Submission on draft guidelines on media mergers

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Media is a major factor in shaping the ideas, opinions and debates about political, cultural and civil topics. Therefore, in a democratic society the ownership of media has an important impact on how debates on issues of national importance, and also local importance, are framed. In democracies, the source of political legitimacy rests on the citizens and their political choices. Since citizens have many political decisions on the information received from media, media’s role as a source of news and their ability to influence ideas translates into a capacity to shape governance. If media limit information or narrow the breadth of political debates, citizens are precluded from properly exercising their two political powers, and political control is more likely to shift to the hands of a single constituency or small elite. This not only threatens the integrity of a democracy by limiting informed consent, but also undermines the role of citizenry within democratic society.

Since the 1980s, across Europe, there has been a move away from public broadcasting and toward more private ownership of broadcast media. This has meant that newspaper companies were able to enter the broadcast media arena and create multimedia corporations. The advance of online media and news sources has furthered the reach of many of these media holding groups.

In Ireland in recent times it appears that one particular player has attempted to gain control of a large portion of the media in Ireland. As a result it is clear that changes must be instituted as to how media mergers are handled by government.

The current situation regarding media control in Ireland will remain the same considering that these new guidelines will not be applied retrospectively. Only mergers that are considered in the future will be under new scrutiny.
It is essential that Ireland has a diverse media. A diverse media should not be just defined as a variety of entertainments in a commercial media market but should also encourage political and civil discourse and the exchange on ideas. A free and open media requires that as many diverse voices as possible be heard, and that areas such as the Irish language, gender representation and ethnic and religious minorities should be allowed adequate space in the media market.

Sinn Féin have proposed several changes to the draft guidelines on media mergers.

**Section 4: Media Merger Process**

- The Minister should inform the relevant Oireachtas Committee (currently the Committee on Transport and Communication) regarding why they have either approved the merger or requested the BAI to carry out an investigation.
- All submissions to the minister should be made public. Along with this the minister should be provided with a detailed explanation as to who is a shareholder in each of those involved in a merger.
- The Minister should inform the relevant Oireachtas Committee once a determination has been made.
- The establishment of an advisory panel to address proposals of media mergers should be created on a more formal basis rather than on an ad hoc basis for every proposal. The panel’s reports should be made available to the public.
- The Minister should inform the public why they have disagreed with the recommendations of the panel if such a situation arises.

**Section 5: Application of the Relevant Criteria**

- The Minister should not just examine the media interests of those involved in a merger, but also take into account other financial and investment interests.
- The Minister should address whether the market is already dominated by a demographic or geographic imbalance and whether a merger would add further to this imbalance.
• The Minister, when considering a merger, should examine how the media businesses are governed and if there method of governance would impact on media plurality in Ireland. The Minister should note important factors such as gender makeup on the board of directors.

• The Minister upon considering a media merger should make public their consideration on editorial ethos which will help inform wider debate surrounding the level of editorial independence in the media.

• The Minister should take note of the content proposed by a media merger and whether it would add plurality to the field. Areas and topics that are not already covered by the current media market should be considered. Promotion of the Irish language is an area which should be given priority.

• The Minister should make public the financial arrangements of any merger.