

# Media Pluralism in Ireland

## A Test Implementation of the Media Pluralism Monitor 2015



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## About the project

The Media Pluralism Monitor (MPM) is a research tool that was designed to identify potential risks to media pluralism in the Member States of the European Union. This narrative report has been produced within the framework of the second pilot test implementation of the MPM, which was carried out in 2015. The implementation was conducted in 19 EU Member States with the support of a grant awarded by the European Union to the Centre for Media Pluralism and Media Freedom ([CMPF](#)) at the European University Institute.

The Monitor's methodology is based on research carried out by national country teams in the 19 countries, except for Malta where data collection was carried out centrally by the CMPF team. The research is based on a standardised questionnaire and apposite guidelines that were developed by the CMPF. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly sensitive questions (see Annexe I for the list of experts).

Risks to media pluralism are examined in four main thematic domains, which are considered to capture the main areas of risk for media pluralism and media freedom: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area. The Basic Protection domain consists of four indicators; Market Plurality has three, while Political Independence and Social Inclusiveness each contain six indicators.

Basic Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political bias in the media	Access to media for different social and cultural groups, and local communities
Protection of right to information	Concentration of media ownership	Politicisation of control over media outlets	Availability of media platforms for community media
Journalistic profession, standards and protection	Concentration of cross-media ownership	Politicisation of control over media distribution networks	Access to media for the physically challenged people
Independence of national authority(ies)		State advertising	Centralisation of the media system
		Independence of PSM governance and funding	Universal coverage of the PSM and the Internet
		Independence of news agencies	Media literacy

The results for each domain and indicator are presented on a scale from negligible to 100%, a negligible risk being the lowest, and 100% risk being the highest score. Scores between negligible and 33% are considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk.

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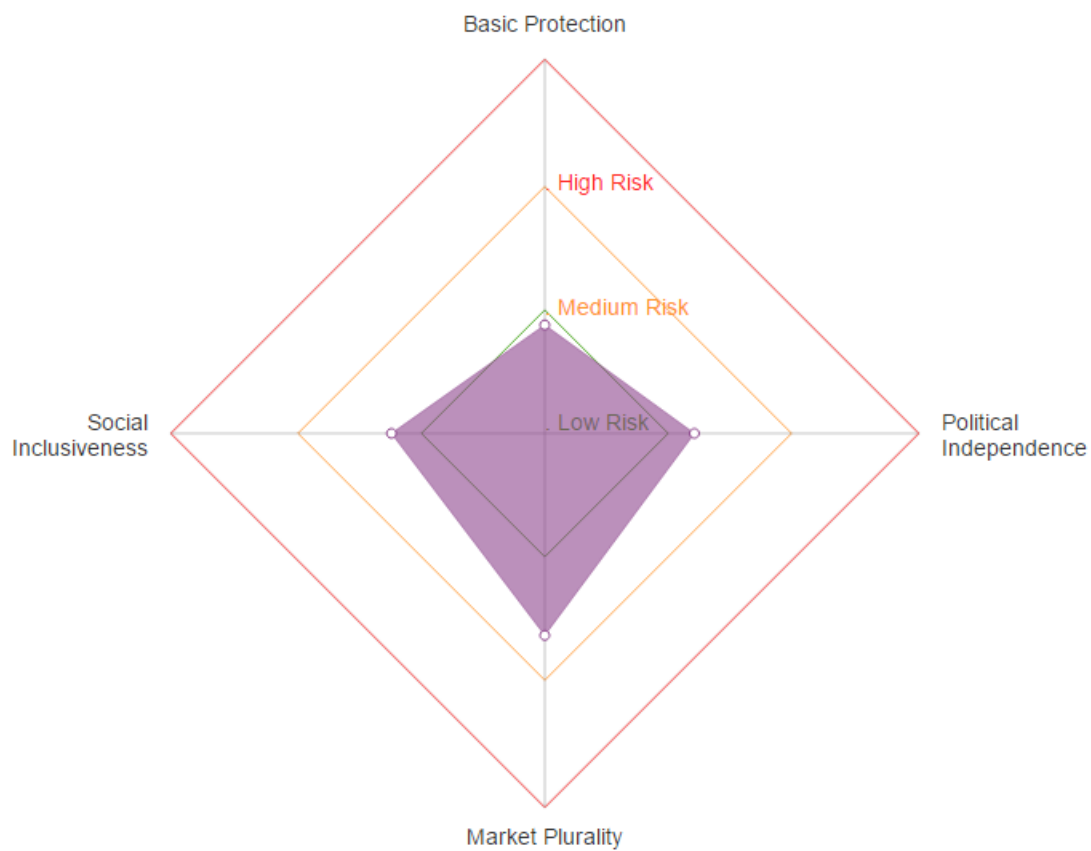
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**Disclaimer:** The content of the report does not necessarily reflect the views of the CMPF or the EC, but represents the views of the national country team that carried out the data collection.

## 1. Introduction

Ireland has a traditionally strong and highly competitive print media. A unique feature of the Irish print media is the strength of the British press in Ireland, mainly due to the geographical, cultural and linguistic closeness of the two countries. Radio is very popular in Ireland. Listenership surveys show that a large majority of the Irish listen to a mix of national, regional and local radio everyday (Foley 2010). Ireland's public service broadcaster, Radio Telefis Eireann (RTE), has dominated the broadcasting in Ireland since the 1920s. The only private, indigenous competitor to RTE television is the private commercial channel TV3 (Foley 2010). Although the research suggests that there is a medium risk to pluralism in three of four domains examined (with the exception of the 'basic protection' domain), the practical incidence of these risks varies. Although the 54% risk score in the 'Market Plurality' domain thus reflects the reality of a high level of media ownership concentration, the 'Political Independence' domain's score of 40% reflects a potential danger (relating to, for example, the lack of controls of political ownership of media outlets) rather than a present danger. However, the 41% risk score in the 'Social Inclusiveness' domain is reflected in the reality on the ground, whereby minority groups are manifestly under-represented in the mainstream media.

## 2. Results from the data collection: assessment of the risks to media pluralism



*Figure 1 Media Pluralism Monitor 2015 - Ireland, Results by Risk Domain*

## 2.1 Basic Protection (29% risk - low risk)

*The Basic Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy and they measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for the freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; as well as the independence and effectiveness of the national regulatory bodies, namely, media authorities, competition authorities and communications authorities.*

Indicator	Risk
Protection of freedom of expression	33% risk (low)
Protection of right to information	25% risk (low)
Journalistic profession, standards and protection	38% risk (medium)
Independence of national authority(ies)	19% risk (low)

The ‘Protection of freedom of expression’ (low risk): Section 40.6.i of the Constitution guarantees the "right of the citizens to express freely their convictions and opinions". Ireland has signed both the ICCPR and the European Convention on Human Rights without significant reservations. However, there remains a medium risk, owing to the 2009 Defamation Act, which permits not only private individuals but also “bodies corporate” to take libel actions and also includes blasphemy as an offence.

The ‘Protection of right to information’ (low risk): The low risk here reflects the fact that citizens can access information held by government departments/public bodies as a result of the Freedom of Information Acts of 1997, 2003 and 2014 (although this is not a constitutionally protected right). Although public bodies may refuse an information request if such a request would cause a substantial disruption of work. Recent Freedom of Information Commissioner’s reports do not suggest any systematic tendency to block the fulfilment of such requests.

The ‘Journalistic profession, standards and protection’: There is a medium risk under this indicator. Although there are no legal impediments to becoming a journalist in Ireland (e.g., there is no state licensing system), less tangible barriers may limit the access of some groups – e.g., the working classes, ethnic minorities and the disabled – to the profession. Furthermore, protections for journalists – in the sense of working terms and conditions but also from state interference – cannot be taken for granted. Though high with a proportion of 75% of working journalists, the National Union of Journalists’ membership is declining as free-lancing becomes increasingly prevalent. Furthermore, crime journalists, in particular, report serious threats to their physical safety. There is also some evidence that the state may have used the Communications (Retention of Data) Act 2011 as a means for the surveillance of journalists. There is also anecdotal evidence to suggest that some media owners have sought to influence editorial content. However, on the plus side, case law since 2007 has repeatedly asserted that

constitutional protections relating to freedom of speech should be interpreted as extending the protection of anonymity to journalistic sources.

The ‘Independence of national authorities’: The risk here is low.<sup>1</sup> With regard to the Broadcasting Authority of Ireland, the Press Council of Ireland, the Competition Authority, and the Commission for Telecommunications Regulation (COMREG), it can broadly be said that they operate within clearly defined remits, in a transparent fashion (routinely publishing reports on their activities and decisions) and independently of state (or other) interference.

In the case of all three regulators, however, either the majority or the entirety of their governing authorities or commissions are directly appointed by the government. Although they are not entirely without some oversight, such appointments could be characterised as being subject to direct political influence.

Furthermore, there is no statutory description of how the annual budget of the Commission for Competition and Consumer Protection should be arrived at: legally they rely on the discretion of the Minister for Finance. (By contrast, the BAI and COMREG are funded by levies upon, respectively, Broadcasters and Telecom Operators, and thus they are effectively financially independent of the state).

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<sup>1</sup> NB: It needs to be noted that this indicator has been found to be problematic in the 2015 implementation of the Media Pluralism Monitor. The indicator aimed to combine the risks to the independence and effectiveness of media authorities, competition authorities and communication authorities, but it was found to produce unreliable findings. In particular, despite significant problems with regard to the independence and effectiveness of some of the authorities in many of the countries, the indicator failed to pick up on such risks and tended to produce an overall low level of risk for all countries. This indicator will be revised in future versions of the MPM (note by CMPF).



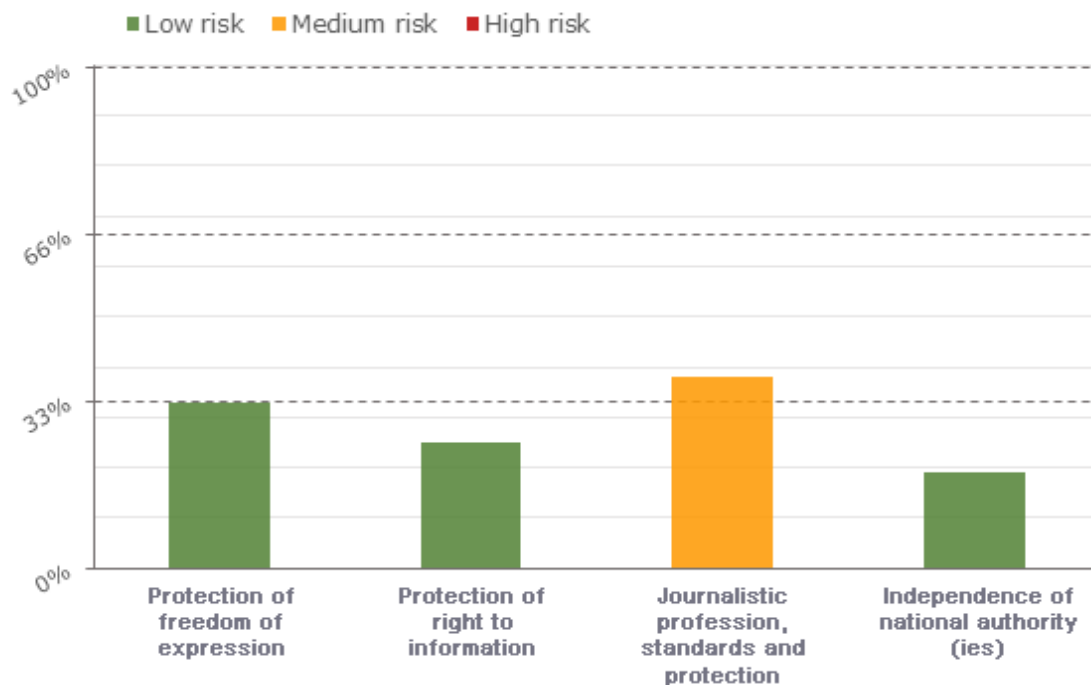


Figure 2 Media Pluralism Monitor 2015 - Ireland, Basic Protection Domain, Results by Indicators

## 2.2 Market Plurality (54% risk - medium risk)

*The Market Plurality indicators examine the existence and effectiveness of the implementation of transparency and disclosure provisions with regard to media ownership. In addition, they assess the regulatory safeguards against high concentration of media ownership and control in the different media, within a media market as well as cross-ownership concentration within the media sector.*

Indicator	Risk
Transparency of media ownership	38% risk (medium)
Concentration of media ownership	74% risk (high)
Concentration of cross-media ownership	50% risk (medium)

‘Transparency of Media Ownership’ (medium risk): Although Competition Law requires media companies to notify the Commission for Consumer Protection and Competition about any proposed changes in ownership, Company law does not require media firms to make public their ownership structures. As a consequence, the public understanding of who owns whom within the Irish media is often unclear.

‘Concentration of media ownership’: There is a very high risk here. Irish media and competition impose no maximum media ownership thresholds, although the 2014 Competition and Consumer Protection Act points to the "undesirability of allowing any one undertaking to hold significant interests [20% share] within a sector or across different sectors of media business in the State" when assessing media mergers.

Although the BAI’s Ownership and Control Policy does not have legislative status, it does specify the quantitative limits on the ownership of sound broadcasting (i.e., radio) services: ownership above 25% of the total number of licenced radio services is considered unacceptable.

There is also concern about the lack of reliable data as to market share by revenue in Ireland. Although audience share figures are readily available for television, radio and print media in Ireland, reliable figures for market share by revenue are not. This is due to the particularly transnational nature of the Irish media market and the failure to report revenues on a national disaggregated basis.

It is known that one individual enjoys a dominant position within the print and the commercial radio sector. The businessman Denis O’Brien owns 29.9% of Independent News and Media shares (the largest print media group in Ireland), and he is Chairman and principal shareholder of Communicorp, which accounts for 20% of the radio market in Ireland. However, this is countered by the dominant position of the PSM, RTE, in both the television and radio markets.

‘Concentration of cross-media ownership’ (medium risk): Again, there is no legally-specified maximum threshold relating to cross-media ownership in Ireland.

Decisions taken prior to the 2014 Competition Act relating to media ownership have arguably facilitated media concentration across the Irish print and radio sectors. In addition to the example of Communicorp and Denis O’Brien (see above), there are several other notable examples of cross-media ownership, such as Landmark Media (formerly Thomas Crosbie Holdings) and UTV PLC.

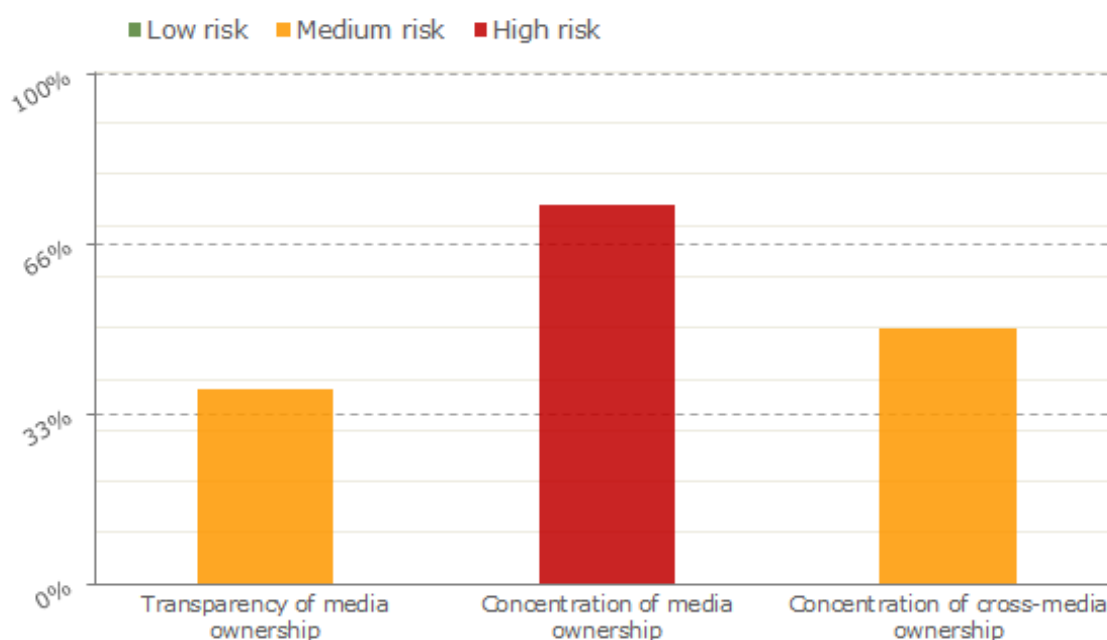


Figure 3 Media Pluralism Monitor 2015 - Ireland, Market Plurality Domain, Results by Indicators

### 2.3 Political Independence (40% risk - medium risk)

*The Political Independence indicators assess the existence and effectiveness of the implementation of regulatory safeguards against the biased representation of the political viewpoints in the media, and also the extent of the politicisation over media outlets, media distribution networks and news agencies. Moreover, it examines the influence of the state on the functioning of the media market, with a focus on state advertisement and public service media.*

Indicator	Risk
Political bias in the media	5% risk (low)
Politicisation of control over media outlets	62% risk (medium)
Politicisation of control over media distribution networks	17% risk (low)
State advertising	83% risk (high)
Independence of PSM governance and funding	31% risk (low)
Independence of news agencies	Not applicable

‘Political bias in the media’ (low risk): There are very strong legal protections against bias – political or otherwise – that are imposed on the PSM. In practice, this is regulated by the Broadcasting Authority of

Ireland, which can fine the PSM if it breaches impartiality codes. The BAI has also published a code on election coverage which obliges all broadcasters to guarantee access to airtime for all political actors during elections.

The only caveat in this regard is that the BAI does not engage in the routine monitoring of, for example, airtime allocation to competing political parties or viewpoints on either the PSM or commercial broadcasters. Instead, it tends to respond to/investigate complaints from members of the public.

Overall, then, although it is generally accepted that at least mainstream political viewpoints can access the airwaves on a relatively, equitable basis, there is a lack of objective empirical data to definitively support this.

The ‘Politicisation of control of media outlets’: The medium score on the risk index here relates to the absence of legal prohibitions on media ownership by political parties, and the absence of a publicly-accessible database of media ownership in Ireland. However, in practice, there is only one media institution with a direct party political affiliation – An Phoblacht, which is affiliated to Sinn Féin. The Irish Press Group was set up by the Fianna Fáil party but went bankrupt in 1995.

‘Politicisation of control of media distribution outlets’: The low score reflects the fact that print distribution companies are entirely unaffiliated with political parties, whilst broadcast distribution is only very tangentially connected to politics by dint of the fact that the state-owned PSM also operates national analogue radio distribution and Digital Terrestrial Television.

‘State advertising’: The high score here relates to the absence of easily accessible guidelines governing the allocation of state advertising to media outlets. Furthermore, there is no public record of how the state, as a whole, or how individual departments, distribute advertising in practice.

‘Independence of PSM governance and funding’ (low risk): The risk identified here relates to the direct appointment of members of the PSM boards by the Minister for Communications (subject to limited Parliamentary Committee oversight). In addition, although the granting of state funds to the PSM is nominally determined by an abstract inflation-related formula, in practice, the grant of increases is subject to the Minister for Communications’ approval, and there remains a degree of political discretion in determining the level of public funding awarded to the PSM.

Finally, Ireland does not host a national news agency and there are no figures as to what market share is enjoyed within Irish media outlets by the international players.

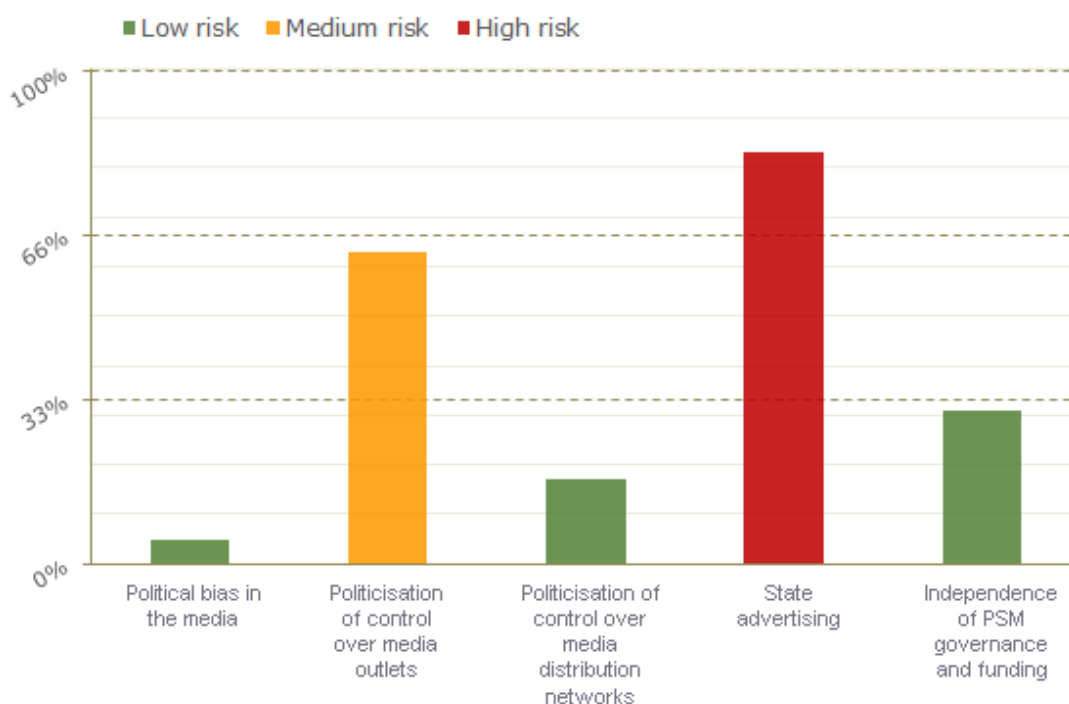


Figure 4 Media Pluralism Monitor 2015 - Ireland, Political Independence Domain, Results by Indicators  
Indicator Independence of news agencies not applicable, and so not included in the graph

## 2.4 Social Inclusiveness (41% risk - medium risk)

*The Social Inclusiveness indicators are concerned with access to, and availability of, media for different, and particularly vulnerable, groups in the population. They assess regulatory and policy safeguards for access to media by various cultural and social groups, by local communities and by people with disabilities. Moreover, they assess the centralisation of the media system, and the quality of the country's media literacy policy, as well as the digital media skills of the population.*

Indicator	Risk
Access to media for different social and cultural groups, and local communities	81% risk (high)
Availability of media platforms for community media	37% risk (medium)
Access to media for the physically challenged people	Negligible
Centralisation of the media system	54% risk (medium)
Universal coverage of the PSM and the Internet	38% risk (medium)
Media literacy	33% risk (low)

‘Access to media for different social and cultural groups, and local communities’: There is a very high

risk here. Although the Broadcasting Act of 2009 enjoins the BAI to 'endeavour to ensure' that all broadcasters – including the PSM- “bear in mind” “religious, ethical and cultural diversity”, this has not been interpreted as obliging RTE to provide access for different social and cultural groups to the airwaves. For example, the PSM schedules thus rarely include any programming focusing on the interests of any of the ethnic minorities within Ireland.

The only exception to the comments above refers to the Irish-speaking minority. Irish-language programming is included on both the PSM’s main radio and television channels and via two dedicated Irish language channels: Radio na Gaeltachta and TG4, a television channel established in 1996.

As regards local groups, there is no specific statutory obligation to have a minimum proportion of the regional or local communities involved in the production and distribution of content. The PSM does not broadcast local news programmes, nor are there specific requirements for local correspondents (although, in practice, the PSM does have local correspondents).

The ‘Availability of media platforms for community media’ (medium risk): Since 1988, community media have been recognised in law as being a discreet element of the Irish broadcasting environment. Although, in law, the guarantee of their editorial independence is weaker than that applying to the PSM, there is no evidence to suggest that such independence has been compromised. However, Irish media law does not recognise the existence of a specific category of “minority media”. Although broadcasting law imposes ‘must carry’ obligations upon broadcast distribution companies with regard to community media, there is thus no specific obligation to carry minority media.

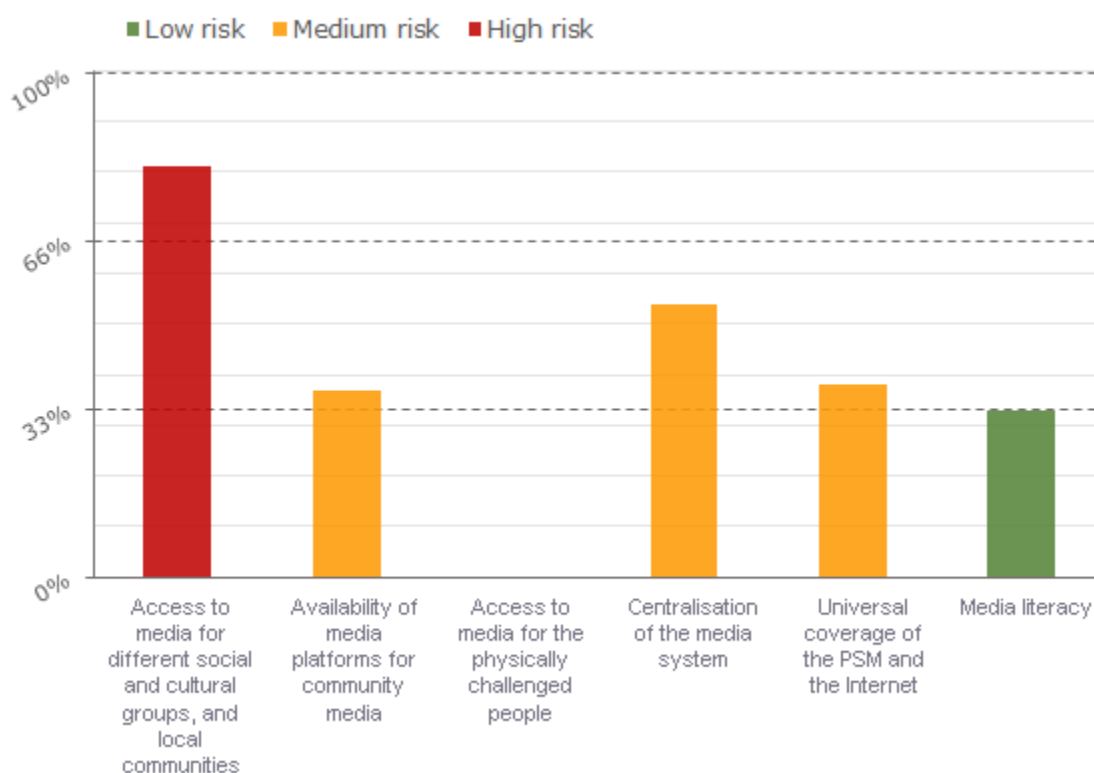
The ‘Access to media for physically challenged people’: The low risk figure here is perhaps over-optimistic although, since 2008 in particular, the BAI has devoted significant resources to examining the representation of disability in Irish broadcast media. BAI rules do require broadcasters to provide universally accessible content for people with all forms of disability. This includes the provision of close captioning for some television content (especially for news and current affairs) and of a daily sign language news bulletin on the PSM. However, the provision of close captioning is far from universal, and the provision of programming specifically targeting people with disabilities has been intermittent.

The ‘Centralisation of the media system’ (medium risk): The small-scale of the Irish market (in both population and geographical terms) has meant that although there has been a relatively healthy local commercial radio market since 1988, local/regional television is almost unheard of (although there have been one or two community television channels). Effectively, the PSM has exclusively operated as a national service (i.e., without local/regional opt-outs) since its inception in 1926. The small-scale of the market, together with some regulatory flexibility, has also facilitated some agglomeration of local media content production.

The ‘Universal coverage of the PSM and the Internet’ (medium risk): In practice, 100% of the population lives within areas reached by analogue radio signals and either DTT, cable or satellite television

distribution infrastructures (all of which must carry the PSM). However, the medium risk under this indicator relates to the patchier figures for broadband access. The average download speed for Ireland of 27mbps is much lower outside urban areas, falling to 10.1mbps in the north-west, for example. In theory, 93% of the rural population has access to some kind of broadband but, according to COMREG, only 75% of households actually have broadband connections.

‘Media literacy’ (low risk): The low score here reflects the fact that although communications and media studies are widely available at the third level, for the most part, Media Studies remains a sub-discipline at secondary level. Overall provision of Media Education is uneven across primary and secondary education.



*Figure 5 Media Pluralism Monitor 2015 - Ireland, Social Inclusiveness Domain, Results by Indicators*

### 3. Conclusions

*Based on the findings of the MPM2015, the following issues have been identified by the country team as being more pressing or as deserving particular attention by policy-makers in order to promote media pluralism and media freedom in the country.*

Given the risk areas identified above, several policy recommendations emerge. Firstly, the existing levels of media concentration, especially with regard to print and broadcast media, already exceed the recommended maximum levels (20% market share) as described in the 2014 Competition and Consumer Protection Act. The obvious means to address this is to adjust the legislation so that it applies retrospectively. To date, Irish politicians have been reluctant to seriously consider this, however, citing the strong defence of property rights that characterises the Irish constitution. However, given that freedom of expression is also explicitly defended in the constitution, there is clearly a case to be made for retrospection.

Secondly, the risks identified by the indicator ‘access to media for different social and cultural groups, and local communities’ and the indicator ‘centralisation of the media system’, point to a relatively narrow range of representations within Irish media. That said, it should be acknowledged that the small scale of the Irish market perhaps suggests that the medium risk identified with regard to the ‘centralisation of the media system’ is more apparent than real: although based in Dublin and arguably urban centre-oriented, the PSM does maintain regional correspondents. There is also an extensive local/regional radio market and press sector. However, the high risk recorded with regard to the first indicator of the social inclusiveness domain reflects the reality that, especially given the transformation of the ethnic profile of Ireland since the 1990s, the presence of the “new Irish” has not been reflected amongst the cohort of Irish media professionals, or in terms of their media representation. Although cost factors will be raised as an objection, the creation of a more inclusive society would appear to require more active state intervention so as to create spaces for a minority presence in Irish media.

Thirdly, with regard to the indicator ‘Politicisation of control over media outlets’, and the indicator ‘State advertising’, it should be acknowledged that although the risks are more theoretical than practical (in that there is no evidence that state advertising has been strategically deployed, and political party/media outlet affiliation is exceptional), nonetheless, the risk is there. In both cases, however, the remedy is straightforward: if the assertion of some interviews, that there are indeed advertising guidelines (even if it is not clear where these are laid out), is correct, then those guidelines should simply be published on the website of the Government Procurement Agency. Furthermore, in the interests of transparency, government departments should annually publish a list of total ad spending, broken down by medium and by media outlet. (Such data should already exist.) Similarly, it would require a minimal change in the 2014 Competition and Consumer Protection Act, so as to prohibit the political ownership of media outlets.



## Annexe I. List of national experts who were consulted

Seamus Dooley

National Union of Journalists

Lisa Ní Choisdealbha

Independent Broadcasters of Ireland

Ciaran Kissane

Broadcasting Authority of Ireland

Catherine Shanahan

Dublin Institute of Technology

Paschal Preston

Formerly of Dublin City University

Ailbhe O'Neill

Trinity College, Dublin

Dara McMahon

Newsbrands

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