

ÚDARÁS BROADCASTING CRAOLACHÁIN AUTHORITY NA hÉIREANN OF IRELAND

Scheme Sound & Vision 4

S&V4 Funding Scheme

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1. Foreword

The vision of the Broadcasting Authority of Ireland is for an Irish media landscape that reflects and shapes who we are. In an increasingly globalising world, that aspiration acknowledges Ireland's distinctive heritage and traditions while also embracing the inevitability of change and transformation. The Sound and Vision Scheme is central to our vision and to our related strategic objectives – increasing culturally relevant audio and audiovisual content for Irish audiences; fostering a media landscape that is representative of and accessible to the diversity of Irish society; and, supporting quality programming in the Irish language.

Established under the Broadcasting (Funding) Act 2003, the Sound and Vision Scheme has made an invaluable contribution to Irish broadcasting and Irish life. The extent of that contribution has been affirmed in the recent review of Sound and Vision 3 conducted by *Mediatique* on behalf of the Authority. Since 2015, eleven funding rounds have been completed under Sound and Vision 3 providing funding to 1,322 projects totalling \in 60.7m. The scheme has helped fund 2,654 hours of Irish content broadcast across TV and radio.

Sound and Vision facilitates the production of culturally relevant content for Irish audiences that would not otherwise be made, including programmes in the Irish language, and is a fundamental part of the funding infrastructure for the independent production sector. Operating on an open basis, the scheme facilitates the engagement of a diverse range of programme-makers, from a small local business making programmes for community and local broadcasters, to large production houses making films for national and international audiences. Through its ancillary measures, the scheme also supports much needed skills training and development.

The Sound and Vision 4 Broadcasting (Funding) Scheme presented below has been informed by the review of its predecessor and by the valuable input from respondents to a public consultation, arising from both of which a number of changes have been made in the administration and operation of the scheme. It is clear that broadcasters, programme-makers and the general public value a scheme that delivers quality content, portrays the Irish experience at home and abroad in all its diversity and enriches the broadcasting heritage of Ireland.

2. Introduction

Sound & Vision 4 is a programming support scheme operated by the BAI and funded through the television licence fee. A key objective of this Scheme is to support the creation of accessible programming that reflects Irish culture, history, language and diversity, programming that has a cultural and/or community purpose for a diversity of Irish audiences. This is the fourth iteration of the Scheme¹.

This document sets out the key elements of the Scheme in terms of the role of the Broadcasting Authority of Ireland ("BAI"), the objectives, scope, available funding and the operational processes. The BAI will publish supporting documentation for potential applicants on funding rounds and any associated development measures regularly over the lifetime of the Scheme.

¹ S&VI operated between 2005 – 2009, S&VII 2010 – 2014 and S&V3 2015 – 2019.

3. Role of the BAI

Part 10 of the Broadcasting Act 2009 ("the Act") makes provision for disbursement of 7% of the net television licence fee receipts ("the Broadcasting Fund") through a funding scheme, or schemes developed and managed by the BAI and approved by the Minister for Communications, Climate Action and Environment ("the Minister"). The Fund covers both the administration of any scheme, or schemes, and funding grants. In the event that the total funding allocation is not fully disbursed by the BAI in any given year, such monies may be carried forward for disbursement into the following year.

3.1 Legislative Context for Sound & Vision 4

3.1.1 Scheme Funding Categories

Section 154(1) of the Act² provides that the BAI shall prepare and submit to the Minister a scheme or schemes for the granting of funds to support all or any of the following programming:

- a) New television or sound broadcasting programmes including feature films, animation and drama on Irish culture, heritage and experience, including-
 - History (including history relating to particular areas, groups or aspects of experience, activity or influence);
 - (ii) Historical buildings;
 - (iii) The natural environment;
 - (iv) Folk, rural and vernacular heritage;
 - (v) Traditional and contemporary arts;
 - (vi) The Irish language;
 - (vii) The Irish experience in European and international contexts;
- **b)** New television or sound broadcasting programmes to improve adult or media literacy;
- c) New television or sound broadcasting programmes which raise public awareness and understanding of global issues impacting on the State and countries other than the State;
- d) Programmes under paragraphs (a), (b) and (c) in the Irish language and,
- e) Such ancillary measures as are necessary to support schemes prepared under paragraphs (a), (b), (c) and (d) above.

Section 154(5) of the Act provides that the Authority, in preparing a scheme, may have regard to the developmental needs of community broadcasters.

Section 154(6) of the Act provides that the Authority, in preparing a scheme, shall have regard to the understanding and enjoyment of television programmes under the scheme by persons who are deaf or hard of hearing.

² The key provisions of the Broadcasting Act 2009 are set out at Appendix I.

3.1.2 Scheme Objectives

The objectives of the Scheme are also derived from the legislation, Section 155, and are as follows:

- Quality: develop high quality programmes based on Irish culture, heritage and experience;
- Irish Language: develop these programmes in the Irish language;
- Additionality: increase the availability of programmes referred to in paragraphs (a) and (b) to audiences in the State;
- **Diversity:** represent the diversity of Irish culture and heritage;
- **Heritage:** record oral Irish heritage and aspects of Irish heritage which are disappearing, under threat, or have not been previously recorded; and
- Local & Community Broadcasting: develop local and community broadcasting.

3.2 Strategic Context for Sound & Vision 4

A key mission of the Authority's Strategy Statement is to '*foster diverse and culturally relevant content for Irish audiences*'. The achievement of this mission is supported by three strategic objectives:

- (i) Increase the production and availability of culturally relevant audio / audiovisual content for Irish audiences
- (ii) Foster and promote quality programming in the Irish Language
- (iii) Foster a media landscape that is representative of, and accessible to, the diversity of Irish society

In this context, in developing and publishing programming schemes further to the Broadcasting Fund, the Authority aims to ensure that there is an increase in the *range and sources of quality culturally relevant audio / audiovisual content, including in the Irish language, available to Irish audiences* and that Irish audio / audiovisual media is more diverse in terms of content as well as in terms of those involved in its production.

In implementing the Broadcasting Fund, the BAI adopts a broadly strategic approach to the implementation of schemes under the Broadcasting Fund based on the following priorities:

- Establish structures that focus on the primary objectives of the Act and ensure the effective distribution of funding;
- Build strong links and establish mechanisms for dialogue with the broadcasting sector and with other public sector agencies in order to gauge trends in broadcasting and in relevant areas, and inform such decisions as the number and structure of schemes;
- (iii) Maintain flexibility within the structures of schemes to ensure the efficient administration and management of the fund in order to respond effectively to the needs of the broadcasting sector and to ensure that the objectives of the legislation are realised.

There are core values that underpin the BAI's approach to the task of operating a scheme. The BAI obligates to be:

- Fair in our processes, procedures and decisions.
- Independent operating as an impartial regulator.
- Expert by informing ourselves through engagement, research and a commitment to professional learning.
- Accountable in our decisions, our governance and our resources.

4. Scope of Sound & Vision 4

4.1 Television and Radio

Sound & Vision 4 will support radio and television programmes on public, commercial and community broadcasting channels that meet the legislative requirements in terms of availability to Irish audiences (see eligible broadcasters in section 4.4 below).

4.2 Programme Themes

Sound & Vision 4 offers funding support for the production of new quality television and radio programmes on the following four themes. These reflect the provisions of the Act and the BAI accepts applications for programmes on either an individual theme or encompassing a number of themes.

(a) Irish culture, heritage and experience

The legislation offers the following examples of programme topics related to these themes and these are outlined below for reference.

- History (including history relating to particular areas, groups or aspects of experience, activity or influence);
- Historical buildings;
- The natural environment;
- Folk, rural and vernacular heritage;
- Traditional and contemporary arts;
- The Irish language; and,
- The Irish experience in European and international contexts.

These are not the only categories of programmes under this theme that can be supported by the Fund. The Authority takes a broad view of Irish culture, heritage and experience and includes all of its contemporary expressions. The statute offers examples of programme themes but applicants to the Fund need not limit their programme proposals to these areas. The ideal outcome for the Fund is one that has a balance between reflections of Ireland's past and its vibrant present.

(b) Adult Literacy or Media Literacy

Programme topics should be focused towards methods of improving adult literacy or media literacy. Adult Literacy is defined as involving speaking, listening, reading, writing, numeracy and using everyday technology to communicate and handle information. Media Literacy is defined in the Act as bringing about a better public understanding of the nature and characteristics of broadcast and related electronic media, the processes by which it is selected and produced, the available access systems and their regulation.

(c) Global issues

Programmes which raise public awareness and understanding of global issues impacting on the State and countries other than the State.

(d) Irish Language

Programmes under (a), (b) and (c) above in the Irish Language.

4.3 Programme Formats and Genres

The BAI accepts applications covering all programming formats and genres with the exception of programmes which are produced primarily for news and current affairs, as provided for under Section 154(d) of the Act.

4.4 Eligibility Criteria

Applications to Sound & Vision 4 may be submitted by television or radio broadcasters or by independent producers. The eligibility criteria set the minimum standard which must be achieved in order to be eligible to apply for funding.

(a) Requirement to Broadcast

The BAI will only fund the production of programmes that will be broadcast by an eligible broadcaster. At the application stage, the BAI will generally require applicants to provide confirmation that they have an agreement to broadcast the programme in line with the Scheme requirements e.g. suitable time slot. This agreement, or "broadcaster letter", can be subject to the receipt of BAI funding and the acceptable delivery of the programme.

In accordance with the statutory provisions, funding is only available for programmes which will be broadcast by certain broadcasters, as follows:

Television: must be on a free television service, as defined in Section 153³ of the Act, which provides near universal coverage in the State, or on an appropriate network provider, as defined in Section 77(1) of the Act, or MMD system as part of a community content provision contract under Section 72 of the Act.

³ Free television service means a television broadcasting service for the reception of which no charge is made by the person providing the service, and reception of which is available to at least 90 per cent of the population of the state.

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Radio: must be carried on sound broadcasting services as defined in the Act under a contract made by the Authority, or operated by RTÉ.

The BAI reserves the right to relax the requirement for a "broadcaster letter" at application stage in relation to certain applications or rounds if it is satisfied that this will assist in achieving the Scheme objectives.

The BAI permits in principle the distribution of programmes via cinema or online means (in whole or in part) before being broadcast on TV and radio. There are particular obligations regarding these 'cinema first' and 'digital first' permissions as set out in the guidance documentation for the Scheme.

(b) Peak Broadcasting

In accordance with the statutory provisions, all programmes must be broadcast at peak times. The BAI defines peak viewing and listening times as follows:

Television - 18.00 - 23.30 Radio - 07.00 - 21.00

Exceptions to this principle are as follows:

- (i) Children's programmes are exempt from peak time requirement unless these programmes are broadcast on a dedicated children's channel. Peak time for such channels will be designated by the BAI with reference to factors such as the nature of the channel and the programming being supported. This general exemption excludes the 00.00 – 07.00 period.
- (ii) Educational programmes (including but not limited to adult/media literacy programmes) are exempt from peak time. This general exemption excludes the 00.00 07.00 period.
- (iii) The peak time requirement for programmes broadcast in the Irish language (whether radio or television), and long form programmes on television, extends to midnight.

(c) Access

In order to facilitate the understanding and enjoyment of television programmes by people who are deaf or with hearing difficulties, all funded programmes must make provisions for subtitling. The subtitling provided should conform with the BAI Subtitling Guidelines. It is intended that the accompanying subtitles would be broadcast each time the funded programme is broadcast.

Funding is available to applicants who wish to provide Irish Sign Language and/or audio description services. These services are important to facilitate the enjoyment of television programmes by persons who are deaf or blind or partially sighted. The BAI has guidelines relating to each of these services. These services are not currently mandatory within the Scheme, however the BAI will over the course of this Scheme aim to incentivise their provision, where appropriate.

(d) Exclusions

Funding will not be available to finance:

- Activities not directly related to programme-making or delivery.
- The purchase of equipment or premises (capital funding).⁴
- Depreciation.

4.5 Public Access to Funded Programmes

Public access to programming funded under the scheme is part of the key objectives and the BAI will explore ways to ensure that material is available on an ongoing basis for audiences. This activity will be funded from the Broadcasting Fund. All programmes funded in previous Sound & Vision Schemes have been archived with the Irish Film Institute and can be accessed on request. Material funded through Sound and Vision 4 will also be archived and publicly accessible.

4.6 Ancillary Measures

The BAI will implement such ancillary measures as it deems appropriate to support the achievement of the objectives of this scheme. This could allow, but is not limited to, measures to assist community broadcasters to meet their social benefit obligations; measures to support adult/media literacy or global issue initiatives; the provision of some development support for programmes to address themes, genres or formats underrepresented in the general applications received; partnerships with like-minded bodies.

5. Funding

5.1 Allocation of funds within Sound & Vision 4

The ratio of television and radio funding stands at 85%:15%. Given the high cost differential between television and radio production, this ratio is considered generally appropriate. The BAI will actively monitor and review the appropriateness of this ratio over the lifetime of the Scheme, in the context of the objectives and any support schemes developed for the TV and/or radio broadcasting sectors, and it will be altered if required. In this regard, the BAI may establish funding support measures for the development of broadcasting, including local and community broadcasters.

A minimum of 20% – 25% of funding will be allocated to programming in the Irish language.

5.2 Maximum Percentage of funding available

In general, the BAI allocates grants under *Sound & Vision 4* that represent up to 95% of the eligible costs of the programme. Applicants are required to provide full details regarding the level and source of other funding for all aspects of the budget. The following matrices provide an example of the possible percentages to be allocated:

⁴ However, where the applicant is a community broadcaster or a community group involved in programme production, some capital costs may be eligible for funding. This shall be assessed on a case-by-case basis.

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Radio programmes

Minimum award	Maximum award	Grant awarded will not represent more than the following percentage of the total budget
	€20,000	Up to 95%
€20,001	€40,000	Up to 90%
€40,001	€55,000	Up to 85%
Greater than €55,001		To be negotiated on a case by case basis but will not exceed 85%.

Television programmes including film

Minimum award	Maximum award	Grant awarded will not represent more than the following percentage of the total budget
	€50,000	Up to 95%
€50,001	€250,000	Up to 90%
€250,001	€750,000	Up to 85%
Greater than €750,001		To be negotiated on a case-by-case basis but will not exceed 85%.

5.3 Obligations for State Aid concerning audiovisual works in the EU

Under European Commission (EC) regulations concerning state aid to films and other audiovisual works the maximum grant aid intensity permissible is limited to 50%. The European Commission has accepted that the programmes specified under the Act fall within the three exclusions to the 50% maximum contained in the EC guidelines. These exclusions relate to programmes which are difficult to make, are low-budget or counteract the limited geographic extension of certain languages and cultures. The BAI's rationale under these exclusions is set out below.

(i) Difficult to make

The thematic areas outlined in the Act are culturally important but may not be commercially sustainable or attractive. The focus of Sound & Vision 4 is directed at high-quality programmes which are not currently being produced and broadcast to Irish audiences.

(ii) Low Budget

The funding of a programme under Sound & Vision 4 requires that it qualifies as low-budget in order to receive State Aid funding above 50% of the total budget. In an Irish context, it is the BAI's view that the amount of funding for programmes under the matrices above would be regarded as low, and therefore qualifies for this exemption to State Aid rules.

(iii) Counteract the limited geographic extension of certain languages and cultures

The Act requires the provision of funding to programmes on stated themes relevant to Irish culture, heritage and experience, and particularly to the support of programmes in these thematic areas in the Irish language. The European Commission has accepted that these "cultural products" have "limited circulation... within EU and world markets" and are therefore eligible for aid intensities in excess of 50%.

In addition, EU regulations provide that member states may require a minimum level of production activity to take place in their territory in order to qualify for grant aid. For difficult or low budget works, or works promoting the Irish language, and where the grant aid provided by the BAI is less than 50% of the overall production budget, the BAI generally requires that 160% of the grant aid awarded is spent within the territory of the Republic of Ireland. In circumstances where the aid provided by the BAI is in excess of 50% of the overall production budget, the BAI requires that 80% of the overall production budget is spent within the Island of Ireland.

A lower level may be acceptable in certain circumstances where, for example, there are justifiable editorial reasons or there is a conflict between the BAI's requirements and the requirements of other funders.

5.4 Funding Rounds

The BAI will generally allocate funding using a funding rounds system. The number of funding rounds depends on a range of factors, including operational imperatives for the BAI.

5.5 Funding of other Phases of Production

Funding allocated in respect of radio and television programming under Sound & Vision 4 is provided only in respect of programming which, in the opinion of the BAI, is likely to be broadcast. The BAI therefore generally offers grant-aid to support the production phase of programmemaking only. However, the BAI may, in limited circumstances, allocate funding in respect of other phases of production where the BAI is satisfied that such support is required to meet the objectives of the scheme and the relevant programming meets all other eligibility criteria.

5.6 Recoupment of funding

The BAI will generally include a recoupment clause in all contracts for programming made under *Sound & Vision 4.* All recouped funding will be re-assigned directly into the Broadcasting Fund and will be available for further disbursement.

5.7 Acknowledgement of Funding

Applicants in receipt of funding from the BAI are contractually required to formally acknowledge this support in a format acceptable to the Authority. The Authority reserves the right to issue applicants with guidelines specifying precise requirements in this regard.

6. Application, Assessment and Awards

The primary concern for the BAI is that the application, assessment and award processes are transparent, equitable and verifiable. The BAI has agreed and operated broad principles in respect of these processes as outlined below. The BAI will make information in relation to the processes and procedures for making applications, the assessment process, contracting and disbursement publicly available.

6.1 The Application Process

The BAI will publish information on upcoming funding activities and will include: details on how to make submissions, eligibility information, application timeframes, details of assessment criteria and other supplementary information as deemed appropriate.

6.2 The Assessment Process

The assessment process for Sound & Vision 4 consists of the following four phases:

6.2.1 Preliminary Evaluation

The purpose of the preliminary evaluation is to ensure that an applicant is eligible for funding under the scheme. The focus here is to ensure that minimum criteria have been met and all required documentation has been submitted. Any applications which do not pass the preliminary evaluation stage are disqualified and are not subject to further consideration.

6.2.2 Qualitative Assessment

Each application is assessed on its own merits in the context of the assessment criteria which are set out in the BAI's guidance documentation published to inform and support potential applicants when making a submission to S&V4.

6.2.3 Strategic Assessment

In instances where there are more qualifying applications than funds available the BAI will have a second evaluation phase. This will focus on achieving a balance in the overall package of funded projects in the context of the scheme objectives. The recommendations from the qualitative phase will also be considered here. Final recommendations are then submitted to the Authority for ratification.

6.2.4 Formal Ratification

The final stage sees the Authority make final decisions on the applications, taking into account recommendations emerging from the previous assessment phases.

6.3 The Award Process

Where the BAI has approved an application for funding the following steps apply:

- i. The BAI informs the applicant of the decision, setting out any condition(s) attaching to the offer.
- ii. The BAI will make public a list of the funding offers ratified by the Authority.
- **iii.** The successful applicant must confirm his/her acceptance of the offer of funding and any condition(s) attached thereto by the BAI.
- iv. A successful applicant is required to enter into a contractual agreement with the BAI, on terms to be specified by the BAI. Such terms include a schedule relating to the drawdown of funds by an applicant.

Funds are administered by the BAI in accordance with the terms of the contractual agreement.

Where the BAI has rejected an application for funding, applicants are notified individually and provided with information on the performance of their application in the assessment process.

The BAI will develop a standardised points system to inform the evaluation of applications and the feedback provided to an applicant.

7. Review of Sound & Vision 4

As provided for under Section 158 of the Act, the BAI will review the operation, effectiveness and impact of Sound & Vision 4 every three years, or at such other time as may be requested by the Minister, and make a written report to the Minister on the review.

The purpose of such a review is to measure the success of Sound & Vision 4 against its objectives and the robustness of the Scheme then, and in the future, having regard to the everchanging media landscape, including the evolving media consumption patterns amongst Irish audiences and in particular, younger audiences. In order to be in a position to undertake a meaningful review, the BAI monitors all aspects of the scheme on an ongoing basis.

8. Appendix 1 – Legislative Framework

The Broadcasting Act 2009 provides the legislative framework for Sound & Vision 4. The relevant sections of the legislation are listed below.

Section 154(1)

The Authority shall prepare and submit to the Minister for his or her approval a scheme or a number of schemes for the granting of funds to support all or any of the following:

(a) New television or sound broadcasting programmes including feature films, animation and drama on Irish culture, heritage and experience, including

- (i) History (including history relating to particular areas, groups or aspects of experience, activity or influence)
- (ii) Historical buildings,
- (iii) The natural environment,
- (iv) Folk, rural and vernacular heritage,
- (v) Traditional and contemporary arts,
- (vi) The Irish language and
- (vii) The Irish experience in European and international contexts,
- (b) New television or sound broadcasting programmes to improve adult or media literacy,
- (c) New television or sound broadcasting programmes which raise public awareness and understanding of global issues impacting on the State and countries other than the State,
- (d) Programmes under (a) (b) and (c) in the Irish language.

Section 154(2)

A scheme-

- (a) May only fund television programmes under subsection (1) which are broadcast -
 - (i) On a free television service which provides near universal coverage in the State, or,
 - (ii) On an appropriate network provider or MMD system as part of a community content provision contract under Section 72,

and which, other than in the case of programmes for children; educational programmes; or programmes in the Irish language broadcast by commercial and community broadcasters; are broadcast during peak viewing times,

(b) May only fund sound broadcasting programmes under subsection (1) which are carried on sound broadcasting services under a contract made by the Authority or operated by RTÉ, and which, other than in the case of programmes for children or educational programmes or programmes in the Irish language broadcast by commercial and community broadcasters, are broadcast during peak listening times.

- (c) May not provide funding for programmes, which are produced primarily for news or current affairs. Section 154(3). A scheme may provide:
 - (i) For the making of applications by persons for funding under a scheme,
 - (ii) General terms and conditions of funding, or
 - (iii) That funding in a particular year will be directed at-
 - Particular classes of television or sound broadcasting programmes referred to in subsection (1) including but not limited to programmes of a specified nature or subject matter, or broadcast by means of a particular medium (including media of a local or regional nature such as local or community television or radio) or,
 - Particular classes of projects referred to in subsection (1)(e) Section 154(4).

The Authority may attach to any particular funding under a scheme such particular terms or conditions as it considers appropriate in the circumstances.

Section 154(5)

The Authority, in preparing a scheme, may have regard to the developmental needs of community broadcasters.

Section 154(6)

The Authority, in preparing a scheme, shall have regard to the understanding and enjoyment of television programmes under the Scheme by people who are deaf or hard of hearing.

Section 155 (1)

The objectives of a scheme in relation to programmes referred to in Section 154(1)(a) are to -

- (a) Develop high quality programmes based on Irish culture, heritage and experience,
- (b) Develop these programmes in the Irish language,

(c) Increase the availability of programmes referred to paragraphs (a) and (b) to audiences in the State,

(d) Represent the diversity of Irish culture and heritage,

(e) Record oral Irish heritage and aspects of Irish heritage which are disappearing, under threat, or have not previously been recorded, and

(f) Develop local and community broadcasting.

Section 155(3)

The Authority, in preparing a scheme and in considering applications for funding, shall have regard to the objectives of a scheme.

Section 158(1)

The Authority shall review the operation, effectiveness and impact of a scheme not later than 3 years from the passing of this Act, and every 3 years thereafter, or at such other time as may be requested by the Minister, and make a written report to the Minister on the review.

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