

## Consultation Guidelines

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# Coimisiún na Meán

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# Coimisiún na Meán

## **Introduction**

Coimisiún na Meán was established under the Online Safety and Media Regulation Act 2022 to regulate providers of broadcasting services and audiovisual on-demand media services, to regulate the content available on broadcasting and relevant online services and to establish a regulatory framework for online safety.

Certain provisions of the Broadcasting and Other Media Regulation Acts 2009 and 2022 require or permit Coimisiún na Meán to consult the public or various bodies before making decisions. These provisions relate to consultations on general regulations, such as the adoption of media service codes or the application of an online safety code to a category of services. They also relate to consultations with individual entities when an entity will be affected by a proposed decision, such as the application of an online safety code to its service.

Where Coimisiún na Meán is required or permitted to conduct a public consultation process in the performance of its regulatory functions, it may do so in accordance with the consultation procedures set out in these guidelines.

These guidelines comprise a general statement of the applicable principles. Coimisiún na Meán is fully entitled to depart from the procedures set out in these guidelines, where it believes, in the exercise of its discretion, that such departure would be appropriate in the particular circumstances.

These procedures do not apply to consultation with other public bodies or with advisory committees. They also do not apply to communications in the course of compliance investigations or enforcement proceedings.

## **Principles of consultation**

The purpose of consultation is to provide information on the topic the subject of the consultation and to give interested parties an opportunity to make submissions. It is not intended to be a substitute for decision-making but reflects the fact that the decision-making process benefits from having the widest range of views and fullest information on a particular issue. It also provides an opportunity for individual entities to outline how they will be affected by a proposed decision, which facilitates proportionate decision making.

Coimisiún na Meán is fully committed to a transparent consultation process and recognises that public policy-making can be enhanced through the active involvement and contribution of stakeholders with an interest in particular policy developments. By ensuring that interested parties can express their views about a particular proposal, the decision-making process becomes better informed, more rigorous and more accountable.

It should be noted that Coimisiún na Meán is not legally bound by its consultation documents nor do they constitute legal, commercial, financial, technical or other advice or necessarily set out Coimisiún na Meán's final, definitive position on any particular matter.

# Coimisiún na Meán

Prior to initiating a consultation process, Coimisiún na Meán may engage with interested parties to assist it in identifying issues and formulating proposals. Preliminary stakeholder engagement is not a substitute for a consultation process but may be used by Coimisiún na Meán to inform that process.

## **Publication of consultation documents**

Where Coimisiún na Meán conducts a public consultation, all consultation documents will be made available on our website. Notifications may also be posted on our social media accounts and sent by email to persons who are registered with us to receive notifications of publications. Notifications will also be sent to any person with which Coimisiún na Meán is statutorily obliged to consult. Hard copies and other accessible formats of consultation documents will be available upon request. When required by law, consultation documents will also be made available for inspection.

Coimisiún na Meán may take additional steps to draw the consultation to the attention of parties that it considers may be interested in a particular consultation. However, it is the responsibility of parties likely to be interested in Coimisiún na Meán consultations to register for notifications, and to check Coimisiún na Meán's website and social media accounts for consultations to which they wish to respond.

In respect of consultations with individual entities, Coimisiún na Meán will directly notify those entities of the consultation documents.

Consultation documents will include the closing date for receipt of submissions and a contact person within Coimisiún na Meán. Where appropriate or required by law, consultation documents will include a draft proposal or decision to form the basis of the Consultation. They may also include an outline of the proposed measure and the factors which Coimisiún na Meán considers to be pertinent to the issue.

## **Consultation period**

Normally, the period of time allowed for interested parties to respond to a consultation will be four weeks, but this may vary in certain cases due to factors such as:

- the urgency of the matter
- the complexity of the issues
- the stakeholders likely to wish to make submissions
- the volume of documents to be addressed
- any statutory timing requirements
- the timing of public holidays
- the mobilisation of resources to deal with the issues raised.

Where Coimisiún na Meán proposes a shorter period of time than four weeks for responding to a consultation, we will give reasons for doing so.

# Coimisiún na Meán

In exceptional circumstances, Coimisiún na Meán, at its sole discretion, may consider extending the period of consultation, if requested to do so by an interested party. Any request for an extension should be made within one week of the date of publication of the consultation concerned. Where Coimisiún na Meán decides to extend the period of consultation, we will publicly notify interested parties via our website and may also notify through social media accounts and via e-mail to those persons who are registered to receive notifications.

## **Submissions**

Submissions in relation to public consultations are welcomed from all interested persons, including users and providers of services, and civil society groups.

Each consultation document will contain instructions on how to send submissions to Coimisiún na Meán. Comments should be provided in writing in electronic format with read/write access, but comments delivered by post or by hand will also be accepted.

In order to assist Coimisiún na Meán to take proper consideration of all submissions that are received, interested parties are encouraged to make submissions in a manner which closely follows the format of the consultation document. Coimisiún na Meán will set out limitations to the submissions it will consider in each consultation document.

Coimisiún na Meán fully reserves its entitlement not to consider any submissions which do not comply with the applicable restrictions.

## **Publication of submissions**

It is Coimisiún na Meán's policy to publish all submissions to public consultations. Submissions should be provided as non-confidential documents, with any information over which confidentiality is claimed (e.g. commercially sensitive information) supplied in a separate annex; alternatively, a redacted non-confidential version may be submitted along with the confidential version. Any documents marked confidential in this manner will not be published. However, Coimisiún na Meán will not be liable for any document that is subsequently disclosed pursuant to a request under the Freedom of Information Act 2014 or otherwise in accordance with law.

## **Post consultation engagement**

Coimisiún na Meán will normally consider written responses only and will not give respondents an opportunity to make oral representations.

If a proposed measure is directed at an individual entity, Coimisiún na Meán will consider whether oral representations from the individual provider are required as part of the process. Coimisiún na Meán may at its discretion publish meeting notes summarising the meetings with individual providers, redacted as appropriate to exclude confidential information.

# Coimisiún na Meán

## **Consultation report**

Coimisiún na Meán will take account of the submissions made. However, it should be noted that the process is not equivalent to a voting exercise on proposals and Coimisiún na Meán will exercise its judgment having considered the submissions made. Coimisiún na Meán will form its own views independently of the views of any particular consultees.

Coimisiún na Meán will publish a consultation report following each consultation process. It is recognised that there may be a wide range of stakeholders on any particular issue. Coimisiún na Meán will set out the key issues emerging and the main points taken on board, as well as the main points that could not be taken on board for practical, legal or policy reasons. Coimisiún na Meán may decide to adopt the measure consulted on, with or without amendment.