



Coimisiún
na Meán

European and Independent Works Compliance Report for Television Services 2021-2023

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1. Introduction

Minimum quotas for European and Independent works on television services are a tool for promoting the availability of culturally relevant and diverse content for audiences and for supporting indigenous European content production industries. The quotas are provided at Articles 16 and 17 of the Audio-visual Media Services Directive (AVMSD).

This statistical report outlines television broadcasters' compliance with European and Independent works quotas for the period 2021-2023. The legislative framework and compliance monitoring methodology are described in sections 2 and 3. The monitoring results are set out in section 4.

2. Legislative Framework

Articles 16 and 17 of the AVMSD provide that television broadcasters shall ensure that, where practicable and by appropriate means:

- A majority proportion of their transmission time is devoted to European programming ("European Works" or "EW");
 - At least 10% of their transmission time or programme budget is devoted to European programming created by producers who are independent of broadcasters ("Independent Works" or "IW"); and
 - An adequate proportion of Independent Works must be transmitted within 5 years of their production ("Recent Works" or "RW").

Certain content is exempt from the above obligations, including:

- News, sport events, games, advertising, teletext services and teleshopping channels;
- Television broadcasts that are intended for local audiences and do not form part of a national network; and
- Channels broadcasting entirely in a language other than those of the Member State.

An Coimisiún has also determined that it would not be practicable to apply the requirement to certain genre-specific, special interest channels. This is in line with Article 16 of the AVMSD which provides that the quotas apply "where practicable" and accords with previous practice. A list of exempted services is provided at Appendix 1.

For the 2021-2023 period, the European Works and Independent Works quotas apply to the following 8 television services: RTÉ One, RTÉ Two, RTÉ Jnr, TG4, Virgin Media One, Virgin Media Two, Virgin Media Three, and Virgin Media Four. The quotas apply to Virgin Media Four from 2022 when it first broadcast.

3. Methodology

Programme data for each in-scope television service was taken from the TAM Ireland/Nielsen database to assess compliance. For each service, a sample period of 16 weeks of programming was selected for each year in the three-year reporting period. The sample chosen is approximately 30% of output over the reference period, it is selected at random and analysed and verified. This method is chosen for several reasons:



- An Coimisiún is required to ensure that regulatory arrangements operate proportionately, consistently, and fairly under section 7(2)(d)(iii) of the Broadcasting Act 2009, as amended;
- Previous compliance reports found high levels of compliance by television services with their European Works and Independent Works obligations, and, in this context, a sampling methodology is suitable for managing risk against the need to avoid undue regulatory burden;
- Sampling is considered suitable to manage existing resources in the context of the organisation's overall work plan and identified priorities and comprehensive data collection for the entire period is not practical with current manual data gathering and analysis;
- This approach is proportionate to address the need to clear a backlog and align to the European Commission's reporting period; and
- This continues the approach taken by An Coimisiún's predecessor organisation, the BAI, which produced consistent results.

The periods are selected at random with a view to ensuring the report includes data representative of the whole year. Spreadsheets are generated using the Nielsen Ariana software, which are provided to the broadcasters to complete with the following information:

- Recent/repeat works.
- Programme origin (EU/Non-EU).
- Independent/non-independent production.
- Programme genre.

Data submitted by the broadcasters are checked for completeness. Verification is focused on programmes whose provenance is not well known. Queries in relation to the data are raised with the relevant broadcaster and An Coimisiún may revise data categories where appropriate. Data changes are notified to the relevant broadcaster.

The final figures are compiled and where non-compliance is evident, the broadcaster is asked to provide an explanation.

4. Results

All television services met the 50% European Works quota and the 10% quota for Independent Works. The figures are broadly in line with results from the previous reporting period of 2019-2020 (see Appendix 2).

European Works on Virgin Media services are notably high. This is on account of a large volume of content sourced exclusively by the service from the UK. Tentative proposals to remove UK-sourced content from contributing towards European Works quotas would therefore have a significant impact on Virgin Media services attainment of the Article 16 and 17 quotas. It would also impact on RTÉ services, with the greatest impact on RTÉJnr.

The full results for each year of the review period are provided in the table below.



Television Service	2021			2022			2023		
	EW ¹ (min. 50%)	IW ² (min. 10%)	RW ³	EW (min. 50%)	IW (min. 10%)	RW	EW (min. 50%)	IW (min. 10%)	RW
RTÉ One	77%	29%	27%	78%	29%	26%	83%	35%	30%
RTÉ Two	63%	49%	35%	61%	48%	35%	65%	56%	44%
RTÉ Jnr	89%	68%	57%	90%	78%	61%	95%	85%	59%
TG4	51%	51%	10%	51%	49%	10%	60%	59%	8%
Virgin Media One	92%	22%	16%	94%	22%	16%	94%	22%	17%
Virgin Media Two	92%	41%	34%	85%	33%	26%	89%	39%	29%
Virgin Media Three	85%	35%	11%	82%	27%	8%	88%	37%	11%
Virgin Media Four	NA	NA	NA	95%	27%	10%	85%	44%	22%

¹ EW= European Works as a percentage of Total Qualifying Time.

² IP= European Works made by Independent Producers as a percentage of Total Qualifying Time.

³ RW= Recent European Works as a percentage of total European Works made by Independent Producers

Appendix 1 – Exempted television services

Television service	Reason for exemption
Cúla4	Does not subscribe to audience data systems. Channel granted reporting exemption due to presumed low audience share and practicability of reporting and related burden given channel size.
CSI (Fight Sports)	Sports Channel
Discovery - Animal Planet	Does not subscribe to audience data systems. Channel granted reporting exemption due to presumed low audience share and practicability of reporting and related burden given channel size.
Discovery - DMAX	Channel granted reporting exemption due to low audience share and practicability of reporting and related burden given channel size.
Discovery - Food Network	Channel granted reporting exemption due to low audience share and practicability of reporting and related burden given channel size.
Discovery - HGTV	Channel granted reporting exemption due to low audience share and practicability of reporting and related burden given channel size.
Discovery - ID	Channel granted reporting exemption due to low audience share and practicability of reporting and related burden given channel size.
Discovery - Quest	Does not subscribe to audience data systems. Channel granted reporting exemption due to presumed low audience share and practicability of reporting and related burden given channel size.
Discovery - Quest Red	Channel granted reporting exemption due to low audience share and practicability of reporting and related burden given channel size.
Discovery - TLC	Channel granted reporting exemption due to low audience share and practicability of reporting and related burden given channel size.
Discovery (Really)	Channel granted reporting exemption due to low audience share and practicability of reporting and related burden given channel size.
Discovery Channel	Channel granted reporting exemption due to special nature of the content and its related practicability for the given channel.
Discovery History	Does not subscribe to audience data systems. Channel granted reporting exemption due to presumed low audience share and practicability of reporting and related burden given channel size.



Television service	Reason for exemption
Discovery Science	Does not subscribe to audience data systems. Channel granted reporting exemption due to presumed low audience share and practicability of reporting and related burden given channel size.
Discovery Turbo	Does not subscribe to audience data systems. Channel granted reporting exemption due to presumed low audience share and practicability of reporting and related burden given channel size.
Eir TV (EPG)	Electronic programme guide
Oireachtas TV	Parliamentary channel, large majority of content is streaming of parliamentary proceedings.
Premier Sports 1 & 2	Sports Channel
Setanta Sports 1 & 2	Sports Channel
Setanta Sports Philippines	Sports Channel
Setanta Sports Ukraine	Sports Channel
SIS Competitive Gaming	Sports Channel
SIS Europe	Sports Channel
SIS Horseracing Europe	Sports Channel
SIS Independent	Sports Channel
SIS Spain	Sports Channel
RTÉ News	News Channel
Virgin More	Self-promotional channel
Virgin Media Sport	Sports Channel
Virgin Media Sports Extra	Sports Channel
W Sport	Sports Channel
CCTV (Cork Community Television)	Television broadcasts that are intended for local audiences and do not form part of a national network.
DCTV (Dublin City Television)	Television broadcasts that are intended for local audiences and do not form part of a national network.



Appendix 2 – 2019-2020 Results

Channel	Statistical Data					
	2019			2020		
	EW ⁴	IW ⁵	RW ⁶	EW	IW	RW
RTÉ One	70.43%	23.26%	21.75%	73.03%	26.52%	24.14%
RTÉ Two	53.76%	41.46%	29.33%	59.50%	42.51%	35.40%
RTÉ Jnr	84.42%	63.93%	52.05%	89.73%	67.45%	57.33%
TG4	59.94%	53.40%	39.78%	60.77%	59.28%	40.26%
Virgin Media One	93.86%	47.17%	20.40%	94.65%	53.54%	21.66%
Virgin Media Two	96.33%	73.15%	15.90%	98.41%	20.80%	0.70%
Virgin Media Three	91.32%	60.13%	12.15%	92.15%	70.16%	4.83%

⁴ EW= European Works as a percentage of Total Qualifying Time.

⁵ IP= European Works made by Independent Producers as a percentage of Total Qualifying Time.

⁶ RW= Recent European Works as a percentage of total European Works made by Independent Producers.

