

OCDE

ORGANISATION DE COOPÉRATION ET
DE DÉVELOPPEMENT ÉCONOMIQUES



OECD

ORGANISATION FOR ECONOMIC
CO-OPERATION AND DEVELOPMENT

COMMUNICATIONS OUTLOOK 1999

BROADCASTING: Regulatory Issues

Country: Ireland

Date completed: 3 December 1998

The attached questionnaire was undertaken in preparation for the biennial OECD Communications Outlook. The responses provided by Member countries on broadcasting regulation were used to provide information supporting the analytical sections published in association with data. A similar questionnaire with responses on telecommunication regulation is also available. In some cases, data for individual firms, used to compile OECD totals, have not been published at the request of the respondent. For further information, including data, see **OECD Communications Outlook 1999** and <http://www.oecd.org/dsti/sti/it/index.htm>

Broadcasting market status (Questions 1- 3)

1. Please provide details of the broadcasting and cable television infrastructure provision in your country.

Infrastructure provision for following service	Number of licensed operators (1998)	Number of privately owned companies ¹	Number of public service organisations ²
Terrestrial TV (National coverage ³)	2	1	1
Terrestrial TV (Local coverage ⁴ only)	0		
Terrestrial radio (National coverage)	2	1	1
Terrestrial radio (Local coverage only)	37	21	16
Cable television service ⁵	12	11	1*
Analogue direct broadcast satellite (DBS) service			
Digital DBS service			
MMDS	4	3	1*

*Cablelink, who operate both cable TV and MMDS services, is currently owned by Telecom Eireann (75%) and RTE (25%). In April, the Government announced that Cablelink would be sold.

¹ Defined as private sector companies holding one or more licences for service provision.

² Including state-owned corporations or institutions holding one or more licences for service provision.

³ A service with national coverage is defined as a service by a group of television or radio stations distributing a majority of the same programming, that are licensed on a national or regional basis but collectively provide nation-wide coverage. Affiliating companies of the nation-wide broadcast network are included in this category. If new operators have been licensed to provide national coverage in the last three years but are at the stage of rolling out networks please include these operators in the total.

⁴ A service with local coverage is defined as a service by a group of television or radio stations that are licensed on a national or regional basis but distribute the programming in the local area only. If new operators have been licensed to provide local coverage in the last three years but are at the stage of rolling out networks please include these operators in the total.

⁵ Please indicate if more than one organisation is permitted to own and operate cable television infrastructure in the same area.

2. Please provide details for the major public / private terrestrial TV broadcasting companies in your country. They include state and privately owned organisations providing broadcasting services with national coverage.

Name of public / private terrestrial TV broadcasting companies	Ownership Status (1998) (e.g. state-run / state owned / privately owned)	Do they own transmissions infrastructures? If not, please indicate the name of company which provide transmission infrastructures.
RTE	State owned	Yes
TV3	Privately owned	No - uses RTE transmission infrastructure

3. What was the price of cable television service for a subscriber in the largest city of your country on 1st January 1998? Basic service corresponds to the least expensive option to a customer and premium service the most expensive option. (Local currency, current prices)

Cable Television services	Basic service			Premium service	
	Connection	Monthly subscription fees	Number of cable channels included in the basic option (excluding free services)	Monthly subscription fees	Number of cable channels included in the premium option (excluding free services)
Cablelink - Dublin	£25 up to £200 approx.	£8.50	11	Sky Sports - £14.00. Movie channels £22.99	
(National average, if available)	Not available	£9.37			

Broadcasting Regulatory Framework (Questions 4 - 9)

4. Which organisation(s) administer the following services (carriage and content) in your country and what are their main responsibilities? Please mention agencies dealing with spectrum allocation and management, and providing licences.

Please provide details:

a. Terrestrial broadcasting service

Content regulation is carried out by (i) the RTÉ Authority and (ii) the IRTC for privately-owned broadcasters.

b. Cable Television service

ODTR deals with licensing.

c. Direct broadcast satellite (DBS) service

No such services are currently licensed in Ireland.

5. Please provide a description of significant recent policy changes affecting the provision of broadcasting services, as well as any draft laws, or regulatory proposals to be implemented in 1998.

Please provide details:

Legislation on the introduction of digital terrestrial TV is currently being drafted by the Department of Arts and Heritage.

6. How is broadcasting defined in your country's regulatory framework? In addition, please specify public service obligations stipulated in broadcasting regulations.

Definition of broadcasting:

Broadcast means the transmission, relaying or distribution by wireless telegraphy of communications, sounds, signs, visual images or signals, intended for direct reception by the general public whether such communications, sounds, signs, visual images or signals are actually received or not. (Radio and Television Act, 1988)

Public service obligations:

7. Are there must-carry rules? For example, are cable television or satellite operators required by regulation to provide capacity for certain services? If yes, please elaborate on the reasons.

Please provide details:

Yes - Cable TV and MMDS operators must carry RTE services (i.e. RTE 1, Network 2) under the Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations, 1974.

TV3 is a must carry for all Cable TV and MMDS operators under Section 17 of the Radio and Television Act, 1988.

8. Are there any local content requirements for broadcasters and cable television operators in your country in terms of the level of domestically produced content which must be broadcast, the amount of turn-over which must be allocated to domestic production or other criteria? Yes/No

	If Yes, please provide local content specification and where applies.
Terrestrial Television service	No
Cable Television service	No
DBS service	No

9. Are there any limitations on share ratio, number of stations, or other ownership restrictions on entities investing in service providers of terrestrial broadcasting, cable television and satellite broadcasting in your country? Please refer to each service individually, if they have separate restrictions.

If yes, please provide details:

The IRTC in the award of contracts for privately-owned broadcasting stations must have regard to section 6(2)(g) and (h) of the Radio and Television Act, 1988.

Cross-ownership and cross sector provision (Questions 10 - 14)

10. Are there any restrictions on terrestrial broadcasting companies from directly providing the cable television infrastructures and services in your country? On the other hand, are there any restrictions on cable television operators from directly providing the terrestrial broadcasting companies in your country? No

If yes, please provide details:

- a. Restrictions on terrestrial broadcasting companies providing the cable television infrastructures
No
- b. Restrictions on terrestrial broadcasting companies providing the cable television services
No
- c. Restrictions on cable television operators providing the terrestrial broadcasting
Not applicable.

11. Please specify any restrictions on cable television operators and terrestrial broadcasting companies investing (including merging and acquiring shares) in companies that provide other infrastructures or services. N/A

Please provide details:

- a. Restrictions on cable television operators investing in telecommunications operators
None
- b. Restrictions on cable television operators investing in terrestrial broadcasting companies
None
- c. Restrictions on terrestrial broadcasting companies investing in telecommunications operators
None
- d. Restrictions on terrestrial broadcasting companies investing in cable television operators
None

12. Are there any restrictions or limitations on foreign investment regarding services of terrestrial broadcasting , cable television and satellite broadcasting in your country? Please refer to each service individually, if they have separate restrictions.

Yes/No

If yes, please provide details:

None

13. Are there any regulations restricting cross media ownership (e.g. broadcast television, radio, newspapers) for infrastructure and services in the same geographical market.

Yes/No

If yes please provide details:

Section 6 of the Radio and Television Act, 1988 applies to privately-owned broadcasting stations.

14. What kind of methods are adopted by regulatory authorities in order to measure market shares in broadcasting market? If the measure used is “audience rates”, please describe the methodology used.

Description of market share measurement

This is a matter for broadcasters and advertisers to agree on formulas/mechanisms.

Please provide methodology for measuring audience rates.

Convergence (Questions 15 - 18)

- 15. Under the communication regulation existing in your country how would services provided over the Internet, which some have likened to broadcasting services (e.g. audio and video services transmitted over the Internet) be defined and treated?**

Please provide details:

This matter is not within the remit of the Department of Arts, Heritage, Gaeltacht and the Islands.

Under EU Commission policy voice telephony over the Internet is not considered to be equivalent to a PSTN service and is not regulated as such.

- 16. Would a video on demand service be treated differently in terms of regulations, by the transmission methods (for example, PSTN, cable or satellite)?**

Please provide details:

Policies are being developed at present.

- 17. Under the communication regulation existing in your country how would conditional access services, such as in digital DBS services, be treated?**

Please provide details:

- 18. Please detail plans for digital broadcasting and cable television services.**

	Number of Licences to be granted	Expected Number of New Channel Capacity	Expected Date of Service Commencement
Terrestrial TV service*	1	30	2000
Terrestrial Radio service			
Direct Broadcast Satellite service	None		
Cable Television service	See Note**		

Additional information and comments:

*Legislation providing for the introduction of digital terrestrial TV is currently being drafted by the Department of Arts, and Heritage. The information shown represents estimates.

**Cable TV and MMDS providers have published plans for the introduction of digital TV from 1999 onwards. The telecommunications regulator (the ODTR) is currently carrying out a consultation and review process with a view to determining arrangements for the licensing of digital TV.