13.

[97] Section 28BA as proposed to be inserted by Media Regulation Bill 2026, section 13.

[98] Section 28BA as proposed to be inserted by Media Regulation Bill 2026, section 13.

[99] Section 28BA as proposed to be inserted by Media Regulation Bill 2026, section 13.

[100] Section 28BA as proposed to be inserted by Media Regulation Bill 2026, section 13.

[101] Section 28BA as proposed to be inserted by Media Regulation Bill 2026, section 13. Subsection (9) of this section relates to second or subsequent offences of which the undertaking is found guilty and the penalties that may be attached in these instances.

- a proposed merger or acquisition or
- a merger or acquisition that has been put in effect

by any undertaking that is involved where the proposed merger/acquisition or merger/acquisition is not required to be notified under section 28B(1) of the 2002 Act and involves at least one media business. Within 10 working days of receiving such a notice, CnaM would be required to decide whether or not to require each of the undertakings involved to notify CnaM under CnaM's "call-in" procedure under Section 28BA(2) of the 2002 Act as discussed above and to provide "full details of the merger or acquisition".[102]

The proposed section 28BC seeks to provide for the withdrawal of notifications by undertakings under section 28B(1) or section 28BA(2)(b) of the 2002 Act where the undertakings involved have agreed not to put the merger or acquisition into effect. This withdrawal would need to be withdrawn jointly by the undertakings in a written withdrawal notice. This provision would prohibit CnaM from making a determination under section 28D or section 28E of the 2002 Act, which shall be discussed below, in relation to a merger or acquisition that is the subject of a withdrawal notice and where CnaM has received the withdrawal notice before making a determination.[103]

Proposed amendments to examination of a merger or acquisition notified to Coimisiún na Meán

Sections 15 to 18 of the Bill seek to make amendments to Part 3A of the 2002 Act in relation to the examination of media mergers or acquisitions by CnaM, including the establishment of an advisory panel and the making of determinations.

Section 16 of the Bill seeks to substitute in a new section 28D into the 2002 Act to provide for the initial examination by CnaM of a merger or acquisition notified to CnaM under section 28B(1) or 28BA(2)(b) of the 2002 Act. The initial examination may be conducted no more than 30 working days (or 45 working days where there are proposed commitments under section 28CA) from:

- the relevant date or appropriate date[104] in the case of a merger or acquisition notified under section 28B(1), whichever is later or
- the appropriate date, in the case of a merger or acquisition notified under section 28BA(2)(b).[105]

---

[102] Section 28BB as proposed to be inserted by Media Regulation Bill 2026, section 13.

[103] Section 28BC as proposed to be inserted by Media Regulation Bill 2026, section 13.

[104] The "appropriate date" is defined in subsection (6) of the proposed section 28D of the 2002 Act as proposed to be inserted by Media Regulation Bill 2026, section 16. The "relevant date" is defined in section 28A of the 2002 Act.

[105] Section 28D as proposed to be substituted by Media Regulation Bill 2026, section 16.

CnaM would need to examine the merger or acquisition notified in accordance with the proposed new section 28CA of the 2002 Act, which is discussed below, and make a determination:

- that the merger or acquisition may be put into effect as in the opinion of CnaM the result of the merger or acquisition "will not be contrary to the public interest in protecting plurality of the media and editorial independence in the State",
- that the merger may be put into effect subject to the incorporation of proposed commitments as in light of these proposed commitments in the opinion of CnaM the result of the merger or acquisition "will not be contrary to the public interest in protecting plurality of the media and editorial independence in the State", or
- that CnaM intends to carry out a full examination as it is concerned that the merger or acquisition may be "contrary to the public interest in protecting plurality of the media and editorial independence in the State".[106]

As soon as possible after making a determination, CnaM would be required to inform the undertakings involved of the determination and provide them with a copy of the determination and publish on a website maintained by CnaM, with due regard for commercial confidentiality, notice of the determination made and details of the determination, including a summary of conditions specified in the determination where applicable.[107]

Section 17 of the Bill seeks to substitute in a new section 28E into the 2002 Act in relation to the full examination of a merger or acquisition notified to CnaM. Where CnaM determines that it intends to carry out a full examination, it would be required under the new Section 28E to publish a notice on its website and invite submissions to be made not later than 20 working days from the date that the notice of the determination is published.[108] Not more than 80 working days (or 95 working days where there are proposed commitments under section 28CA) from the date that CnaM determines that it will conduct a full examination or the applicable date[109], whichever is later, CnaM would be required to make a determination that:

- the merger or acquisition may be put into effect,
- the merger or acquisition may not be put into effect or
- the merger or acquisition may be put into effect subject to conditions specified in the determination being complied with.

The determination would need to be made on the grounds of whether CnaM considers that the merger or acquisition will or will not "be contrary to the public interest in protecting plurality of

---

[106] Section 28D as proposed to be substituted by Media Regulation Bill 2026, section 16.

[107] Section 28D as proposed to be substituted by Media Regulation Bill 2026, section 16.

[108] Section 28E as proposed to be substituted by Media Regulation Bill 2026, section 17.

[109] The "applicable date" is defined in section 28E(15) as proposed to be substituted by Media Regulation Bill 2026, Section 17.

the media and editorial independence in the State" or will not be contrary to this public interest should the conditions specified in the determination be complied with.[110]

CnaM would be required under the proposed new section 28E(7) of the 2002 Act to provide to the undertakings involved its draft determination, as well as the report in relation to the full examination, the opinion or clarifications of the advisory panel issued under section 28F of the 2002 Act, and submissions received in relation during the initial and full examination. These should be provided not later than 30 working days before the date when CnaM is due to make its determination, and the undertakings may not respond to the draft determination any later than 10 working days from the date of receiving the draft.

For the purposes of Article 22(4) of the EMFA, where the opinion of CnaM is that the merger or acquisition is "likely to affect the functioning of the internal market for media services", the proposed section 28E(9) would require CnaM to consult with the European Board for Media Services ('the Board') not later than 15 working days before the date it is due to make its determination and to provide the Board with its draft determination and any proposed commitments under Section 28CA of the 2002 Act. In accordance with Article 22(6) of the EMFA, proposed section 28E(10) of the 2002 Act would specify that CnaM shall take utmost account of the opinion of the Board and where CnaM does not follow the opinion fully or in part, CnaM would need to provide the Board and the European Commission with a "reasoned justification explaining its position, within timelines specified by the Board".[111]

As soon as may be after making its determination under the proposed new section 28E of the 2002 Act, CnaM would be required to inform the undertakings involved in the merger or acquisition and provide them with a copy of the determination, including a copy of the report in relation to the full examination, and publish on a website maintained by CnaM, with due regard for commercial confidentiality, notice of the determination made and details of the determination, including a summary of conditions specified in the determination where applicable.[112]

Where a merger or acquisition that is required to be notified to CnaM under section 28B(1) or 28BA(2)(a) of the 2002 Act is put into effect without CnaM having made a determination and CnaM makes a determination that the merger or acquisition is "contrary to the public interest in protecting plurality of the media and editorial independence in the State", proposed Section 28E(5) of the 2002 Act provides that CnaM may make a determination that:

- the merger or acquisition should be "unwound or dissolved" and may specify the manner of unwinding or dissolution, or

[110] Section 28E as proposed to be substituted by Media Regulation Bill 2026, section 17.

[111] Section 28E as proposed to be substituted by Media Regulation Bill 2026, section 17.

[112] Section 28E as proposed to be substituted by Media Regulation Bill 2026, section 17.

- where dissolution or unwinding is not possible, the undertakings involved in the merger or acquisition be required to take "such steps as are appropriate to achieve restoration as far as practicable of the situation prevailing before the merger or acquisition was put into effect".[113]

Section 15 of the Bill seeks to insert a new section 28CA into the 2002 Act in relation to the examination of mergers or acquisition by CnaM. This section applies to both initial examination and determination under section 28D of the 2002 Act and full examination and determination under section 28E of the 2002 Act, as explored above. The proposed section 28CA would set out the factors that CnaM would be required to have regard to in conducting an examination including, but not limited to, the 'relevant criteria' (as discussed earlier in Box 1 earlier in this Digest), the matters referred to in Article 22(2) of the EMFA (as set out earlier in this Digest) and relevant research published by CnaM under section 28M.

The new section 28CA(4) of the 2002 Act also seeks to provide CnaM with the power to make requests for further information from any of the undertakings involved or another person or undertaking that CnaM is satisfied "may have information relevant to its consideration of the merger or acquisition". An undertaking or person that receives a request under this section would be required to comply with it and would be guilty of an offence for failing to comply with this requirement or providing information knowing it is false or misleading in a material respect.[114] The request for information from third parties would be an extension of CnaM's powers.[115]

The new proposed section 28CA of the 2002 Act would also set out that CnaM may enter discussions with undertakings in a merger or acquisition or other persons or undertakings who provide information under section 28CA(4) of the 2002 Act in order to identity measures that would "ameliorate any effects of the merger or acquisition on plurality of the media and editorial independence in the State". As part of these discussions, the undertakings involved in the merger or acquisition may submit proposed commitments to CnaM with regard to the manner in which the merger or acquisition may be put into effect and which could be incorporated as specified conditions in a determination under section 28D(1)(ii) or 28E(4)(c).[116]

Section 18 of the Bill seeks to amend section 28F of the 2002 Act which relates to the establishment of an advisory panel to assist CnaM with carrying out a full examination under Section 28E of the 2002 Act. This section seeks to substitute in a new subsection (1) to provide that CnaM, instead of the Minister as is currently the case, may appoint an advisory panel.[117] This new subsection would also provide that an advisory panel established by CnaM

---

[113] Section 28E as proposed to be substituted by Media Regulation Bill 2026, section 17.

[114] Section 28CA as proposed to be inserted by Media Regulation Bill 2026, section 15.

[115] See Explanatory Memorandum to the Media Regulation Bill 2026.

[116] Section 28CA as proposed to be inserted by Media Regulation Bill 2026, section 15.

[117] Media Regulation Bill 2026, section 18.

would need to provide a "reasoned opinion in writing" to CnaM regarding the application of the criteria under Article 22(2) of the EMFA (as set out earlier in this Bill Digest) to the merger or acquisition notified to CnaM regarding which the panel was established.[118]

Section 18 also seeks to substitute a new subsection (6) into section 28F of the 2002 Act to provide that an advisory panel would need to provide a reasoned opinion to CnaM not later than 20 working days from the date that the panel was established and shall provide a clarification in writing on receipt of a request from CnaM within the time period specified in the request. Under the proposed provision, a reasoned opinion or clarification may not be requested or provided after a draft determination is provided to the undertakings involved under section 28E(7) of the 2002 Act.[119] This subsection is set out in a similar manner to the current subsection 28F(6) of the 2002 Act.

Appeals of a determination of Coimisiún na Meán and enforcement of determinations

Section 19 of the Bill seeks to insert a new section 28HA into the 2002 Act to provide for appeals to the High Court against determinations made by CnaM under section 28D(1)(ii) or (iii), section 28E4(4)(b) or (c), or section 28E(5)(a) or (b) of the 2002 Act. An appeal may be made by any of the undertakings involved who or which made a notification regarding a merger or acquisition under section 28B(1) or 28BA(2)(b) of the 2002 Act. The appeal would be required to be made within 40 working days after the date when CnaM informed the undertaking of the determination. This would create a new right of appeal and on hearing the appeal, the High Court could annul, confirm or confirm with modifications the determination of CnaM or could remit the matter back to CnaM "with a direction to make a determination taking into account the findings of the High Court, and with any other directions that the High Court considers appropriate".[120]

Section 20 of the Bill proposes to amend section 28I to provide that the High Court could grant an injunction to enforce compliance with term of a determination on the motion of CnaM or any of the undertakings involved in the merger or acquisition that is required to be notified to CnaM under section 28B(1) or 28BA(2)(a) of the 2002 Act.

Limitation on mergers and acquisitions required to be notified

Section 14 of the Bill seeks to substitute in a new section 28C into the 2002 Act regarding the limitation on mergers or acquisitions required to be notified under section 28B(1) or 28BA(2)(a) of the 2002 Act. A merger or acquisition that is required to be notified under these provisions would not be able to be put into effect before CnaM makes a determination under section 28D(1)(i) or (ii) or 28E(4)(a) or (c) of the 2002 Act. A determination to permit a merger

---

[118] Media Regulation Bill 2026, section 18.

[119] Media Regulation Bill 2026, section 18.

[120] Section 28HA as proposed to be inserted by Media Regulation Bill 2026, section 19.

or acquisition shall only operate to permit the merger or acquisition to be put into effect before the expiry of the 12-month period commencing on the date the determination is made. Any merger or acquisition put into effect contrary to section would be void and the undertakings involved or person in control of each undertaking that purports to put a merger or acquisition into effect in contravention of this section would be guilty of an offence.

Guidelines and media ownership database

Section 23 of the Bill seeks to insert a new section 28L into the 2002 Act to provide for the development of guidelines by CnaM, after consultation with the Minister on the general applicability of the relevant criteria and the matters referred to in Article 22(2) of the EMFA to mergers or acquisitions required to be notified under section 28B(1) or 28BA(2)(a). Under the current section 28L of the 2002 Act, guidelines are prepared and made by the Minister in consultation with CnaM.

Section 23 of the Bill also seeks to provide CnaM with the power to develop guidelines, following consultation with the Minister, on the manner which CnaM shall perform its functions under Section 28BA (the new "call-in" procedure proposed to be inserted by section 13 of the Bill).

Section 24 of the Bill seeks to amend section 28M of the 2002 Act. Among other amendments, it proposes to insert new subsections (4A) and (4B) into section 28M. The new subsection (4A) requires CnaM to develop and maintain a media ownership database that contains all the information set out in Article 6(1) of the EMFA on media service providers in the State (as discussed earlier in this Bill Digest). The new subsection 28M(4B) would require media service providers to notify CnaM when the provider "makes easily or directly accessible" the information set out in Article 6(1) of the EMFA or updates this information. The notification to CnaM would need to be in the form and manner specified by CnaM and contain the information or updated information that has been made accessible and by what means.

Part 2 Chapter 3

This Chapter of the Bill sets out proposed miscellaneous and consequential amendments of Part 3 of the 2002 Act in relation to media mergers.

Section 26 of the Bill seeks to amend section 18 of the 2002 Act to provide for, among other amendments, the insertion of a new subsection 18(6A) to require the Minister Enterprise, Tourism and Employment to consult with the Minister for Culture, Communications and Sport before specifying by order the class or classes of merger or acquisition involving a media business within the meaning of section 28A(1) of the 2002 Act or amending such an order.

Sections 27 and 28 of the Bill propose technical amendments to sections 22 and 24 of the 2002 Act respectively.[121]

Part 3 State Advertising

Part 3 of the Bill contains **sections 29 to 36** and seeks to provide for rules on state advertising including expenditure and monitoring obligations. This is intended to implement Article 25 of the EMFA which was outlined in the background section of the Digest.

Section 29 of the Bill is a standard provision setting out relevant definitions for Part 3 including that "Act of 2014" means the *Companies Act 2014*. Several of the definitions are the same as those outlined in Part 1 of the Bill and where a word/expression is also used in the EMFA then the meaning given is the same unless the context requires otherwise.

Section 30 seeks to empower the Minister to pay a grant funded by the exchequer to CnaM for the performance of its functions under this Part as the Minster may determine, and with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation.

Section 31 sets out which entities are a public authority for the purpose of Article 25 of the EMFA and this Part of the Bill. This includes, among others, a Department of State, a local authority defined under the *Local Government Act 2001* and a company where the majority shareholder is held by or on behalf of a Minister or a local authority.

Section 32 sets out the expenditure and monitoring obligations of public authorities/entities. These include that a public authority or entity must seek to ensure that its yearly expenditure is spread across a wide range of media service providers. Where a public authority or entity engages the services of an intermediary connected to state advertising then they would be required to ensure compliance with the requirements under Article 25(1) of the EMFA. This includes that such services must:

> *"... be awarded in accordance with transparent, objective, proportionate and non-discriminatory criteria, made publicly available in advance by electronic and user-friendly means, and by means of open, proportionate and non-discriminatory procedures".*[122]

The public authority or entity would also be required to ensure it collects information required under section 34 of the Bill which necessitates annual publication of information on state advertising as provided for under Article 25(2) of the EMFA. Article 25(2) of the EMFA requires the publication of information including the legal names of the media service providers or the providers of online platforms from which services were purchased where applicable and the

---

[121] See Explanatory Memorandum to the Media Regulation Bill 2026.

[122] Article 21(1) of the Regulation (EU) 2024/10831 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).

total annual amount spent, and the annual amounts spent per media service provider or provider of an online platform.

Section 33 of the Bill provides that a public authority or entity would need to prepare and publish a 'compliance plan' to ensure its compliance with the requirements of Article 25(1) of the EMFA as outlined above. In preparing a compliance plan, a public authority or entity must have due regard to any relevant guidance prepared and published by CnaM under section 36 of the Bill. The first compliance plan must be published within six months of section 33 coming into operation, in an easily accessible form online on a website maintained by or on behalf of the public authority or entity. The public authority or entity must review the content and operation of its compliance plan within two years from when it was published and either publish a revised compliance plan or publish an easily accessible notice on their website that they consider a revised compliance plan is not required.

Section 34 of the Bill seeks to create an obligation for public authorities or entities to make publicly available its public expenditure for state advertising for the previous year, no later than 31 March each year. On the year it comes into operation, a public authority or entity would need to comply in respect of the period beginning 8 August 2025 to 31 December in the year this section comes into operation. As soon as possible after doing so, a public authority/entity must inform CnaM in the form and manner as prescribed by the guidelines developed by CnaM under section 36 of the Bill of the information required under Article 25(2) of the EMFA and the accessible means it used to make it publicly available.

Section 35 of the Bill designates CnaM as the body to carry out the monitoring and reporting required under Article 25(3) of the EMFA. As noted in the background section of the Digest, Article 25(3) of the EMFA requires national regulatory authorities to monitor and report annually and publicly on the allocation of state advertising expenditure to media service providers and to providers of online platforms in a publicly accessible manner. The RIA to the Bill, noted that while the EMFA does allow the task of monitoring to be designated to another independent body, "there are limited obvious candidates for this role and Coimisiún na Meán is considered to be the most appropriate body due to its independence and expertise in relation to the media market."[123]

Section 35 of the Bill sets out that CnaM would be required to publish a report in respect of the previous calendar year no later than 30 October of each year on its own website. The first report would need to be published in relation to the period beginning 8 August 2025 and finishing 31 December in the year this section comes into operation and no later than 31 October in the following year. The report may include information on a public authority or entity that has failed to comply with Article 25(2) of the EMFA and section 34 of the Bill. A

[123] Department of Culture, Communications and Sport, *Regulatory Impact Assessment: Media Regulation Bill*, 14 July 2025 (last accessed 1 March 2026),p.44.

public authority or entity must comply with a request for further information from CnaM within a specified time period set by CnaM or agreed with the public authority or entity.

Section 36 of the Bill seeks to provide that CnaM could prepare and publish guidelines to provide practical assistance to public authorities or entities in complying with their obligations under Article 25 of the EMFA and Part 3 of the Bill. In drafting the guidelines, CnaM would need to have regard to the requirements of Article 25 of the EMFA and as soon as possible, publish them on its website. The guidelines may be reviewed and revised and any revision must be published on CnaM's website. A public authority or entity would need to have regard to any guidelines made under this section in its performance of its functions and compliance under Article 25 of the EMFA and Part 3 of the Bill.

Part 4 Audience Measurement Systems

Part 4 of the Bill contains section 37 which seeks to amend section 34 of the *Broadcasting Act 2009* ('2009 Act') which provides for CnaM's co-operation with self-regulatory systems. In the 2009 Act, CnaM is known as the Commission. Section 37 of the Bill proposes several amendments to section 34 of the 2009 Act including substituting 37(1) to include a reference to "audience measurement systems under and in accordance with Article 24 of EMFA."

Section 37 also inserts a new subsection (1A) proposing that the Commission must have regard to any guidelines issued under Article 24(4) of the EMFA, i.e. guidelines from the European Commission with assistance from the European Board for Media Services on the practical application of the rules relating to audience measurement systems. It also seeks to substitute a new subsection (2) into section 34 to add a definition for 'audience measurement' to the existing definition for 'self-regulatory system'. Essentially, section 37 implements Article 24 of the EMFA so that CnaM may co-operate with industry bodies and encourage the drawing up of codes of conduct to promote transparency around audience measurement systems.