Consultation on Media Mergers Guidelines
Introduction

Congress welcomes publication of the draft guidelines on Media Mergers by the Minister for Communications, Energy and Natural Resources Mr Alex White TD.

Minister White is to be congratulated on the eventual publication of the draft guidelines but the timing of the publication does not suggest full consideration was given by the Department of Communications, Energy and Natural Resources to the importance of proper consultation with all stakeholders.

Publication of the guidelines in Christmas week can only have restricted the opportunity of many stakeholders to contribute to the process of consultation.

While the draft guidelines are welcome Congress fears the proposals may be too late and too restrictive to undo much of the damage caused by successive governments in failing to put in place appropriate measures to exercise control on the development of powerful media conglomerates exercising control and influence on the print, broadcasting and on-line media sectors in Ireland.

Key Concerns

The existence of a diverse media is essential to a functioning democracy. The exercise of the rightful liberty to freedom of expression is prescribed by Bunracht na hÉireann.

The ownership and control of what the Constitution refers to as ‘organs of public opinion’ have a direct impact on society and the provisions of Appendix 1 of the Draft Guidelines on Media Mergers, the Media Mergers Notification Form clearly recognise that ownership of the media is not just a commercial transaction without implications beyond the ownership of a significant commercial asset.

The media industry is dynamic. Many of the changes which have occurred in the past decade have been the result of technological developments.

However the failure of the State to adequate address the issue of concentration of ownership and cross-ownership in the print and broadcasting sector has had significant implications for diversity of both news and opinion and, for employment standards within an industry where employment can be precarious.

Congress believes the current regulatory regimes are inadequate and that the new Media Merger proposals do not go far enough in addressing the shortcomings which exist.

It is also notable that the Completion Authority and the Broadcasting Authority of Ireland will continue to exert considerable power and influence, notwithstanding the record of both organisations.

Congress believes the Broadcasting Authority of Ireland has adopted a very narrow perspective in relation to the interpretation of statutory obligations.

Congress has a particular concern at the proposal to extend the remit of the BAI beyond its present role.

The fact that there is no provision for retrospective measures to address the current media dominance by a small group of companies is of major concern.

Congress supports the NUJ call to establish a Commission on the Future of the Media in Ireland.
The changes which have taken place in the sector since the Report of the Commission on the Newspaper Industry and the Forum on Broadcasting (March 2002) are enormous.

Issues of diversity, greater participation of women in editorial structures, training and re-training, of new models of ownership and the need to address the consequences of technological change must be addressed in a coherent manner which takes cognisance of the fact that how the media is controlled and operates is a matter of enormous public interest with profound implications for democracy and society.

In particular, Congress is concerned that the guidelines as currently framed make no reference to the issues of cross-border/all-island companies and of the need for the Minister for Communications to give consideration to interests in media organisations outside the country.

Congress submits that:

All applications to the Minister for Communications should be subject to scrutiny.

Congress supports the view that there should be an automatic examination and analysis by an advisory body.

We believe an independent media merger panel should be appointed by the Minister for Communications for a fixed term.

There should be an independent Chair and the panel should include experts in the field of media, business, law, journalism and industrial relations.

Congress does not believe the powers envisaged for the BAI are appropriate.

ENDS

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