



Response to Consultation: Draft Media Service Codes & Rules for Broadcasting

Publication date: November 2024

This document contains:

1. Response to Consultation on
 - a. General Commercial Communications Code
 - b. Code of Programme Standards
 - c. Code and Rules on Advertising, Teleshopping, Signal Integrity & Information
 - d. Short News Reporting Code

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1. Introduction

Coimisiún na Meán (“**the Commission**”) is Ireland’s public body responsible for developing and regulating a thriving, diverse, creative, safe and trusted media landscape. Its responsibilities include:

- Overseeing the funding of and supporting the development of the wider media sector in Ireland.
- Overseeing the regulation of broadcasting and video-on-demand services.
- Developing and enforcing the Irish regulatory regime for online safety.

The Commission was established in March 2023 under the Online Safety and Media Regulation Act 2022, which amended the Broadcasting Act 2009 (“**the Act**”).

One of the Commission’s key duties under the Act is to make **media service codes**¹ and **media service rules**² to govern the standards and practices of radio and television broadcasters and providers of audiovisual on-demand media services.

The Commission, on establishment, inherited various media service codes and media service rules relating to television and radio broadcasting (“**the Broadcasting Codes and Rules**”) previously introduced by its regulatory predecessor, the Broadcasting Authority of Ireland, namely:

- (i) General Commercial Communications Code (“**the General Code**”)
- (ii) Children’s Commercial Communications Code
- (iii) Code of Programme Standards (“**the Standards Code**”)
- (iv) Rules on Advertising and Teleshopping (Daily and Hourly Limits) (“**the Advertising & Teleshopping Rules**”)
- (v) Code of Fairness, Objectivity & Impartiality in News and Current Affairs
- (vi) Short News Reporting Code (“**the Short News Code**”)

Over the past number of months, the Commission has been working on updating each of the Broadcasting Codes to incorporate necessary changes required under Irish and European law. As part of this process, the Commission engaged in a public consultation on proposed revisions to these regulations. This Response to Consultation document addresses submissions received in response to the public consultation relating to proposed draft revisions to the following Broadcasting Codes and Rules:

- The General Code
- The Standards Code
- The Advertising & Teleshopping Rules sections applying to **television broadcasts** only
- The Short News Code

¹ **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 or commercial communications, ensuring that all content made available on the service adheres to established standards.

² **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.

Responses to submissions regarding the remaining Broadcasting Codes and Rules (including the sections of the Advertising & Teleshopping Rules applying to radio broadcasts) will be addressed in a separate document to be published at a later date.

1.1. Public Consultation

On 4 September 2024, the Commission [published](#) draft revised versions of the Broadcasting Codes and Rules (“**the Draft Codes & Rules**”), together with a [Consultation Document](#), as part of its initiative to update the regulations for the reasons outlined at Paragraph 2.1 below.

The Commission commenced a public consultation on the Draft Codes & Rules, inviting the public and relevant stakeholders to provide submissions on the proposed regulations. The public consultation was to be conducted in two distinct stages:

- Stage 1 invited submissions up to 3 October 2024 and is focused on changes being proposed under the Draft Codes & Rules.
- Stage 2 invited submissions up to 20 November 2024 on broader issues relating to the regulation of broadcasting, which may inform future revisions anticipated to take place in 2025.

This Response to Consultation document exclusively addresses the submissions received during Stage 1 of the consultation process. It does not address the wider issues raised under Stage 2, which are to be considered separately as part of the future review of the Broadcasting Codes and Rules.

In total, the Commission received 17 submissions in response to the consultation from the following person(s) / organisations: -

- Association of Advertisers in Ireland
- National Disability Authority
- Warner Bros. Discovery
- TG4
- Shine
- Dublin Community Television
- Baby Feeding Law Group Ireland
- Private Individual
- Independent Broadcasters of Ireland
- RTÉ
- Alcohol Action Ireland
- Wireless Ireland
- Bauer Media
- Sunshine 106.8
- Food Drink Ireland
- Dairy Industry Ireland
- Virgin Media Television

Copies of all submissions received, together with a summary of the submissions, will be published following consideration by the Commission of the three remaining codes that were part of the public consultation, but which are not required to give effect to the transposition of EU Directive 2018/1808, which updated the Audiovisual Media Services Directive (“**the AVMS Directive**”). These remaining codes are the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, the Children’s Commercial Communications Code, and the Media Service Codes & Rules (Radio Advertising).

The public consultation was undertaken in accordance with the Commission’s statutory obligations to consult on any draft media service codes or media service rules it intends to introduce under Section 46Q of the Act.

1.2. Purpose of the Response to Consultation

In accordance with the Commission’s [Consultation Guidelines](#) published in June 2023, the Commission is publishing this Response to Consultation following its conclusion of the public consultation process.

The purpose of the Response to Consultation is to set out the key issues emerging from the submissions received during the public consultation, and to explain how these issues have been considered by the Commission in the context of determining the final versions of the regulations.

The Commission has considered all of the submissions received. With due regard to the submissions as a whole, the Commission has exercised its judgement and formed its views on the final text of the Codes and Rules.

The Response to Consultation provides an account of the issues raised in consultation that have resulted in amendments being made to the Draft Codes & Rules, as well as the issues that could not be considered for practical, legal or policy reasons. In view of the range and volume of responses to consultation, it is not intended to be exhaustive. The failure to refer to any specific issue should not be taken as failure on the part of the Commission to have regard to any particular submissions or the submissions as a whole.

The Commission reserves the right, in the exercise of its discretion, to adopt measures on which it has consulted, with or without amendment.

2. Proposed Changes to the Broadcasting Codes

2.1. Relevant Background

The primary objective of the proposed changes to the Broadcasting Codes and Rules under the Stage 1 review is to give effect to Ireland's obligations as a member of the European Union, in particular by incorporating into national law the AVMS Directive.

The AVMS Directive provides for minimum standards and obligations that media service providers (including television and radio broadcasters) must adhere to in a variety of areas, including the protection of children, the accessibility of the service, and the prohibition of content that incites hatred or violence.

The latest version of the AVMS Directive has introduced new requirements for television broadcasters and providers of on-demand services, which necessitated changes to the Broadcasting Codes and Rules.

In addition to this, the Commission proposed amendments to the Broadcasting Codes and Rules to account for changes to our national legislation under the Act, which include the establishment of the Commission as the new regulator for broadcasting and other media services.

Further information on the specific changes to the Broadcasting Codes and Rules proposed and the reason for these proposals is contained in the [Consultation Document](#).

2.2. Legal Framework for the Making of Codes and Rules

In terms of the preparation of the Draft Codes & Rules, 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.

The drafting of the Draft Codes & Rules and the public consultation have been undertaken in accordance with the statutory obligations of the Commission under the Act to have regard to the matters listed above.

3. Next Steps

3.1. Final version of the Draft Codes & Rules

The Commission has made a number of changes to the Draft Codes & Rules published in September 2024 on foot of the submissions received in response to this public consultation. These changes are reflected in the final versions of the Broadcasting Codes which have been published and which are available to view on the Commission's website at www.cnam.ie.

A summary of the key issues identified in the consultation submissions, together with a summary of the Commission's response to these issues, are detailed below under Section 4 of this Response to Consultation.

The final versions of the Broadcasting Codes apply to all licensed television and radio broadcasters that are based in or operate under the jurisdiction of the State.

In the case of the Media Service Code & Media Service Rules on Advertising, Teleshopping, Signal Integrity & Information, Sections 12 and 13 set out specific requirements as well for audiovisual on-demand media service providers that are based in or operate under the jurisdiction of the State. The Commission has published and will maintain on its website its [Register of On-Demand Providers](#) to whom these relevant parts will apply.



4. Commission Response to Submissions

This section summarises in broad terms the key issues raised by the submissions received in response to each of the consultation questions listed in the Consultation Document.

Each subsection provides a brief summary of the proposed changes to the relevant Broadcasting Code or Rules, an overview of the submissions received relating to its respective consultation question, and the response of the Commission to these submissions in making its decision on the final draft.

Please note that the overview of the submissions below are intended to provide a general sense of the responses received and highlight some of the more prominent issues raised. It is not a comprehensive account of every submission or concern expressed.

In general terms, a number of submissions received requested that the Draft Codes & Rules be updated in a manner that would not meet the requirements of the AVMS Directive. Specifically, adopting some of the proposals would mean that the minimum levels of protection required as set out in the AVMS Directive for television broadcasting services would not be met, resulting in the failure of the Irish State to fully transpose the Directive. Such proposals have not been adopted.

In addition, some issues were highlighted that require further consideration and are outside the scope of the Stage 1 review. Where appropriate, these issues will be considered under the Stage 2 consideration of the Broadcasting Codes and Rules. Other issues identified, if they were to be addressed by regulation, would require further public consultation before being introduced.

A number of responses sought clarification on interpretative or implementation matters. In this respect, the final versions of the Broadcasting Codes and Rules (under Section 9 of each respective Code or Rules) provide for guidance to be requested from the Commission on any aspect of the regulations. Guidance may also be published on specific aspects of the Broadcasting Codes and Rules further to Section 7(3)(i) of the Act.

4.1. General amendments to each of the Broadcasting Codes

Proposals for public consultation

The Draft Codes & Rules proposed general amendments to be made to each of the Broadcasting Codes and Rules, including:

- The replacement of references to the Broadcasting Authority of Ireland, where applicable, with references to Coimisiún na Meán.
- The update to terminology, such as “codes”, “rules”, and “broadcasting codes” to refer to “media service codes” and “media service rules” as appropriate, to reflect the terminology used in the Act.
- The updating to statutory provisions referenced where relevant to reflect any legislative changes.
- The update to the “General Definitions” section in each of the respective codes to reflect changes to the statutory definitions of these terms under the AVMS Directive or the Act.

A comprehensive list of the changes being proposed and the reasons for these proposals are detailed in the [Consultation Document](#).

4.1.1. Overview of submissions received in response

Consultation question (Question 1): *Do you have any comments on the general amendments that are being proposed to apply to each of the Broadcasting Codes and Rules?*

Respondents provided generally positive feedback on the general amendments proposed under the Draft Codes & Rules. The submission generally raised no issue to the updates regarding the references to the statutory provisions or the terminology used.

Several submissions focused on the impact of the proposed changes in respect of the regulation of advertising. Some comments drew the attention of the Commission to categories of commercial communications which are not covered in the Draft Codes & Rules or requested the Commission to provide more granular rules and obligations in respect to certain categories of commercial communication.

Other comments received in response to this consultation question asked the Commission to take the differences between different the mediums of radio and television broadcasting into account when, for example, considering advertising rules. A submission was received requesting more flexibility in the context of advertising minutage for radio.

Additionally, one submission on Question 1 pointed to potential overlap between consumer law and media law, questioning the Commission's role in regulating areas impacting upon consumer rights, suggesting overlap with other regulatory bodies and asking for clarity regarding the enforcement of these rules.

4.1.2. Commission response

The Commission has decided to make no changes to the Draft Codes & Rules which relate to the general amendments that have been proposed.

The majority of the changes proposed in the Draft Codes & Rules regarding general amendments are undertaken to update references in the regulations to statutory provisions and legislative definitions. These updates are required to ensure that the regulations are aligned with the current legislative framework. The Commission views these changes as non-controversial and necessary to maintain regulatory coherence.

Additionally, several submissions received in response to this question were outside the scope of the consultation question, focusing instead on more substantive content-related issues, rather than the general amendments being proposed. These submissions will be considered separately, either in response to more relevant consultation questions or as part of the broader Stage 2 review.

Regarding potential overlap between the Commission's regulations and those of different regulators impacting upon consumer rights, the Commission cooperates with its regulatory counterparts to prevent a duplication of enforcement activities or conflict of competences.

4.2. Draft General Commercial Communications Code

Proposals for public consultation

The General Code provides for rules that apply when broadcasters air commercial communications, which includes advertisements, sponsorship, and product placement. It sets out the general rules that apply to all forms of commercial communications, prohibits certain types of advertising, and provides for targeted rules that apply to specific products or services, such as alcohol, medicinal products, and gambling.

The substantive changes proposed to the General Code under the Draft Codes & Rules (“**the Draft General Code**”) included:

- The removal of the sections relating to “Minutage Exclusions” and “Advertising and Teleshopping”, which are now addressed separately under the revised Draft Advertising, Teleshopping, Signal Integrity and Information Media Service Code and Rules.
- The extension of prohibited commercial communications to include electronic cigarettes and refill containers.
- Enhanced provisions relating to the protection of children, including restrictions on data processing and exposure to certain food advertisements.
- Revised rules for product placement, which remove the general prohibition of product placement, as well as the distinction between paid product placement and ‘prop placement’.

A comprehensive list of the changes being proposed and the reasons for these proposals are detailed in the [Consultation Document](#).

4.2.1. Overview of submissions received in response

Consultation question (Question 2): *Do you have any comments on the proposed changes to the General Commercial Communications Code?*

A recommendation was received to remove references in the provisions to the requirement of broadcasters to comply with other Irish and EU laws, regulations, and codes of practice, that are distinct from the Draft General Code. It was submitted that this requirement goes beyond the scope of the AVMS Directive and could potentially lead to a broadcaster being investigated under two regulatory regimes for the same breach. A further recommendation was made to remove specific references to the Articles of the AVMS Directive listed in the introduction section as they are not relevant to the Draft General Code, as well as the deletion of Section 6 (“Waiver”) for the reason of being inappropriate.

Several respondents proposed textual amendments, including minor rewording of sections for the purposes of clarity. It was further suggested to amend the definition of product placement to ensure it excludes surreptitious commercial communications, which are already prohibited under other sections.

Other submissions called for the removal of exclusions related to charity appeals and public service announcements, noting that these could be confused with government-paid commercials. One submission

requested formal guidance or clarity on the prohibition on commercial communications that encourage behaviour grossly prejudicial to the environment.

Another submission suggested that the prohibition on commercial communications for infant formula should be extended to cover the first 36 months of life, aligning with international guidelines. Other submissions proposed removing the prohibition on sponsorship logos during children's programmes, as this is not strictly required under the AVMS Directive.

In relation to radio broadcasting, some respondents called for an exemption for radio programmes from the requirement to separate sponsorship from programming, and there was a proposal to allow political advertising on radio under the condition that it is clearly identified as separate from editorial content.

Other submissions called to amend the rules on alcohol advertising to accommodate further for depictions of alcohol consumption in convivial social contexts. Some respondents proposed amending the text to clarify that alcoholic beverages aimed specifically at minors or encouraging immoderate consumption should be prohibited. Clarification was also requested as well on whether the watershed provisions of the Public Health Act 2018 would replace Section 18.7(c) of the Draft General Code once it enters into force. Further suggestions included aligning watershed and alcohol volume rules across broadcasters and VOD providers, as well as clarifying whether guidance on non-alcohol products remains applicable. Concerns were raised regarding the promotion of 0.0% alcohol products under the same branding as alcoholic beverages, and it was suggested that stricter enforcement is needed for alcohol branding during events. Regular monitoring and reporting on children's exposure to alcohol advertising was also recommended.

Some respondents proposed a review of the current pre-watershed period, suggesting that the 5.30am – 9.00pm timeframe no longer reflects modern viewing habits in Ireland.

Another submission proposed removal of Section 24 on financial services and products and suggested the Commission to set up regulatory discussions with the Central Bank of Ireland in relation to advertising of those services and products.

4.2.2. Commission response

The Commission has decided to maintain the current draft with the following changes:

- The Commission has accepted several recommendations raised in the submissions for minor rewording of sections for the purposes of clarity.
- The Commission has reframed the obligation under Section 13.1 of the Draft General Code (and where applicable, under other sections of the draft) requiring all commercial communications to comply with rules, regulations, and codes of practice under Irish and European Law to an obligation that broadcasters take appropriate measures to ensure that all commercial communications are compliant.
- The Commission has agreed to amend the term "follow-on infant formula" to "follow-on formula".

- In Section 16, 16.10 has been updated to reflect the AVMS Directive wording that prohibits sponsorship in news and current affairs programming on television. The section has also been updated to remove content that will instead be included in guidance.
- At Section 16.11, the Commission has decided, having regard to the submissions, to remove the proposed restriction on the use of sponsorship logos in children's programming. The Commission is of the view that this proposal will require further consideration before any regulatory changes are introduced and that this should be done in the context of the overall review of children's commercial communications that the Commission will undertake at a future point.
- In respect to Section 18 of the Draft General Code ("Alcohol"), the Commission has inserted additional text to specify that Section 18.7(c) will be superseded by Section 19 of the Public Health Act 2018 relating to the watershed on alcohol advertising, once this statutory provision comes into effect in January 2025. In addition, the text set out at Section 18.2 has been updated to ensure closer alignment with the AVMS Directive.
- The Commission has reworded Section 18.5 to clarify that only *direct* promotion of alcohol brands is prohibited in the context of sports programming, and that this is the case only where the programme is made or commissioned by the broadcaster. This change has been made to bring added clarity to the scope of the rules. In particular, the Commission believes the current wording could be read to indicate an obligation on broadcasters to avoid the showing of all indirect promotion of alcohol brands in sports programming, which is something that it cannot practically achieve.
- With the enactment of the Gambling Regulation Act 2024, the wording in Section 25 has been updated to reflect this enactment and also the regulatory approach taken by the Act to advertising.

Where stakeholders asked for more clarity on potential overlap between Codes and Rules of different regulators and legal obligations under EU and Irish law, the Commission intends to continue its cooperation with its regulatory counterparts to avoid any duplication of enforcement activities.

Regarding product placement and the previously distinct concept of "prop placement" under the General Code, the Commission notes the removal under the 2018 revision of the AVMS Directive of the discretion of EU Member States to distinguish between these two forms of commercial communication. As the AVMS Directive no longer uses this distinction or references a significant value test, the Code has been updated accordingly.

The Commission took note of other policy suggestions made in relation to 0.0% alcoholic products and alcoholic products. It intends to consider a potential revision of the sections on commercial communication in respect to alcohol brands as part of the Stage 2 review of the Broadcasting Codes and Rules.

4.3. Draft Code of Programme Standards

Proposals for public consultation

The Standards Code sets out the principles applying to all editorial (but not commercial) content with a view to protecting audiences from harm and undue offence that such content may cause. It addresses issues such as privacy, the public interest, violent and sexual content, and the protection of children from harmful content, amongst other matters.

The substantive changes proposed to the Standards Code under Draft Codes & Rules (“**the Draft Standards Code**”) included:

- The inclusion of an Appendix providing guidance on the term “harm” and “undue offence”. This guidance includes non-exhaustive consideration that broadcasters may wish to have regard to in assessing whether content may cause undue offence or harm.
- The reframing of the regulations from a principles-based to a rules-based approach to give clarity to broadcasters on their obligations in the context of the new regulatory framework under the Act.
- An update to the section entitled “Protection of Children” to align the protections for children with the requirements of the AVMS Directive, including restrictions on personal data processing for commercial purposes.

A comprehensive list of the changes being proposed and the reasons for these proposals are detailed in the [Consultation Document](#).

4.3.1. Overview of submissions received in response

Consultation question (Question 4): *Do you have any comments on the proposed changes to the Code of Programme Standards?*

Consultation question (Question 5): *While the Code includes guidance for broadcasters on undue offence, it is not defined. What are your views as to whether the Commission should include a definition of undue offence in the code. If you think a definition should be included, what factors or criteria might the Commission use to determine that undue offence has been caused?*

Several submissions raised concerns regarding the child protection provisions in the Draft Standards Code, submitting that the type of content which “*may impair the physical, mental or moral development*” of children was left undefined, leading to regulatory uncertainty. It was suggested that the draft should further specify the particular types of content covered by this section.

One respondent submitted that, with the exception of scheduling and warning obligations, the Draft Standards Code should only apply to programme material produced after the regulation comes into effect, as a concern was expressed that programmes produced in compliance with the previous regulations may become non-compliant under the new provisions.



Suggestions were made to consistently use the term "editorial justification" throughout the Draft Standards Code, as well as revise several sections to align closer with the wording of the Act and the AVMS Directive. In addition, it was recommended to explicitly reference in Section 11.1 on the objectives to have due regard to the right to freedom of expression.

There was concern that the provision requiring prior warnings for potentially offensive material could be interpreted as obligating broadcasters to anticipate offense in every broadcast. A suggestion was made to revise this provision to require warnings only when it can be reasonably anticipated that pre-recorded programme material might offend or cause distress to audiences.

It was recommended that Section 12 of the Draft Standards Code expand upon the obligation on timely corrective actions to be provided in respect of content that may cause harm or undue offence. Other submissions called for additional guidance on the form of visible warnings broadcasters must provide and on the meaning of the obligation to promote on-air audience information and guidance mechanisms.

In relation to Sections 13 and 14 of the Draft Standards Code, a request was made for clarity on how a broadcaster can rely on editorial justification for content that it has acquired but had no involvement in producing, or in the editorial process. It was further suggested to expand Section 14.1 to include "suicide behaviours", to cover instances of attempted suicide.

Several submissions made suggestions or asked for clarification on the provisions on parental responsibility, and to include reference to the primary responsibility of parents and guardians for the content accessed by children. Additionally, there was a suggestion to remove the warning requirement after a commercial break and to remove in Section 15.5 references to age verification tools and encryption, as these methods are not applicable to linear broadcasting.

With a view on the privacy related provisions in Section 18, it was suggested that the Draft Standards Code should apply only to programmes produced by or for a broadcaster. Further guidance was sought on how to identify participants whose personal circumstances require extra care and what steps should be taken to ensure this care is provided.

Submissions expressed alternate views on the value of the Appendix in respect of the guidance offered on the term "undue offence". Some respondents welcomed the Commission's proposed approach, while other submissions stated that a more prescriptive definition was desirable. Guidance was requested on circumstances where a broadcaster was faced with handling many complaints relating to the same subject matter, proposing that if the number of identical complaints exceeds a certain threshold, broadcasters should not be required to respond to each one individually. More guidance was suggested as well on how broadcasters should interpret "undue offence" in the case of short-term trends or campaigns. It was suggested to retain language that recognises the lack of a right not to be offended, and the broadcaster's duty to provide a diverse range of programming.

4.3.2. Commission response

The Commission has decided to maintain the current draft with the following changes:

- The Commission has included an additional reference to the right to freedom of expression under Section 11 (Objectives) of the Draft Standards Code.
- Section 12.2 has been reworded to: *“Broadcasters shall ensure that they use prior warnings where it may reasonably be anticipated that programme material has the potential to offend or cause distress to audiences”*.
- Section 12.5 now includes examples of “audience information” as including prior content warnings and descriptive classification systems, and “guidance mechanisms” as help lines or support service contact details.
- The term “suicide” in the Draft Standards Code has been amended to “suicide behaviours” to encompass content relating to attempted suicide.
- The Appendix has been updated to include language highlighting the primary responsibility of parents and guardians in accessing content and the role of broadcasters to support parents and guardian in this respect.
- The obligation of television broadcasters to include a content description / warning after a commercial break has been amended to require a broadcaster to do so only “if appropriate to do so”. As such, if the remainder of the programme contains no potentially harmful material, a broadcaster may reasonably decide not to include a prior content warning upon returning to the programme after a commercial break.
- The reference to “age verification tools” and “encryption” have been removed as they are not appropriate to broadcasting services.
- Section 17.1 has been reworded to: *“Broadcasters shall not broadcast material which may reasonably be regarded as likely to promote, or incite to, crime or tending to undermine the authority of the State”* to better reflect the wording of Section 46J(1) of the Act.
- Additional text has been added to the Appendix to provide further clarity on the concept that there can be no guarantee that programme material will be free from offence (as opposed to undue offence).

The Commission considered the submission regarding the application of new obligations to programme material produced after this Code's entry into force but did not accept that this warranted a change to the obligations of broadcasters under the Draft Standards Code. Broadcasters are editorially responsible for content that they broadcast regardless of when it is made. The Commission advises that the rebroadcasting of older content that has a higher likelihood of harm or offence should be addressed in the same manner as other content.

The Commission has adopted several of the submissions relating to suggested textual amendments to provide clarity on obligations or align closer with the legislation. The Commission has amended references to the term “editorial justifications” across the Draft Standards Code to ensure consistency. In the Appendix, the Commission has decided to retain the requirement for a “strong editorial justification”, as it sees merit in maintaining the higher threshold in this context.

The Commission has rejected a submission to replace the term “offence” to “undue offence” under Section 16.3 of the Draft Standards Code (relating to the necessity for content offensive to groups only being included where there is editorial justification to do so). While it was submitted that the use of the term “offence” creates potential misalignment with the Act, the Commission notes that this section relates to content that “could reasonably be considered offensive”, as opposed to content that is “unduly offensive”, which is prohibited.

As listed above, the Commission has incorporated several suggestions from submissions regarding the Appendix of the Draft Standards Code, including maintaining wording from the previous Standards Code.

4.4. Draft Media Service Code and Media Service Rules (Advertising, Teleshopping, Signal Integrity and Information)

Proposals for public consultation

The Advertising & Teleshopping Rules set the limits on the level of advertising and teleshopping that broadcasters may have as part of their services. These rules also require broadcasters to abide by certain time limits in regards commercial communications.

The substantive changes proposed to the Advertising & Teleshopping Rules under the Draft Codes and Rules (“**the Draft Advertising & Teleshopping Rules**”) included:

- The deletion of the rules applying to radio broadcasting, which are now addressed under a separate set of rules (**Media Service Code & Media Service Rules (Advertising- Radio Broadcasters)**) which will be published in due course.
- The insertions of new sections titled “Transparency and Separation”, “Advertising Break Patterns”, and “Teleshopping”, which were previously included under the General Code.
- The insertion of new sections titled “Signal Integrity”, “Information”, and “Right to Cinematographic Works”, to give effect to Article 7b, Article 5, and Article 8 of the AVMS Directive respectively.

A comprehensive list of the changes being proposed and the reasons for these proposals are detailed in the [Consultation Document](#).

4.4.1. Overview of submissions received in response

Consultation question (Question 6): *Aside from proposals about hourly limits on advertising and teleshopping, do you have any comments on the Draft Media Service Code and Media Service Rules (Advertising, Teleshopping, Signal Integrity and Information)?*

Consultation question (Question 7): *What are your views on the proposal to retain the maximum of 12 minutes of advertising and teleshopping per clock hour? What are your reasons for holding this view and if you think the provision should change, how do you think it should change and why?*

Several submissions addressed advertising minutage maximums. Some suggested removing advertising time restrictions during overnight hours, citing minimal viewership during these periods. Others proposed complete alignment of advertising minutage requirements between television and radio broadcasters. Additional submissions expressed support for maintaining the proposed 12-minute advertising maximum in the Draft Advertising & Teleshopping Rules.

Clarification was sought in other submissions on two specific matters: whether the Commission plans to approve alternative time limits for specific broadcasters, and whether the promotion of certain events (such as the BT Young Scientist Exhibition) would retain their exempt status.

4.4.2. Commission response

The Commission has decided to maintain the current draft with no substantive changes. A small number of changes have been made to Section 11 to ensure that the language more closely reflects the language of the AVMS Directive.

In making this decision, the Commission had regard to the primary objective of the Stage 1 review of the Broadcasting Codes, which is to give effect to the AVMS Directive and legislative changes under the Act. The Commission considers that many sections of the Draft Advertising & Teleshopping Rules replicate the text of the AVMS Directive Articles that they intend to give effect to.

The Commission maintains that, at this time, the 12-minute advertising maximum period for television is proportionate, noting this position is supported by multiple stakeholder submissions and that no substantial arguments were presented against it.

In response to requests for clarification on specific issues relating to the Draft Advertising & Teleshopping Rules referred to in the submissions, the Commission notes that broadcasters may request formal guidance on any aspect of the Broadcasting Codes should they so require.

4.5. Draft Short News Reporting Code

Proposals for public consultation

The Short News Code allows for short extracts of events broadcast that are of interest to the public to be used by other broadcasters for the purposes of news reporting.

There are no substantive changes being proposed to the Short News Code under the Draft Codes & Rules (“**the Draft Short News Code**”).

4.5.1. Overview of submissions received in response

Consultation question (Question 11): *Do you have any comments on the Draft Short News Reporting Code?*

One submission received requested clarification on the applicability of laws from other EU Member States when short news reports are used from broadcasters in said Member State. The submission requests to clarify the Act and the Draft Short News Code will not be applicable in those instances.

A further submission requested support for smaller broadcasters and requested a requirement to be introduced to recognise or cite the source of any material carried by another broadcaster. Similarly, to support smaller broadcasters, it is suggested Section 11 of the Draft Short News Code should only apply to broadcast media regulated by the Commission, excluding online media platforms.

4.5.2. Commission response

The Commission has decided to maintain the current draft with no substantive changes.

Concerning the submission relating to the interplay between the legislation of different jurisdictions, the Commission is of the view that the Draft Short News Code adequately provides that reports acquired in other Member States do not exempt broadcasters from legal obligations in Ireland when the material is broadcast in Ireland.