

Registration Rules for Media Service Providers 2023

1. Coimisiún na Meán, having power pursuant to section 46H (1) of the Broadcasting and Other Media Regulation Acts 2009 – 2022, makes the following Rules which may be referred to as the “*Registration Rules for media service providers 2023*”.

Interpretation

2. In these Rules, unless the context otherwise requires:

“Acts of 2009 to 2022”	means Broadcasting and Other Media Regulation Act 2009 - 2022
“audiovisual broadcasting service”	means an audiovisual media service provided for simultaneous or near-simultaneous viewing of audiovisual programmes on the basis of a programme schedule;
“audiovisual media service”	means a service, within the meaning of Articles 56 and 57 of the Treaty on the Functioning of the European Union, where — (a) the principal purpose of the service is devoted to, or (b) the principal purpose of a dissociable section of the service is devoted to, providing audiovisual programmes, by electronic communications networks, to the general public, under the editorial responsibility of the provider of the service, in order to inform, entertain or educate.
“audiovisual on-demand media service”	means an audiovisual media service provided for the viewing of programmes at the moment chosen by the user and at the user’s request on the basis of a catalogue of programmes selected by the provider of the service.
“audiovisual programme”	means a set of moving images with or without sound which, in the case of an audiovisual media service, constitutes an individual item, irrespective of its length, within a programme schedule or a catalogue.
“Commission”	means Coimisiún na Meán.
“media service provider”	means a person who provides an audiovisual media service.

The Information to be included in the Register

3. The Register of media service providers established and maintained by the Commission for the purposes of section 46A of the Acts of 2009 to 2022 shall include the following information in respect of each media service provider subject to registration -
 - (a) The name or names of the media service provider.
 - (b) The contact details of the media service provider as notified to the Commission.
 - (c) The name or names of each audiovisual on-demand media service provided by the media service provider as notified to the Commission.
 - (d) In each case, a description of the nature of the service and the nature of the content provided by the service provided by the media service provider as notified to the Commission.
 - (e) A statement of the basis on which the media service provider considers that it is under the jurisdiction of the State.
 - (f) Such further or other matters as may be prescribed by the Commission.

The Information to be provided by media service providers

4. A media service provider which is subject to registration at the commencement of Part 3A of the Acts of 2009 to 2022 or who subsequently becomes subject to registration shall provide a notification in writing to the Commission which contains the following matters and information -
 - (a) The name or names of the media service provider.
 - (b) The contact details of the media service provider.
 - (c) The name or names of each audiovisual on-demand media service provided by the media service provider.
 - (d) In each case, a description of the nature of the service and the nature of the content provided by the service provided by the media service.
 - (e) A statement of the basis upon which the media service provider considers that it is under the jurisdiction of the State.
 - (f) Such further or other matters as may be prescribed by the Commission.
5. The notification in writing required to be provided to the Commission by each media service provider which is subject to registration shall be provided on the prescribed Notification Form at Schedule 1 to these Rules. This does not prevent the provision of additional information where media services providers consider it relevant to their notification. A word version of the form is available via our website.

Requests for Further Information for the purposes of section 46B

6. Where the Commission has received a notification in writing from a media service provider pursuant to section 46B of the Acts of 2009 to 2022, the Commission may request further information from the media service provider which is reasonably required for the purpose of deciding whether the said media service provider is subject to registration.
7. A request for further information for the purposes of section 46B of the Acts of 2009 to 2022 shall be made by the Commission in writing to the contact address provided by the media service provider in the notification provided pursuant to section 46B(5) and shall allow not less than 5 working days from the date of the request for the further information to be provided by the media service provider.

Requests for Further Information for the purposes of section 46C

8. Where the Commission has received a notification in writing from a media service provider pursuant to section 46C of the Acts of 2009 to 2022, the Commission may request further information from the media service provider which is reasonably required for the purpose of deciding whether to make an amendment to the Register.
9. A request for further information for the purposes of section 46C of the Acts of 2009 to 2022 shall be made by the Commission in writing to the contact address provided by the media service provider in the notification provided pursuant to section 46B(5) and shall allow not less than 5 working days from the date of the request for the further information to be provided by the media service provider.

Schedule 1
Notification Form

1. The name or names of the media service provider.

Please provide the following information –

- 1.1 The name or names of the media service provider that owns the on-demand service/s being provided. Please specify whether the service provider is a legal or a natural person.
- 1.2 If the media service provider is a legal entity e.g. a body corporate, co-operative society etc., please provide the company registration/identification number or equivalent documentation.
- 1.3 If the media service provider holds or has previously operated a broadcasting or on-demand service, please provide details in this regard.

2. The contact details of the media service provider.

Please provide the following information –

- 2.1 Registered Office/Branch Address of the media service provider.
- 2.2 Contact details by which the **public** can contact the media service provider, including in respect of the service/s being operated.
- 2.3 Contact details for the individual who will deal with an Coimisiún on the **notification** process.
- 2.4 Contact details for the individual dealing with **compliance** matters, should the service be included on the statutory register following notification.
- 2.5 Name and addresses of the **directors** of the media service provider.

3. The name or names of each audiovisual on-demand media service provided by the media service provider.

Please provide the following information –

- 3.1 The trading name of the on-demand service/s that is being operated including, where different, the name used for promotion and branding to the public of each service.

4 In each case, a description of the nature of the service and the nature of the content provided by the service provided by the media service.

4.1 Nature of the Service/s

Please provide the following information –

- 4.1.1 **A brief description of the nature of the service.** This shall include whether the service provides original content, provides a catch-up facility, archive services or other services. Where the service provides a mix of the above, each type of service shall be detailed.
- 4.1.2 **Information on the funding model for each service.** This should indicate whether the service/s is using a transactional, subscription, advertiser-funded service or other funding model. Where the service is free-to-view, the funding model shall be detailed e.g., the service is free, but advertiser funded.¹
- 4.1.3 **Information on the target audience for the service.** This should include whether the target audience is the Irish public or elsewhere. If elsewhere, the other jurisdictions that are the target audience shall be listed including information on whether there is a primary target audience in another jurisdiction and whether the jurisdiction is a member of the European Union or outside of the EU.
- 4.1.4 **Information on how the different ways in which the on-demand service can be accessed by the public.** This should include any information on access via apps, online, set-top boxes (including those under the direct control of the media service provider) or other avenues.

4.2 Nature of the Content

Please provide the following information –

- 4.2.1 **A brief description of the nature of the content.** This should include the genre of programme/s that are provided, the age group/s at which the content is aimed, and other information considered relevant by the media service provider.
- 4.2.2 **Information on how the service will ensure the content does not impair the physical, mental or moral development of children (those under 18 years of age).** This should include information on the use of tools such as PIN numbers, classification systems and other mechanisms appropriate for the protection of children, having regard to the nature of the service and the content provided. Please provide specific details about how any tools are applied operationally.

¹ A free-to-view service include a service funded by a television licence fee or similar mechanism.

5. A statement of the basis upon which the media service provider considers that it is under the jurisdiction of the State.

Please provide the following information –

- 5.1 With specific reference to the provisions of the Acts of 2009 to 2022, please outline how the media service provider is under the jurisdiction of the State