



Consultation Document: Draft Audiovisual On-Demand Media Service Code & Rules

Publication date: 4th July 2024

Deadline for response: 6th August 2024

This document contains a consultation on:

1. Draft Media Service Code for Audiovisual On-Demand Media Services
2. Draft Media Service Rules for Audiovisual On-Demand Media Services

Legal Disclaimer

The proposals contained in this consultation document should not be read as reflecting or stating Coimisiún na Meán's final position on any of the matters that are the subject of consultation. Please note that any views on the interpretation of legislation or Coimisiún na Meán's obligations are provisional and non-binding and should not be read as reflecting Coimisiún na Meán's final position. Please refer to the underlying legislative provisions for a statement of the law in this area.



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CHAPTER 1: INTRODUCTION

[Coimisiún na Meán](#) (“**the Commission**”) is Ireland’s regulator for broadcasting, video-on-demand, online safety, and media development. The Commission was established in March 2023 under the Online Safety and Media Regulation Act 2022, which amended the Broadcasting Act 2009 (“**the Act**”). The Commission has a wide range of responsibilities, which include the setting of standards and regulations for different types of media and online services under the jurisdiction of Ireland.

One of the Commission’s key duties under the Act is to make **media service codes** and **media service rules** to govern the standards and practices of broadcasters and providers of audiovisual on-demand media services.

The Commission is currently undergoing the process of making such media service codes and media service rules. As part of this, the Commission is required to engage in a public consultation on any draft media service codes or media service rules that it proposes to adopt. This consultation process provides an opportunity for diverse perspectives and feedback to be considered and incorporated into effective regulatory rules.

This document is concerned with the introduction of new rules for **audiovisual on-demand media service providers** and the services that they provide. The following sections contain information on the proposed media service codes and media service rules that the Commission proposes to introduce, as well as the specific issues that the Commission is seeking feedback on, and the process for making submissions to the Commission.

This consultation process is being undertaken in accordance with the Commission’s statutory obligations under the Act, which are outlined in further detail below.

1.1 Relevant Background

Definition of Audiovisual On-demand Media Service

The regulatory rules that the Commission is seeking to introduce will apply to all audiovisual on-demand media services that are based in or operate from Ireland. An “**audiovisual on-demand media service**” is one that allows for the viewing of programmes at the moment chosen by the viewer, and at the viewer’s request, on the basis of a catalogue of programmes made available by the service. The chosen programme is generally streamed with the capability of being viewed across different devices, such as a Smart TV, tablet, or mobile phone.

This type of media service is distinct from traditional television broadcasting, where programming content is broadcast under a fixed schedule. Examples of well-known audiovisual on-demand media service providers include platforms as RTÉ Player, Apple TV, and Virgin Media Player.



Audiovisual on-demand media services are also commonly referred to as “**video-on-demand**” services. For convenience, this consultation document uses the term “on-demand service” or “on-demand provider” as shorthand when referring to “audiovisual on-demand media service providers” and their services.

The Audiovisual Media Services Directive

A key objective of the Commission in introducing regulatory rules for on-demand providers is to give effect to Ireland’s obligations as a member of the European Union. The regulatory framework established by the EU to coordinate national legislation in this area is provided for by the Audiovisual Media Services Directive (“**AVMSD**”). The AVMSD provides for minimum standards and obligations that on-demand providers must adhere to in a variety of areas, including child safety, the accessibility of the service, and the prohibition of content that incites hatred.

On-demand providers that are not based in Ireland are not regulated by the Commission. These are regulated by the respective Member States that they are based in or operate primarily from. For example, Netflix has its European base in the Netherlands, and is therefore regulated by the Dutch media regulator for all of its operations within the EU.

Media Service Codes & Media Service Rules

The Act gives effect to the AVMSD in our national law by requiring the Commission to make media service codes and media service rules to regulate on-demand providers that are established in or operate primarily from Ireland. The Commission may also make codes and rules that regulate matters in addition to the minimum standards required by the AVMSD, in diverse areas such as rules relating to privacy and fairness, objectivity and impartiality in news and current affairs.

Media service codes are made by the Commission under Section 46N of the Act. Such codes generally are designed to address the content of programmes, ensuring that all content made available on the service adheres to established standards. This includes, but is not limited to, regulations that relate to content that may be harmful to children, content that incites hatred against groups, and the use of commercial communications including advertising, sponsorship and product placement.

Media service rules generally relate to the presentation and structural aspects of the service being provided, covering matters such as promoting the accessibility of the service to all members of the public. These are made by the Commission under Section 46O of the Act.



Once introduced, the media service code and media service rules made by the Commission will apply to all on-demand service providers that are based in or operate from Ireland. The Commission has published and will maintain a register of on-demand providers to whom the relevant media service codes and media service rules will apply to which is available on the Commission's website – <https://www.cnam.ie/wp-content/uploads/2024/01/VOD-Register-January-2024.pdf>

1.2 Draft Media Service Code & Media Service Rules for Audiovisual On-demand Media Service Providers

In accordance with the consultation procedures set out under the Act, the Commission has prepared draft media service codes and draft media services rules to apply to on-demand providers (the “**Draft Code and Rules**”), a copy of which is appended to this consultation document.

The Draft Code and Rules has consolidated the media service codes and media service rules into the one document for clarity and to streamline the regulatory framework for on-demand providers.

The primary purpose of the Draft Code and Rules is to give effect to the standards and obligations required of on-demand providers under the AVMSD.

1.3 Legal Framework for the Consultation Process

The drafting of the Draft Code and Rules and this public consultation have been undertaken in accordance with the statutory obligations of the Commission under the Act. Section 46N(6) of the Act requires the Commission, in making or amending a media service code, to have regard to the following matters:

- The degree of harm likely to be caused by the inclusion of a particular matter in programming material.
- The likely size and composition of the potential audience for programming material.
- The likely expectation of the audience as to the nature of programme material, and the extent to which the nature of the programme material can be brought to the attention of potential members of the audience.
- The likelihood of persons who are unaware of the nature of programme material being unintentionally exposed to it by their own actions.
- The desirability of securing that the provider of an audiovisual on-demand media service informs the Commission of any change affecting the nature of the service, and of any change relevant to the application of media service codes.
- The desirability of maintaining the independence of editorial control over programmes.



As per Section 46Q of the Act, before the finalisation of a media service code or media service rule, the Commission is required to:

- Make a draft of the code or rule available for inspection by any person.
- Allow individuals to make submissions in relation to the draft within a specified period.
- Publish a notice that a draft is available for inspection, details on how it can be inspected, and the period for making submissions.

As the Code and Rules will apply to an information society service, the Commission is now submitting the Code and Rules to the EU Commission under Directive (EU) 2015/1535 (the “**TRIS Directive**”). This involves a process that is likely to take three (3) to four (4) months. The EU Commission and other EU countries may make comments or submit opinions on the Code and Rules during this process. Following the completion of this consultation and the process under the TRIS Directive, the Commission will finalise the Code and Rules and publish a final decision. The Code and Rules will be binding on services to which it applies.

1.4 Consultation Objectives and Future Review

The primary objective of this consultation process is to gather feedback on the Draft Code and Rules, which are necessary to give effect to the AVMSD in Irish law.

To do this, we are seeking responses to specific questions relating to Draft Code and Rules that are set out under Chapter 2. The Commission encourages respondents to focus their submissions on the questions asked in this document and adhere to the guidelines for submissions detailed in Chapter 3.

At the conclusion of the consultation process, the Commission will consider all submissions received prior to adopting the final version of the Codes and Rules.

After the Codes and Rules take effect, the Commission plans to continue engaging with stakeholders and will consult further. In particular, the Act allows the Commission to introduce rules applying to matters, including but not limited to:

- Standards and practices relating to harmful and unduly offensive content.
- Standards and practices relating to protecting the privacy of individuals.
- Standards and practices relating to potentially harmful advertising, including on certain food products deemed unhealthy.
- Standards and practices relating to party political programming.
- Standards and practice relating to balanced gender representation of participants in news and current affairs programmes.

The Commission intends to engage in further consultation to consider whether the Codes and Rules should be extended to address any of the above matters in the future.



The Commission looks forward to this collaborative engagement with stakeholders and the public to develop fair and robust regulatory rules for on-demand media services. This process will commence in Q1 2025.

1.5 Note on Draft Code and Rules relating to Accessibility

The Draft Code and Rules contains provisions relating to the obligations on on-demand providers to ensure that programme content is accessible, for example via the provision of subtitling, sign language or audio description. Separately, the Commission is updating its accessibility rules for broadcasters, and this will be the subject of a separate consultation process open to the public, broadcasters and interested stakeholders.

As part of the consultations on both the new on-demand and updated broadcasting rules on accessibility, the Commission will engage directly with people who are blind or vision-impaired and people who are deaf or hard of hearing. This will entail engagement with the Commission's User Consultative Panel and relevant Disabled Persons' Organisations.

1.6 Structure of Consultation Document

Chapter 2 of this document describes each provision of the Draft Code and Rules, together with the reasons why the Commission has drafted each provision in the terms it has. Details about how to submit your response to the consultation process are also provided and the consultation document includes a series of questions about the proposed media code and media rules. The Commission requests that you respond to the questions set out in the document in accordance with the guidance provided for under **Chapter 3**.

The deadline for responses for the consultation process is **Monday 5th August 2024**.



CHAPTER 2: DRAFT CODE AND RULES

This section of the consultation document details the provisions of the **Draft Code and Rules**. A copy of the Draft Code and Rules is provided at **Appendix 1**.

2.1. Overview

The following subsections provide an overview of the structure of the Draft Code and Rules and lists the questions on which the Commission seeks your feedback. Details on how to respond to these questions are in Chapter 3 of this document. You do not have to respond to all questions in your submission, but the Commission would encourage you to respond to all the questions that you consider relevant to you or your stakeholders. Where you wish to answer a question, please give reasons for your answer.

Summaries of each section of the Draft Code and Rules are set out below in chronological order. These summaries paraphrase the key parts of each section of the Draft Code and Rules and are not as precisely worded as the draft provisions themselves. If you wish to understand the provisions in detail or to provide detailed comments on the way they are drafted, you will need to read the provisions of the Draft Code and Rules in the Appendix alongside the relevant legislation.

2.2 Draft Code and Rules: Introductory Sections (Sections 1 – 8)

The following section summarises the introductory sections to the Draft Code and Rules. These set out the context for the making of the Draft Code and Draft Rules, including their legislative basis and their scope. Information on the complaints processes for a contravention of the code and/or rules is also covered.

Section 1: Introduction

This section sets out the authority of the Commission under the Act to make media service codes and media service rules for broadcasters and on-demand providers.

Section 2: Scope and Jurisdiction

This section states that the Draft Code and Rules gives effect to the AVMSD in Ireland. The measures apply to on-demand providers within the State's jurisdiction and do not cover those outside of the jurisdiction.

Section 3: Purpose, Preparation, and Application of the Code and Rules

This section states the purpose of the Draft Code and Rules is to ensure compliance with the AVMSD by on-demand providers within the State's jurisdiction. The preparation of the media service code considered factors such as potential harm that might be caused by



programme content, the possibility of unintended exposure to programme content, the extent to which the nature of the programme content can be brought to the attention of potential members of the audience, amongst other matters. The Draft Code and Rules were prepared following the procedures in Section 46Q of the Act.

Section 4: Regulatory Principles Relevant to the Code and Rules

This section states that the Commission is required to act lawfully, rationally, and fairly. It must consider its statutory objectives and functions, rights under the Constitution and the EU Charter of Fundamental Rights, the ECHR, and EU Treaties. The section also outlines the Commission's broad objectives and functions, including ensuring safety for children, serving the needs of the people with disabilities, and their requirements for accessibility to those services, addressing harmful or illegal content, and promoting quality, diversity, innovation, and sustainability.

Section 5: Severability

This section provides that if any part of the Draft Code and Rules is found to be unlawful or unenforceable, it does not affect the rest of the regulations. Provisions found invalid will be severed, maintaining the effectiveness of the remaining sections.

Section 6: Waiver

This section provides that if the Commission does not respond to or comment upon any submission, assessment, proposal, report, compatibility statement or any analogous document submitted to it by an on-demand provider, this shall not be deemed to be an acceptance or approval of the contents of any part of a submission, assessment etc., by the Commission and shall not imply that the on-demand provider has complied with its obligations under the Act and/or the Code and Rules

Section 7: Compliance and Enforcement

This section sets out the compliance framework for on-demand platforms and the consequences for a contravention of the Codes and Rules. It is mandatory for on-demand providers to maintain systems and controls demonstrating their adherence to the obligations in the Code and Rules. In addition, on-demand providers must also have in place a code of practice for the handling of complaints about content on their service(s)

Section 8: Complaints

The complaints and enforcement procedures introduced in the Act are an important change to the regulatory framework for on-demand and other media services in Ireland. Under the Act, the Commission has significant powers to investigate contraventions of the Code and Rules and impose sanctions.



For users of services, this section provides details on how they may make a complaint if they believe an on-demand service provider has not complied with any part of the Draft Code and Rules. They are encouraged to first raise the matter with the on-demand service provider to facilitate a speedy resolution. The contact information relating to the making of a complaint to the Commission is provided.

Consultation Question:

Question 1: Do you have any comments on Sections 1 – 8 of the Draft Code and Rules?

2.3 Draft Code and Rules: Definitions (Section 9)

Section 9: Definitions

This section sets out the definitions for following important terms that are used in the Draft Code and Rules:

- Access Services
- Audio Description
- Audiovisual Commercial Communications
- Audiovisual Media Service
- Audiovisual On-demand Media Service
- Captioning
- Child / Children
- Editorial Responsibility
- Sign Language, including Irish Sign Language
- Media Service Provider
- Product Placement
- Programme
- Sponsorship
- Surreptitious Commercial Communications
- Subliminal Techniques
- Subtitling

The definitions of each of the above terms have been drafted to reflect their equivalent terms in the relevant legislation or as defined in prior regulatory contexts.

Consultation Question:

Question 2: Do you have any comments on the proposed definitions contained in the Draft Code and Rules?



2.4 Media Service Code: Harmful Content (Section 10)

In order to keep our media environment safe, certain standards are needed to safeguard children and protect audiences from exposure to content that could be harmful or that incites hatred. The AVMSD requires that regulations are put in place to either prohibit or restrict such content and the Commission has set out under this section rules to protect both children and the general public.

Section 10: Harmful Content

This section outlines the responsibilities of on-demand providers to prevent the distribution of harmful content on the services that they provide to the public. It requires that providers do not include in their catalogue certain content, including that which may provoke the commission of a terrorist offence or that is likely to incite violence or hatred against individuals of a group as defined under the EU Charter of Fundamental Rights.

On-demand service providers are also required under this section of the Code to protect children from content harmful to their development. Pornographic content or gratuitous violence is to be restricted to ensure that children cannot normally see it.

Such protective measures may involve safeguards such as the provision of parental controls, including restricted modes and P.I.N. Access, or other technical measures that achieve an equivalent outcome of the foregoing. Any such measures should be proportionate to the potential harm the content could cause to children, with the most harmful content being subject to the strictest controls.

The section further provides that children's data gathered in the process of content restriction must not be used for commercial purposes.

On-demand providers are also required to inform viewers about content that could harm children's development, using a system describing the potentially harmful nature of the content of an on-demand media service.

This section gives effect to Article 6 and Article 6a(1) – (3) of the AVMSD.

Consultation Question:

Question 3: Do you have any comments on the requirements relating to harmful content provided for under Section 10?



2.5 Media Service Code: Right to Cinematographic Works (Section 11)

Section 11: Rights to Cinematographic Works

This section provides that on-demand service providers shall not transmit cinematographic works outside periods agreed with the rights holders. It gives effect to Article 8 of the AVMSD.

Consultation Question:

Question 4: Do you have any comments on the requirement not to transmit cinematographic works outside periods agreed with the rights holders?

2.6 Media Service Code: Audiovisual Commercial Communications (Section 12)

To protect audiences from commercial communications that might harm the interests of children and the general public, certain standards are needed to prevent the inclusion in on-demand media services of harmful advertisements, sponsorship or product placement. Such harms include misleading advertisements, the undue commercial influence on programme content and the use of surreptitious commercial communications.

Section 12: Audiovisual Commercial Communications

This section requires that all audiovisual commercial communications presented on on-demand service providers are clearly recognisable as such to the audience. The use of surreptitious or subliminal techniques is prohibited. Commercial communications must further not:

- Violate human dignity.
- Discriminate based on sex, race, ethnicity, nationality, religion, disability, age, or sexual orientation.
- Promote behaviour harmful to health, safety, or the environment.
- Advertise tobacco products, electronic cigarettes, or prescription-only medicines.
- Encourage excessive consumption of alcohol.

The section also provides that such commercial communications must not harm children, and prohibits certain types of advertising, including communications that encourage direct purchasing through exploitation or the targeting of children with alcohol advertisements.



Specific rules relating to the advertising of alcoholic beverages are also provided for and advertisements for alcohol must not:

- Target or feature children.
- Associate alcohol with improved physical performance or driving.
- Imply alcohol contributes to social or sexual success.
- Attribute alcohol with therapeutic benefits or as a means to overcome personal conflicts.
- Encourage excessive drinking or negatively depict moderation.
- Highlight high alcoholic content as positive.

This section gives effect to Article 9 of the AVMSD and aims to ensure responsible advertising practices regarding content potentially harmful to children and public health.

Consultation Question:

Question 5: Do you have any comments on the requirements relating to commercial communications provided for under Section 12?

2.7 Media Service Code: Sponsorship (Section 13)

Sponsorship is a form of commercial communications that may create the risk of undue influence being exerted over on-demand providers or the programming content on the services that they provide. Rules that ensure that the editorial independence of the provider is protected, and that all sponsorship is transparent are necessary to protect audiences from misleading advertising and facilitate trust in commercial communications.

Section 13: Sponsorship

This section details the regulations regarding sponsored content on on-demand service providers. It requires that:

- Editorial independence is maintained and not influenced by sponsors.
- Sponsorship does not directly encourage the purchase of the sponsor's goods or services.
- Viewers are clearly informed about sponsorship agreements.
- Sponsored programmes are clearly marked with the sponsor's name, logo, or other symbols at appropriate times during the programmes.

Sponsorship from tobacco manufacturers or sellers is prohibited. Sponsorship must not promote prescription-only medicines. The sponsorship of news and current affairs programmes is prohibited as is the showing of sponsorship logos in children's programmes, documentaries and religious programmes.



This section gives effect to Article 10 of the AVMSD and aims to ensure transparency in sponsorship relationships, as well as restricting the sponsorship of certain products for the public good.

Consultation Question:

Question 6: Do you have any comments on the requirements relating to sponsorship provided for under Section 13?

2.8 Media Service Code: Product Placement (Section 14)

Responsible product placement is crucial to protect audiences from being misled and to protect the editorial integrity and independence of programme content. It is important that the regulatory framework requires that product placement is used transparently and is restricted to certain types of content.

Section 14: Product Placement

This section details the regulations for product placement for on-demand providers. Product placement is a type of commercial communication that, unlike advertising, is not separate from the programme content itself. The Code provides that product placement is generally permissible, except in news, consumer affairs, religious and children's programmes. The product placement must not affect the provider's editorial freedom, overtly push sales of goods or products, dominate the content, or be unannounced to viewers. The section further prohibits the product placement of tobacco products and prescription-only medicines or medical treatments.

This section gives effect to Article 11 of the AVMSD and aim to ensure the responsible use of product placement in audiovisual content.

Consultation Question:

Question 7: Do you have any comments on the product placement requirements under Section 14?

2.9 Media Service Rules: Accessibility of audiovisual on-demand services (Section 15)

Standards and obligations to promote accessibility features are essential to ensure that all individuals are able to access and enjoy media content. Such features include audio descriptions, subtitling, and sign language interpretation. Requiring on-demand service providers to continuously and progressively enhance the accessibility of their services helps ensure that our media environment is fair, inclusive, and serves the broadest possible audience.



Section 15: Accessibility

The Media Service Rules section provides for the requirements for ensuring accessibility on on-demand service providers. These include that on-demand service providers must take proportionate measures to ensure that their programmes are made accessible to persons with disabilities, through measures such as subtitling, sign language and audio description.

On-demand providers are required to draft and submit an accessibility action plan to the Commission within six months following the implementation of the media service rules, which must be updated on an annual basis. This action plan is to address matters including:

- The proportion of access services that the media service provider proposes to make available each year on the on-demand service(s) that it provides.
- The measures to be taken to adhere to the quality standards developed by the Commission.
- Proposals with respect to the provision of emergency information further to Section 15.8.
- The manner in which the media service provider will promote access services made available on the on-demand service(s) that it provides.
- Proposals to consult with users of access services on the provision by the media services provider of access services on the on-demand media service(s) that it provides.
- Proposals with respect to ensuring that there is an accessible mechanism for dealing with complaints and queries from audiences with respect to the provision of access services.

In deciding the measures, the provider is to consider a range of influencing factors, namely: -

- The nature of the audiovisual on-demand provider and the services provided.
- The stage of development of the on-demand provider and its capacity to provide accessible programmes.
- The level of current provision of access services made available by the provider.
- The type of programmes provided in the catalogue of the on-demand service.
- The technical and human resource cost for the on-demand provider of access services.
- The technical capacity of the on-demand provider.



On-demand providers will also be required to adhere to quality standards for the provision of access services that are developed by the Commission. Any emergency information transmitted by the provider must be done so in a manner which is accessible to persons with disabilities.

These media service rules give effect to Article 7 of the AVMSD and aims to ensure that on-demand service providers take action to improve the accessibility of their services.

Consultation Question:

Question 8: Do you have any comments on the requirements relating to accessibility as set out in Section 15?



CHAPTER 3: RESPONDING TO THIS CONSULTATION

At the outset, respondents may wish to refer to the Commission's Consultation Guidelines, which can be accessed at:

https://www.cnam.ie/wp-content/uploads/2023/06/ConsultationGuidelines_June-2023-1.pdf

The Commission seeks views, information, and evidence, in relation to each of the consultation questions detailed in Chapter 2 of this consultation document.

These questions have been consolidated for convenience and are listed in **Appendix 2**. You do not have to respond to all questions in your submission to the consultation.

When preparing your response, please:

- Refer to the full text of the Draft Code and Rules and other resources provided in the appendixes rather than the summaries provided in the consultation document, which are intended to be indicative only.
- Clearly identify the specific section(s) or proposal(s) of the Draft Code and Rules that are being addressed in the response.
- give reasons for your answer; and
- Be concise.

Respondents can make their submissions in writing by email or by post / hand to one and have the option of using the consultation response form provided at Appendix 3 to this document. Responses can be sent to the following:

Email: codes@cnam.ie

Contact person: Robert Crowley

Post: Coimisiún na Meán, One Shelbourne Building, Shelbourne Road, Dublin 4, D04 NP20.

Timeframe for responses

All responses to this consultation must be submitted to the Commission on **Monday 5th August 2024**.

If you require any assistance with making a response, please contact Coimisiún na Meán by email at codes@cnam.ie or by phone at **01 644 1200**.

Personal data

The Commission shall comply with its obligations under the General Data Protection Regulation ("GDPR"), the Data Protection Act 2018 and any other applicable data privacy laws and regulations. The Commission is obliged and committed to protecting all personal data submitted.



The Commission has an appointed Data Protection Officer who is registered with the Data Protection Commission. You can find out more on how the Commission processes personal information in the Commission's Data Protection Policy available at: <https://www.bai.ie/en/about-us/data-protection-policy/>.

For this process, the Commission will collect the name, email address, and any other personal information included in your response. The name of the respondent to this consultation and the response provided will be made publicly available. However, the Commission will not make publicly available your contact details, such as your address, phone number or email address. The information collected will be used only for the purpose of this review and for no other purpose.

Confidential Information

It is the Commission's intention to publish submissions received in response to this consultation. Please provide your response as a non-confidential document, with confidential information contained in a separate annex, or submit a redacted non-confidential version together with your response. The Commission will treat confidential information in accordance with its Consultation Guidelines.

Freedom of Information

Information held by the Commission is subject to its obligations under law, including under the Freedom of Information Act 2014. The Commission will consult you about information you mark as confidential before making a decision on any Freedom of Information request.

Registration

If you are interested in keeping up to date with the work of the Commission, you are invited to register your contact details at <https://www.cnam.ie/sign-up-to-newsletter/> to receive our news, updates, and publications.



Appendix 1
Draft Audiovisual On-Demand Media Service
Code and Rules





Coimisiún
na Meán

Draft Media Service Code and Media Service Rules

Audiovisual On-demand Media Service Providers

Publication date:
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1. Introduction

- 1.1 Pursuant to Section 46N(1) and Section 46O(1) and (5) of the Broadcasting Act 2009, as amended by the Online Safety and Media Regulation Act 2022 (the “**Act**”) Coimisiún na Meán (the “**Commission**”) may make codes and rules (“**media service codes**” and “**media service rules**”) governing the standards and practices of broadcasters and providers of audiovisual on-demand media services.
- 1.2 Pursuant to Section 46N(5) of the Act, the Commission shall make media service codes providing for the matters required to be provided for by Articles 5, 6(1), 6a(1) to (3), 7b, 8, 9, 10 and 11 of Directive (EU) 2010/13 (as amended by Directive (EU) 2018/1808) (the “**Audiovisual Media Services Directive**”) (except in so far as provision is made by media service rules).
- 1.3 Pursuant to section 46O(9) of the Act, media service rules shall provide for the matters required to be provided for by Articles 6(1), 6a(1), 7, 7b, 8, 9, 10, 11, Chapter VI and Articles 23(2), 24 and 25 of the Audiovisual Media Services Directive (except in so far as provision is made by media service codes).
- 1.4 In accordance with its statutory duties and obligations set out above, the Commission has prepared this media service code (the “**Code**”) and these media service rules (the “**Rules**”).

2. Scope and Jurisdiction

- 2.1 The Code and Rules gives effect to Articles 5, 6(1), 6a(1) to (3), 7, 8, 9, 10, and 11 of the Audiovisual Media Services Directive in Ireland, in so far as they relate to audiovisual on-demand media services.
- 2.2 The Code and Rules apply, accordingly, to media service providers providing audiovisual on-demand media services.
- 2.3 The Code and Rules apply only to media service providers providing audiovisual on-demand media services that are under the jurisdiction of the State within the meaning of Section 2A of the Act.

3. Purpose, Preparation, and Application of the Code and Rules

Purpose

- 3.1 The purpose of the Code and Rules is to ensure that media service providers providing audiovisual on-demand media services that are under the jurisdiction of the State comply with the requirements of Articles 5, 6(1), 6a(1) to (3), 7,8, 9, 10, and 11 of the Audiovisual Media Services Directive.



Preparation of the Code and Rules

3.2 Pursuant to Section 46N(6) of the Act, the Commission has had regard to the following matters when preparing the Code: -

- the degree of harm or offence likely to be caused by the inclusion of a particular matter in programme material.
- the likely size and composition of the potential audience for programme material.
- the likely expectation of the audience as to the nature of programme material, and the extent to which the nature of the programme material can be brought to the attention of potential members of the audience.
- the likelihood of persons who are unaware of the nature of programme material being unintentionally exposed to it by their own actions.
- the desirability of securing that the provider of a broadcasting service or an audiovisual on-demand media service informs the Commission of any change affecting the nature of the service and, in particular, of any change relevant to the application of media service codes.
- the desirability of maintaining the independence of editorial control over programmes.

3.3 The Code and Rules have been prepared in accordance with the procedures provided for by Section 46Q of the Act.

4. Regulatory Principles Relevant to the Code and Rules

4.1 In its interpretation, application and enforcement of the Code and Rules, the Commission must, in accordance with its public law duties, act lawfully, rationally and fairly.

4.2 More particularly, the Commission must act in accordance with:

- its general statutory objectives and functions under the Act.
- the specific statutory objectives underpinning the Code and Rules.
- the rights conferred by the Constitution, the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights insofar as applicable under the European Convention on Human Rights Act 2003 and the EU Treaties.



General Statutory Objectives and Functions

- 4.3 Section 7(2) of the Act provides that, in performing its functions, the Commission shall endeavour to ensure that the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld, and that the interests of the public, including the interests of children, are protected, with particular commitment to the safety of children. The Commission shall also endeavour to ensure the Commission's policies in relation to audiovisual on-demand media services best serve the needs of the people of the island of Ireland as regards people with disabilities, and their requirements for accessibility to those services.
- 4.4 In addition, the Commission must endeavour to ensure that its regulatory arrangements (i) address programme material and other content which are harmful or illegal; (ii) take account of technological and societal change; and (iii) operate proportionately, consistently and fairly.
- 4.5 Section 7(3) of the Act provides that, in addition, the Commission shall, inter alia:
- stimulate the provision of high quality, diverse, and innovative programmes by providers of audiovisual on-demand media services.
 - promote and encourage environmental sustainability in the policies and practices of providers of audiovisual on-demand media services
 - engage in evidence-based decision-making in the exercise of its functions, and promote evidence-based decision-making by those with which it consults.
 - encourage compliance with the provisions of the Act, and the provisions of any code, rule or other statutory instrument made under it, in any manner the Commission considers appropriate, including by the publication of guidance as to how those provisions may be complied with.
- 4.6 Pursuant to Section 7(4) of the Act, in performing its functions, the Commission shall have regard to: the safety of children, and published policies of the Minister for Children, Equality, Disability, Integration and Youth in respect of that matter; the regulation of gambling, and published policies of the Minister for Justice in respect of that matter; climate change and environmental sustainability, and published policies of the Minister for the Environment, Climate and Communications in respect of that matter; and published policies of the Government in respect of any of those matters.

Specific Statutory Objectives

- 4.7 Pursuant to Section 46N(5) and Section 46O(9) of the Act it is the objective of the Code and the Rules to ensure that media service providers that provide audiovisual on-demand media services and are under the jurisdiction of the State comply with the requirements of Articles 5, 6(1), 6a(1) to (3), 7, 8, 9, 10, and 11 of the Audiovisual Media Services Directive.



5. Severability

- 5.1 If any provision of the Code and Rules is found to be unlawful, invalid, prohibited, unenforceable or inapplicable (either generally or with respect to a particular media service provider(s)) in any respect, on the basis of any law (including the Constitution and European law), such finding shall not affect the lawfulness, validity, enforceability or applicability of any other provision of the Code and Rules or part thereof, unless the finding is declared to be applicable to such other provision or part thereof, or the same is the subject of the relief granted by a court.
- 5.2 Without prejudice to the foregoing, all of the other provisions and/or parts of the Code and Rules shall remain fully effective, applicable and enforceable. To the extent necessary any provision or part of the Code and Rules, found to be unlawful, invalid, prohibited, unenforceable or inapplicable, shall be severed from the Code and Rules.

6. Waiver

- 6.1 The fact that the Commission does not respond to or comment upon any submission, assessment, proposal, report, compatibility statement or any analogous document submitted to it by an on-demand audiovisual media service provider, included on the register of on-demand audiovisual media service providers created by the Commission in accordance with the Act, shall not be deemed to be an acceptance or approval of the contents of any part of the same and shall not imply that the media service provider has complied with its obligations under the Act and/or the Code and Rules.
- 6.2 Without prejudice to the foregoing, the fact that the Commission does not respond or comment on any such document shall not create an estoppel against, or constitute a waiver by, the Commission of any of its powers or rights pursuant to the Act and/or the Code and Rules.

7. Compliance and Enforcement

- 7.1 Pursuant to Sections 46N(10) and 46O(11) of the Act, a failure by an audiovisual media service provider to comply with the Code or Rules shall be a contravention for the purposes of Part 8B of the Act.
- 7.2 An audiovisual media service provider shall ensure that they have systems and controls in place to demonstrate compliance with the obligations contained in this Code.
- 7.3 Pursuant to Section 47(3) of the Act, media service providers providing an audiovisual on-demand media service are required to prepare and implement a code of practice for the handling of complaints relating to the failure of the media service provider to comply with a media service code or media service rules.



8. Complaints

- 8.1 Audiences may make a complaint if they believe media service providers providing an audiovisual on-demand media service has not complied with this Code and Rules. Coimisiún na Meán advises complainants to make their complaint to the audiovisual on-demand media service provider in the first instance as this is the quickest way to have a complaint considered and responded to.

Information on the complaints handling process, including Coimisiún na Meán's process, is available on our website (www.cnam.ie) or you can contact Coimisiún na Meán on + 353 1 963 7755 or at usersupport@cnam.ie.

9. Definitions – Media Service Code & Media Service Rules

“access services” means subtitling, captioning, sign language (including Irish Sign Language in the case of services targeting Irish audiences) and audio description as defined in this Code and Rules.

“audio description” is a commentary that gives audiences who are blind or vision impaired a verbal description of what is happening on the screen at any given moment. It is provided as an aid to the understanding and enjoyment of the programme. The technique uses a second sound track that gives a description of the programme content and the on-screen action.

“audiovisual commercial communication” means a commercial communication consisting of images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal person pursuing an economic activity; such images accompany, or are included in, a programme or user-generated video in return for payment or for similar consideration or for self-promotional purposes.

“audiovisual media service” means

i) a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service or a dissociable section thereof is devoted to providing programmes, under the editorial responsibility of a media service provider, to the general public, in order to inform, entertain or educate, by means of electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC; such an audiovisual media service is either a television broadcast or an on-demand audiovisual media service.

(ii) audiovisual commercial communication.

“audiovisual on-demand media service (on-demand service)” means an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider.



“captioning” means on-screen text that represents what is being said on the screen. However, while similar to subtitling, it is not as sophisticated and entails a more basic representation of what is being said on screen, sometimes having only one colour, verbatim and can have the text only in upper case.

“child or children” means a person or persons under the age of 18 years.

“editorial responsibility” means the exercise of effective control both over the selection of the programmes and over their organisation either in a chronological schedule, in the case of television broadcasts, or in a catalogue, in the case of on-demand audiovisual media services. Editorial responsibility does not necessarily imply any legal liability under national law for the content or the services provided.

“media service provider” means the natural or legal person who has editorial responsibility for the choice of the audiovisual content of the audiovisual media service and determines the manner in which it is organised.

“product placement” means any form of audiovisual commercial communication consisting of the inclusion of, or reference to, a product, a service or the trade mark thereof so that it is featured within a programme or a user-generated video in return for payment or for similar consideration.

“programme” means a set of moving images with or without sound constituting an individual item, irrespective of its length, within a schedule or a catalogue established by a media service provider, including feature-length films, video clips, sports events, situation comedies, documentaries, children's programmes and original drama.

“Sign Language, including Irish Sign Language” is the indigenous natural language of the Deaf community. It is a visual, spatial language which conveys meaning through the movement of the hands, combined with facial expressions and postures of the body. Sign Language has its own syntax and complex grammatical structure. Sign Language must be presented on a screen through the use of a signer as part of the audiovisual programme content, or by the use of a signer acting as an interpreter and positioned over the images on-screen.

“sponsorship” means any contribution made by public or private undertakings or natural persons not engaged in providing audiovisual media services or video-sharing platform services or in producing audiovisual works to the financing of audiovisual media services, video-sharing platform services, user-generated videos or programmes with a view to promoting their name, trade mark, image, activities or products.

“surreptitious audiovisual commercial communications” means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the media service provider to serve as advertising and might mislead the public as to its nature. Such representation shall, in particular, be considered as intentional if it is done in return for payment or for similar consideration.



“**subliminal techniques**” means commercial communications that include any technical device, which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of, members of an audience without their being aware or fully aware of what has been done.

“**subtitling**” means on-screen text that represents what is being said on the screen. Subtitling can be open or closed. Open subtitling is subtitling that remains on the screen at all times. Closed subtitling can be made visible or not visible as audiences wish, using, for example, a remote control. Subtitling is formatted so as to assist interpretation and understanding of the text and link it more accurately to the on-screen action.

Media Service Code Provisions

The following provisions are made pursuant to Section 46N(1) and Section 46N(5) of the Act.

10. Harmful Content

10.1 Pursuant to Section 46J(1)(c) and (d) of the Act, media service providers of on-demand services shall not make available in a catalogue of the service:

- (a) anything which may reasonably be regarded as conduct falling within the concept of public provocation to commit a terrorist offence as set out in Article 5 of Directive (EU) 2017/541;
- (b) anything which may reasonably be regarded as likely to incite to violence or hatred directed against a group of persons, or a member of a group, based on any of the grounds referred to in Article 21 of the Charter,¹ namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation. Nationality constitutes such a ground without prejudice to the special provisions of the Treaty establishing the European Community and of the Treaty on European Union.

10.2 Without prejudice to Section 10.1, media service providers of on-demand services shall provide sufficient information to audiences about content which may impair the physical, mental or moral development of children. The media service provider shall use a system describing the potentially harmful nature of the content of its audiovisual on-demand media service. Information provided to audiences should be displayed at the beginning of a programme.

¹ This includes but is not limited to members of the Traveller Community and Roma Communities.



- 10.3 Media service providers of on-demand services shall take appropriate measures to ensure that programmes containing content which may impair the physical, mental or moral development of children, in particular:
- (a) content consisting of pornography,
 - (b) content consisting of gratuitous violence, are only made available in such a way as to ensure that children will not normally hear or see them.
- 10.4. Appropriate measures for the purpose of Section 10.3 may entail the use by audiovisual on-demand media service providers of protection mechanisms including the following: -
- the use of prior content warnings.
 - the provision of parental controls, including restricted modes and PIN Access.
 - age assurance tools.²
 - other technical measures that achieve an equivalent outcome of the foregoing.
- 10.5. Appropriate measures for the purpose of Section 10.3 shall be proportionate to the potential harm of the programme for children. In this respect, media service providers of on-demand services shall have regard to the potential of the material to harm children when determining the proportionate approach to be taken. Factors to consider include: -
- i. The likely degree of harm potentially caused by the programme content.
 - ii. The likelihood of children accessing the content.
 - iii. The nature of the on-demand service and its likely audience.
- 10.6. Without prejudice to the generality of Sections 10.3 and 10.4, the most harmful content, namely gratuitous violence and pornography, shall be subject to the strictest measures, such as parental controls, age assurance tools or other technical measures that achieve an equivalent outcome.
- 10.7. Personal data of children collected or otherwise generated by media service providers pursuant to sections 10.3 or 10.4 shall not be processed for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising.

² An age assurance measure based solely on self-declaration of age by users of the service shall not be an effective measure for the purposes of Section 10.4.



11. Rights to Cinematographic Works

- 11.1 Media service providers of on-demand services shall not transmit cinematographic works outside periods agreed with the rights holders.

12. Audiovisual Commercial Communications

- 12.1 Media service providers of on-demand services shall ensure that audiovisual commercial communications they provide shall be readily recognisable as such.

- 12.2 Media service providers of on-demand services shall not include in or alongside programmes any surreptitious audiovisual commercial communications or audiovisual commercial communications that use subliminal techniques.

- 12.3 Media service providers of on-demand services shall not provide audiovisual commercial communications that are harmful to the general public, namely: -

- i. audiovisual commercial communications which prejudice respect for human dignity.
- ii. audiovisual commercial communications which include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age, or sexual orientation.
- iii. audiovisual commercial communications which encourage behaviour prejudicial to health or safety.
- iv. audiovisual commercial communications which encourage behaviour grossly prejudicial to the protection of the environment.
- v. audiovisual commercial communications for cigarettes and other tobacco products, as well as for electronic cigarettes and refill containers.
- vi. audiovisual commercial communications which encourage immoderate consumption of alcoholic beverages.
- vii. audiovisual commercial communication for medicinal products and medical treatment available only on prescription in the State.

- 12.4 Media service providers of on-demand services shall not provide audiovisual commercial communications harmful to children, namely:

- i. audiovisual commercial communications that directly exhort children to buy or hire a product or service by exploiting their inexperience or credulity.



- ii. audiovisual commercial communications that directly encourage children to persuade their parents or others to purchase the goods or services being advertised.
 - iii. audiovisual commercial communications which exploit the special trust children place in parents, teachers or other persons.
 - iv. audiovisual commercial communications which unreasonably show children in dangerous situations.
 - v. audiovisual commercial communications for alcoholic beverages aimed specifically at children.
- 12.5 Media service providers of on-demand services shall ensure that audiovisual commercial communications for alcoholic beverages they provide, with the exception of sponsorship and product placement, comply with the following requirements:
- i. audiovisual commercial communications shall not be aimed specifically at minors or, in particular, depict minors consuming these beverages.
 - ii. audiovisual commercial communications shall not link the consumption of alcohol to enhanced physical performance or to driving.
 - iii. audiovisual commercial communications shall not create the impression that the consumption of alcohol contributes towards social or sexual success.
 - iv. audiovisual commercial communications shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts.
 - v. audiovisual commercial communications shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light.
 - vi. audiovisual commercial communications shall not place emphasis on high alcoholic content as being a positive quality of the beverages.

13. Sponsorship

- 13.1 Media service providers of on-demand services or programmes that are sponsored shall comply with the following requirements: -
- i. the content of the on-demand services or programmes they provide shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider.
 - ii. the on-demand services or programmes they provide shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services.



- iii. audiences shall be clearly informed of the existence of a sponsorship agreement.
 - iv. sponsored programmes shall be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in an appropriate way for programmes at the beginning, during and/or at the end of the programmes.
- 13.2 Media service providers of on-demand services shall not permit on-demand services or programmes they provide to be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products, as well as electronic cigarettes and refill containers.
- 13.3 Media service providers of on-demand services shall not permit on-demand services or programmes they provide to promote specific medicinal products or medical treatments available only on prescription in the State.
- 13.4 Without prejudice to section 13.3, media service providers of on-demand services may permit on-demand services or programmes they provide to be promoted by the name or image of undertakings whose activities include the manufacture or sale of medicinal products and medical treatment.
- 13.5 Media service providers of on-demand services shall not permit news and current affairs programmes they provide to be sponsored.
- 13.6 Media service providers of on-demand media services shall not permit the showing of a sponsorship logo during children's programmes, documentaries or religious programmes they provide.

14. Product Placement

- 14.1 Media service providers of on-demand services shall permit product placement in on-demand services they provide, except on news and current affairs programmes, consumer affairs programmes, religious programmes and children's programmes.
- 14.2 Media service providers of on-demand services shall ensure that programmes containing product placement comply with the following requirements: -
- i. the content and organisation of such programmes within a catalogue shall under no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider.
 - ii. they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services.
 - iii. they shall not give undue prominence to the product in question.



- iv. audiences shall be clearly informed of the existence of product placement by an appropriate identification at the start and at the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer.
- 14.3 Without prejudice to sections 14.1 and 14.2, programmes shall not contain product placement of: -
- i. cigarettes and other tobacco products, as well as electronic cigarettes and refill containers, or product placement from undertakings whose principal activity is the manufacture or sale of those products.
 - ii. specific medicinal products or medical treatments available only on prescription in the State.
- 14.4 Sections 14.1, 14.2, and 14.3 shall apply only to programmes produced after 19 December 2009.

Media Service Rules Provisions

The following provisions are made pursuant to Section 46O(1)(5)(6)(7) and (9) of the Act.

15. Accessibility of audiovisual on-demand services

- 15.1 Media service providers of on-demand services shall take proportionate measures to ensure that programmes made available on their on-demand services are made continuously and progressively more accessible to persons with disabilities through the provision of access services as defined in this Code and Rules.

Accessibility Action Plan

- 15.2 Media service providers of on-demand services shall develop an accessibility action plan, to be agreed with the Commission, in respect of the obligation set out under section 15.1.
- 15.3 Media service providers of on-demand services shall make available to the Commission their first accessibility action plan within six months from the date of publication of this Code and Rules and annually thereafter.
- 15.4 Media service providers of on-demand services shall, in developing their first and subsequent accessibility action plan demonstrate that they have had due regard to the influencing factors set out under Section 15.6.



15.5 The accessibility action plan to be developed and agreed with Coimisiún na Meán in respect of the obligation set out under section 15.1 shall address the following: -

- i. The proportion of access services that the media service provider proposes to make available each year on the on-demand service(s) that it provides.
- ii. The measures to be taken to adhere to the quality standards developed by the Commission further to Section 15.7.
- iii. Proposals with respect to the provision of emergency information further to Section 15.8.
- iv. The manner in which the media service provider will promote access services made available on the on-demand service(s) that it provides.
- v. Proposals to consult with users of access services on the provision by the media services provider of access services on the on-demand media service(s) that it provides.
- vi. Proposals with respect to ensuring that there is an accessible mechanism for dealing with complaints and queries from audiences with respect to the provision of access services.

Influencing Factors

15.6 In determining the proportionate measures to be taken further to Section 15.1 and specified in their annual accessibility action plan, media service providers of on-demand services shall demonstrate that due regard was had to the following influencing factors.³ Namely: -

- i. The nature of the audiovisual on-demand media service provider and the services provided.
- ii. The stage of development of the audiovisual on-demand media service provider and its capacity to provide accessible programmes.
- iii. The level of current provision of access services made available by the media service provider on the on-demand services that it provided.
- iv. The type of programmes provided in the catalogue of the on-demand services provided by the media service provider.
- v. The technical and human resource cost for the media services provider of providing access services.
- vi. The technical capacity of the media services provider to provide access services on the on-demand services it provides.

³ Non-binding guidance with respect to these influencing factors has been developed by the Commission and may be accessed at <https://cnam.ie>



Quality Standards

- 15.7 Media service providers of on-demand services shall adhere to quality standards, insofar as it is practicable to do so, for the provision of access services applied by Coimisiún na Meán and developed following consultation with the public and media service providers of on-demand services.

Emergency Information

- 15.8 Where an on-demand service transmits emergency information, including public communications and announcements in natural disaster situations, the provider of that service shall ensure that this information is provided in a manner which is accessible to persons with disabilities.

Reporting

- 15.9 Pursuant to enabling the Commission to meet its reporting obligation set out under Article 7(2) of the Audiovisual Media Services Directive, media service providers of on-demand services shall provide a report to the Commission, in a manner to be further specified, on the implementation of the first and subsequent annual accessibility action plans agreed with the Commission.



Guidance

Influencing Factors

Section 15 of Coimisiún na Meán's 'Media Service Code and Media Service Rules - Audiovisual On-demand Media Service Providers' states that in determining the proportionate measures to be taken to ensure that programmes made available on their on-demand services are made continuously and progressively more accessible to persons with disabilities, media service providers of on-demand service shall in the development of their first and subsequent accessibility action plan demonstrate that they had due regard to the influencing factors set out under Section 15.6 of the Rules. This document provides further guidance in this respect.

i. The nature of the audiovisual on-demand media service provider and the services provided.

Guidance: Does the service(s) have a public or private service character? Is the service in receipt of public monies and as a result may have greater public service duties? Does the service have specific aims, cultural, social or linguistic, which might impact on its ability to provide accessible services?

ii. The stage of development of the audiovisual on-demand media service provider and its capacity to provide accessible programmes.

Guidance: How long has the service(s) been in operation? How much experience does the media service provider have of providing access services? Is there already a level of expertise within or available to the media service provider in the provision of access services? What is their share of the market?

iii. The level of current provision of access services.

Guidance: What is their starting point? How much subtitling, captioning, sign language or audio description is current available on the on-demand services(s) that they provide?

iv. The type of programmes provided in the catalogue of the audiovisual on-demand media service(s).

Guidance: Does the service(s) acquire a lot of content from third parties? How much home-produced programming does the service provide? Is programming independently produced? These questions are relevant, as the type of programming in the catalogue has an influence on the cost, technical facilities, personnel and ability to provide access services.

v. The technical and human resource cost for the audiovisual on-demand media service provider of access services.

Guidance: What is the financial capacity of the media service provider and the likely financial impacts of providing access services?



vi. The technical capacity of the audiovisual on-demand media service provider.

Guidance: What facilities and expertise currently exist within the service to provide access services? Does the service have the technical capacity to provide access services? What level and type of technical facilities and expertise would be required?



Appendix 2

Consultation Questions

Question 1: Do you have any comments on Sections 1 – 8 of the Draft Code and Rules?

Question 2: Do you have any comments on the proposed definitions contained under Section 9 of the Draft Code and Rules?

Question 3: Do you have any comments on the requirements relating to harmful content provided for under Section 10 of the Draft Code and Rules?

Question 4: Do you have any comments on the requirement under Section 11 of the Draft Code and Rules not to transmit cinematographic works outside periods agreed with the rights holders?

Question 5: Do you have any comments on the requirements relating to commercial communications provided for under Section 12 of the Draft Code and Rules?

Question 6: Do you have any comments on the requirements relating to sponsorship provided for under Section 13 of the Draft Code and Rules?

Question 7: Do you have any comments on the product placement requirements under Section 14 of the Draft Code and Rules?

Question 8: Do you have any comments on the requirements relating to accessibility as set out in Section 15 of the Draft Code and Rules?



Appendix 3

Consultation Response Form



**Coimisiún
na Meán**

Consultation: Audiovisual On-Demand Media Services Draft Code and Rules

Consultation response form

This form lists the questions that Coimisiún na Meán is seeking in response to the public consultation.

Please complete any or all sections of this form and return by email, by post or by hand to : -

Email: codes@cnam.ie

Contact person: Robert Crowley

Post: Coimisiún na Meán, One Shelbourne Building, Shelbourne Road, Dublin 4, D04 NP20.

You do not have to respond to all questions in your submission to the consultation.

When preparing your response, please:

- refer to the full text of the Draft Code and Rules and not the summaries provided in the consultation document, which are intended to be indicative only;
- clearly identify the specific section(s) or proposal(s) of the Draft Code and Rules that are being addressed in the response;
- give reasons for your answer; and
- be concise.

Please note that this form is provided for your convenience only. Coimisiún na Meán accepts submissions in other formats or means should you prefer.

Respondents may wish to refer to Coimisiún na Meán's [Consultation Guidelines](#), which can be accessed on our website.

Important note on confidentiality:

It is Coimisiún na Meán's intention to publish submissions received in response to this consultation. If you wish to make all or any part of your submission on a confidential basis, Coimisiún na Meán, please indicate this clearly at the start of your response to each relevant question.

Coimisiún na Meán will treat confidential information in accordance with its Consultation Guidelines.

Consultation title	Consultation on Codes & Rules for Audiovisual on-demand media services
Full name	
Contact phone number	
Representing	Self / Organisation (Delete as appropriate)
Organisation name	
Email address	

Your response:

Please insert your response under each of the respective questions below.

1. Do you have any comments on Sections 1 – 8 of the Draft Code and Rules?

2. Do you have any comments on the proposed definitions contained in Section 9 of the Draft Code and Rules?

3. Do you have any comments on the requirements relating to harmful content provided for under Section 10 of the Draft Code and Rules?

4. Do you have any comments on the requirement not to transmit cinematographic works outside periods agreed with the rights holders as set out in Section 11 of the Draft Code and Rules



5. Do you have any comments on the requirements relating to commercial communications provided for under Section 12 of the Draft Code and Rules?

6. Do you have any comments on the requirements relating to sponsorship provided for under Section 13 of the Draft Code and Rules?

7. Do you have any comments on the product placement requirements under Section 14 of the Draft Code and Rules?

8. Do you have any comments on the requirements relating to accessibility as set out in Section 15 of the Draft Code and Rules?