CENTRE FOR MEDIA PLURALISM AND MEDIA FREEDOM

ROBERT SCHUMAN CENTRE

MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN UNION, ALBANIA, MONTENEGRO, REPUBLIC OF NORTH MACEDONIA, SERBIA & TURKEY IN THE YEAR 2022

Country report: Ireland

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1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool that is designed to identify potential risks to media pluralism in the Member States of the European Union and in Candidate Countries. This narrative report has been produced on the basis of the implementation of the MPM that was carried out in 2022. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological notes

Authorship and Review

The CMPF partners with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the case of Italy where data collection is carried out centrally by the CMPF team. The research is based on a standardised questionnaire that was developed by the CMPF.

In Ireland *the CMPF partnered with* Roderick Flynn (Dublin City University)**,** *who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert.*

Risks to media pluralism are examined in four main thematic areas: Fundamental Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1).

Fundamental Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of the media	Representation of minorities
Protection of right to information	Plurality of media providers	Editorial autonomy	Local/regional and community media
Journalistic profession, standards and protection	Plurality in digital markets	Audiovisual media, online platforms and elections	Gender equality in the media
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to the media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Editorial independence from commercial and owners' influence	Independence of PSM	Protection against disinformation and hate speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

The Digital Dimension

The Monitor does not consider the digital dimension to be an isolated area but, rather, as being intertwined with the traditional media and the existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digitally specific risk scores, and the report contains a specific analysis of the risks that related to the digital news environment.

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The Calculation of Risk

The results for each thematic area and Indicator are presented on a scale from 0 to 100%.

Scores between 0% and 33%: low risk

Scores between 34% and 66%: medium risk

Scores between 67% and 100%: high risk

With regard to the Indicators, scores of 0 are rated as 3%, while scores of 100 are rated as 97%, by default, in order to avoid an assessment that offers a total absence, or certainty, of risk.

Methodological Changes

For every edition of the MPM, the CMPF updates and fine-tunes the questionnaire, based on the evaluation of the tool after its implementation, the results of previous data collection and the existence of newly available data. For the MPM 2023, no major changes were made to the questionnaire, except for the Indicators Transparency of Media Ownership, Plurality in Digital Markets and Editorial Independence from Commercial and Owners Influence (Market Plurality area), and Protection Against Disinformation and Hate Speech (Social Inclusiveness area). The results obtained for these indicators are therefore not strictly comparable with those results obtained in the previous edition of the MPM. The methodological changes are explained on the CMPF website at http://cmpf.eui.eu/media-pluralism-monitor/.

In the Market Plurality area, the names of three Indicators have changed. The former indicator on "News Media Concentration" is now named "Plurality of Media Providers"; "Online Platforms and Competition Enforcement" has been renamed as "Plurality in Digital Markets"; "Commercial & Owners' Influence Over Editorial Content" has been renamed as "Editorial Independence from Commercial and Owner Influence".

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It represents the views of the national country team who carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2023 scores may not be fully comparable with those in the previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2023, which is available on: http://cmpf.eui.eu/media-pluralism-monitor/.

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2. Introduction

- **Population.** The Republic of Ireland occupies 70,274 kilometres across 26 of the 32 counties on the island of Ireland. In contrast to wider EU-wide demographic trends the Irish population is growing, and the 5.1m figure in the 2022 census was up 4% on the 2016 census (and saw the Irish population surpass 5 million for the first time since 1851).

- **Languages**. There are two official languages: English (spoken by 99% of the population) and Irish. 40% of the population claim linguistic competence in Irish but less than 2% actually use it on a daily basis.

- **Minorities**. Until the 1990s the weakness of the Irish economy contributed to a high level of outward migration (and, conversely, a low level of immigration). In consequence, Irish society has long been ethnically homogenous with the Travelling Community as the only ethnic minority (a status formally recognised in 2017). In the 21st century this has changed somewhat and, though detailed figures from the 2022 census are not yet available, as of 2016, 17% of the population described themselves as other than “White Irish” or “White Irish Travellers”. 9.5% identified simply as “White”, 2.4% identifed as “Asian” and a further 1.4% identified as “Black”.

- **Economic situation**. Assessments of the Irish economy are complicated by the significant presence of Foreign Direct Investment with the result that as of 2021 not only is Irish GDP about 32% greater than Irish GNP but even GNP significantly overstates the actual level of domestic economic activity. Since 2015 “Modified GNI” (Gross National Income) has been regarded as a more appropriate measure of national income as it strips out the impact of foreign-owned Intellectual Property assigned to Irish corporate subsidiaries for accounting and taxation purposes. Those caveats noted, CSO figures suggest that Gross Domestic Product (GDP) increased by 12% in 2022 and Gross National Product (GNP) grew by 6.7% driven by a stronger-than-anticipated growth in the exports of goods and services and private consumption. (GNI figures for 2022 have not been released at time of writing). Other key economic indicators are more mixed. Although the unemployment rate fell from 4.9 % to 4.4% between January 2022 and January 2023 (thus effectively constituting full employment), the Consumer Price Index rose by 7.8% driven in large part increases in the cost of housing, fuel and food. The inflationary crisis has also exacerbated what increasingly looks to be a long-term housing crisis, with absolute levels of homelessness hitting a new peak in January 2023.

- **Political situation.** Ireland's period of transition continues apace. The formerly dominant Fianna Fáil and Fine Gael parties have seen their combined vote share fall from more than 80% in the 1980s to 43% by the February 2020 General Election. In June 2020 the two parties entered into their first ever coalition with the support of the Green Party. The government is characterised by a rotating premiership which, as of December 2022 is held by Fine Gael leader Leo Varadkar. Despite this novel arrangement and pandemic conditions the administrative and policy structures of Irish government remain stable. Nonetheless, issues such as the housing crisis has seen support for the government parties decline. The broadly leftist/republican Sinn Féin party received more first preference votes in the 2020 election than either Fianna Fáil and Fine Gael and opinion polls in 2022 suggested that the combined support for these two leading parties barely exceeded that accruing to Sinn Féin alone. This raises the prospect that, after the next election (due in 2025), neither Fianna Fáil nor Fine Gael would be an element of an Irish administration for the first time in the history of the state.

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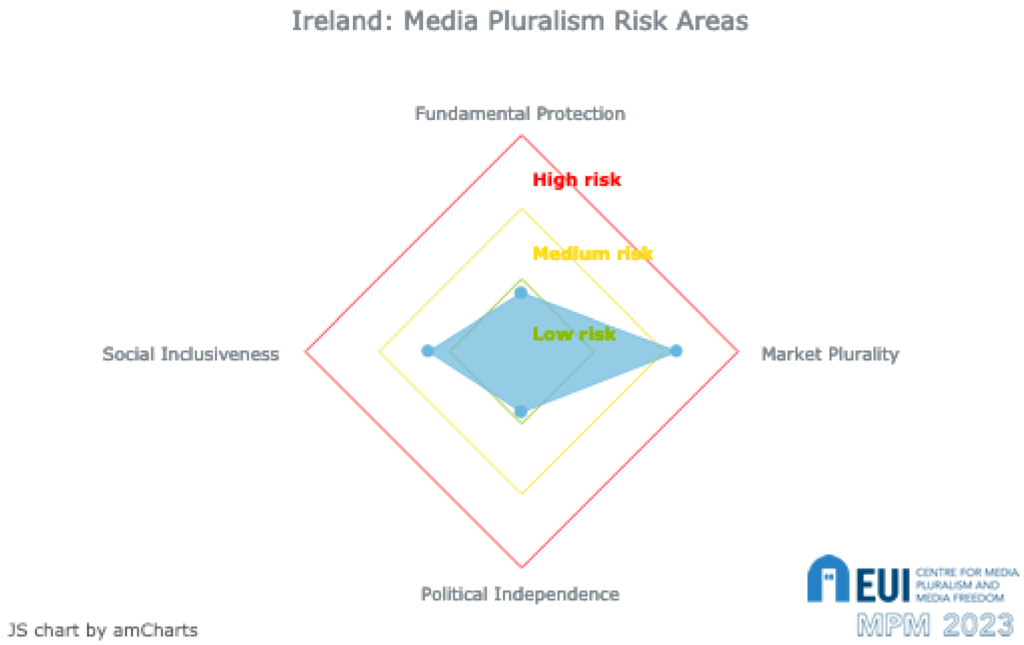
- **Media market**. Ireland's Anglophone status as a former British colony sees UK-originated media continue to play a significant role in Irish media consumption. As of 2022, the two PSM, RTÉ and TG4, account for 29% of linear television viewing, while the US-owned Virgin Media Ireland channels account for a further 19%. UK-based channels (BBC, Sky and Channel 4) account for 18% of viewership. Broadcast television faces increasing challenges from Over-The-Top and video-sharing platforms. An estimated 600,000 Irish households subscribe to the leading SVOD service (Netflix). According to TAM Ireland/Nielsen Media Ireland, although Irish adults as a whole still spend far more time watching linear broadcast content (159 mins per day) than either SVOD (21 mins per day) or video sharing platforms (35 mins per day), the viewing habits of younger adults are very different. 15-34 year olds spend just 65 minutes a day on any linear content (Irish-based or otherwise) compared with 60 minutes on video sharing platforms and 32 minutes on SVOD. UK-originated titles also occupy prominent positions in print news, accounting for approximately a quarter of daily and a third of Sunday print sales. However, the decline in print sales means virtually all Irish newspapers now rely on "readership" (combining online and print audiences) as a performance metric rather than circulation. Indeed, by this standard, Newsbrands (the representative body for the newspaper sector) has argued that the total reach for newspapers has never been higher, reaching 82% of adults in May 2022. The 2022 Reuters Digital News Report suggests that 83% of adults access news online (including social media) far in excess of those who do so via television (63%) or print alone (27%). That said, 9 of the ten biggest online news brands are rooted in print and broadcast legacy outlets and RTÉ remains the most-accessed news source offline and online. (Notably, however, the digital native TheJournal.ie is the second most accessed online source). Monetizing this expanded online reach has proved exceptionally difficult, however. There is an acknowledged (and increasing) dearth of independently-audited, public data on media revenues by sector in Ireland which makes it very difficult to objectively assess the financial health of Irish news media. That said, although figures from Radio Centre Ireland and Core Media respectively point to slight post-pandemic increases in radio and television revenues, print media revenues (including online revenues) appear to have been static or may even have declined in 2022. Overall, there seems little reason to question the Future of Media Commission's conclusion that growth in the Irish advertising sector will continue to predominantly benefit "Big Tech companies at the expense of traditional media organisations which have lost significant market share and revenues"[1] since 2000.

- **Regulatory environment.** The regulatory environment for Irish media has been in a state of flux in 2022 driven by the publication of the wide-ranging Report of the Future of Media Commission in July and the passage of the Online Safety and Media Regulation Act in December. The full scope of the Report and its 50 recommendations cannot be summarised here but we note its endorsement of a proposal to impose a 3% levy on the revenues of broadcasting services, audiovisual on-demand services and designated online services which would be used to fund local content production in Ireland. (This is legally provided for in the text of the Online Safety and Media Regulation Act which transposes the Audiovisual Media Services Directive into Irish law). We note too its recommendation that the existing Sound and Vision fund (currently financed from the television licence fee and previously administered by the Broadcasting Authority of Ireland) be replaced by a platform neutral Media Fund of at least €30m to be administered by the new Media Commission. The new Media Fund would support news and current affairs content production and, specifically, a Local Democracy Reporting Scheme. Furthermore, the Report recommended establishing funds to support "public interest journalism" and court reporting schemes. And, finally, the Report emphasised the possibilities thrown up by the transposition of the EU's Copyright Directive. Specifically the Report recommended that the impact of the Copyright Directive should be reviewed to assess the actual economic benefits accruing to news publishers as a consequence of any financial agreements with online platforms. That review should also “incorporate an assessment of the digital advertising market in Ireland”. In sum, the Report of the Future of Media Commission not only extensively considered the challenge to the financial model underpinning legacy news providers posed by the migration of advertising revenues to online platforms but identified a number of concrete measures to mitigate the effect of online competition. Notably, the government accepted virtually all of the Report’s recommendations. In practice the implementation of many of those recommendations will be the responsibility of the Media Commission, a body legally created by the Online Safety and Media Regulation Act, and which formally superseded the Broadcasting Authority of Ireland on March 15 2023. The Media Commission is still very much in its infancy at the time of writing and exactly how it will operationalise the Report of the Future of Media Commission remains to be seen. Other media-related regulatory innovations have also been delayed. Although the Copyright Directive was transposed into Irish law in November 2021, the anticipated financial boon to Irish news content providers has yet to fully materialise as provisions relating to payments from online platforms for their use of news media content bed in gradually. Similarly, although the Electoral Reform Act was signed into law in July 2022, it’s provisions have not been commenced. Parts 4 and 5 of the Act impose transparency obligations on online platforms relating to political advertising, misinformation and disinformation. However, the European Commission has found that these provisions clash with articles 14(1) and 15(1) of the E-Commerce Directive and full commencement of the Irish Act has been delayed pending negotiations between the Irish government and the Commission.

3. Results of the data collection: Assessment of the risks to media pluralism



Though the online media space continued to present some significant - and novel - challenges to media pluralism in Ireland (not least in terms of the sustainability of the financial model for legacy media and the existential threat to the epistemological basis upon which the public sphere is premised), 2022 saw the nature and scale of those challenges officially acknowledged as never before. It also saw nascent measures emerge which contributed to a decline in some of the media pluralism risk areas examined in this report.

The **Fundamental Protection** risk area is assessed as a low risk at 27% reflecting the universal accessibility of public service media and the independence and effectiveness of the main media regulator, the Broadcasting Authority of Ireland (BAI), now superceded by a new Media Commission. The risk would be lower still if not for some emerging concerns regarding the resourcing of the Freedom of Information mechanism and the increasingly fraught work and surveillance environment in which Irish journalists operate.

The **Political Independence** area also remains a low risk at 28%. Irish media generally enjoy freedom from political interference and political parties are almost entirely uninvolved in media ownership. Conversely politicians and civil society representatives enjoy relative ease of access to mass media outlets on a equitable basis. There remain some concerns in this area relating to a lack of transparency around both online political advertising and the manner in which state advertising is distributed. However, the outstanding threat to Political Independence continues to be the manner in which the larger of the two PSM – RTÉ – is funded. Aspects of RTÉ's travails stem from the difficulties of transforming a 20th century industrial broadcasting model to cope with the challenges of a fundamentally altered 21st century market environment but the repeated refusal of politicians from virtually all the leading parties to update public funding mechanisms have made that task all the more difficult.

The **Social Inclusiveness** risk area remains a Medium risk at 43%. The role of local and community media in their respective markets is well established (even if the funding for community media in particular remains precarious and marginal). While there remains a need to properly integrate media literacy into secondary school curricula in particular, the work of media education networks such as the BAI-supported Media Literacy Ireland and the Irish hub for the EU-funded European Digital Media Observatory (the "EDMO Hub") has played part some in countering the impact of misinformation and disinformation. Much more needs to be done, however, specifically with regard to mainstreaming critical media literacy as a life-long-learning skill and with regard to the emergence of identity-targeting hate speech.

However, as ever, it is in the **Market Plurality** risk area, where the score is 72%, that we find the greatest risks to media pluralism in Ireland. While regulators in Ireland have long argued that strict quantitative upper limits on the share of media markets (both in terms of revenues and audiences) which a single media company may enjoy are unhelpful and impractical, the absence of such defined limits creates a significant risk using the metrics which inform the Media Pluralism Monitor. Furthermore, although in practice, initiatives such as Mediaownership.ie have improved public knowledge of who actually owns Ireland-facing media, there remain key gaps around some of the information required to properly understand the extent of media market concentration in Ireland. Not only is there no absolute legal obligation on any media outlet to identify its beneficial owner but, in an age notionally characterised by informational abundance, the Irish public has less and less access to basic data regarding the reach and influence of even long-established media outlets. This poses a serious question as to what empirical basis is available to any government or regulator seeking to devise media pluralism policy. It seems clear that the long decline in legacy media revenues continues unabated and will continue to do so. This is especially true of the print sector where new digital revenues have not come close to compensating for circulation declines and a fall-off in print advertising. Such financial precarity surrounding at least some of the key institutions constituting the Irish public sphere should be a cause for concern. Historically the scope for editorial independence was conditional on the financial health of media outlets. As the funding conditions worsen, such outlets become – at least potentially – more dependent on those advertisers still willing to send commercial revenues in their direction. Protections for journalist editorial independence in the case where ownership of a media outlet changes hands are essentially non-existent in Ireland and whilst a variety of codes (from the National Union of Journalists, the Irish Press Council and the Broadcasting Authority of Ireland) strongly admonish journalists and editors against allowing external commercial influence to shape news content, the incentive to “work around” those codes through, for example, giving over increased space to “native advertising” increases as commercial funding continues to decline.

Focus on the digital environment

Looking across the indicators as a whole, it is notable that the risks associated with the online environment are higher than those associated with legacy media in the Fundamental Protection and Market Plurality areas. This may reflect the fact legislation/regulation is struggling to keep up with the implications for pluralism associated with new forms of media. But it also points to the fact that the Irish state has sought to exploit the surveillance affordances of new media in ways that occasionally clash with the protection of the right to privacy. Freedom of expression online is afforded the same protection as offline expression but it is not entirely clear whether agreements between the Irish police and Internet Service Providers to block access to websites containing child sexual abuse material have a strong basis in Irish law (regardless of how well-intentioned their objective). Equally, while, the threat of disinformation and hate speech online clearly demand some kind of response on the part of platform providers, external assessments of the manner in which those platforms apply their “Community Standards” to regulate problematic content describe the approach as sometimes idiosyncratic and inconsistent.

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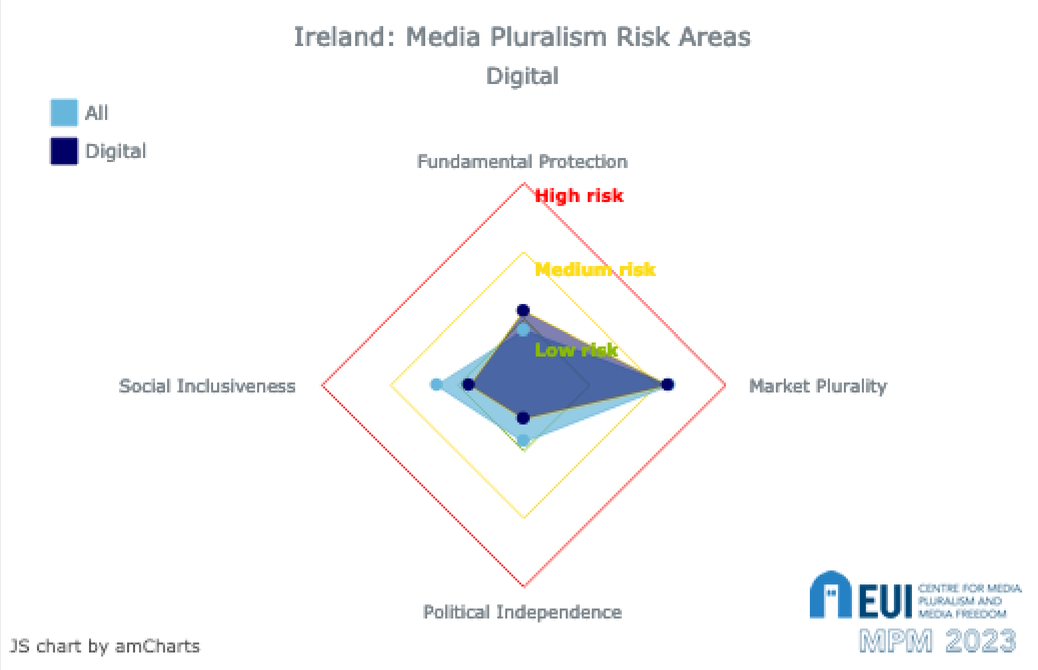
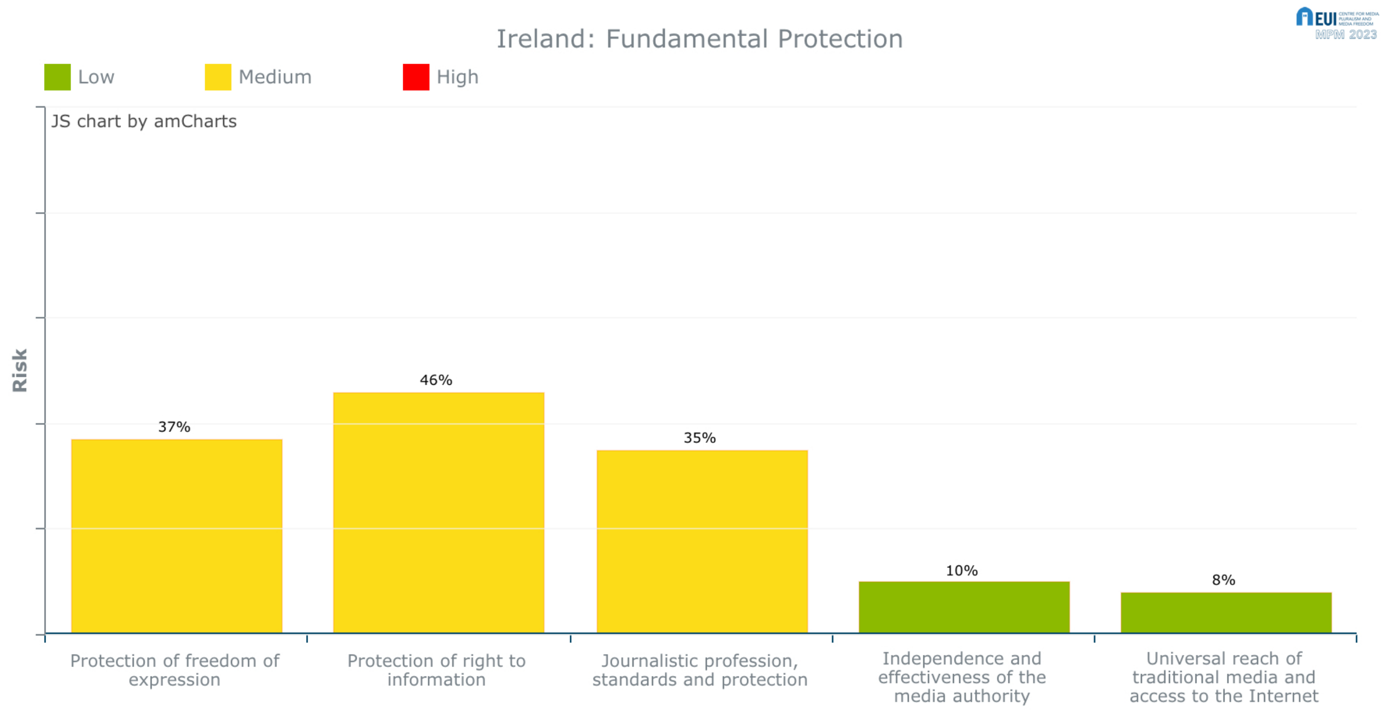


The Irish Retention of Communications Data regime is also particularly problematic effectively implementing as it does general data retention in a manner which the European Court of Justice has held does not comply with the Charter of Fundamental Rights of the European Union and which potentially threatens the integrity of journalistic relationships with confidential sources.

The digital sphere also poses huge challenges for market plurality: the impact of online platforms on the advertising market (undermining the long-established funding model for commercial news media) is well understood as this stage. However, the proliferation of online news sources facilitated by the low barriers to entry makes it increasingly difficult to track the existence of information sources let alone assess their influence. And even if the risks to political independence and social inclusiveness of media are lower in the digital sphere this is not to suggest that there are no concens here. Online political advertising remains largely unregulated (notwithstanding the introduction of an Electoral Reform Act in 2022 expressly designed to bring some transparency to the area) while hate speech (particularly directed at non-nationals) appears to be a growing feature of online discourse. Again there are efforts underway to introduce legislative protections against such discourse (see for example the Criminal Justice (Incitement to Violence or Hatred or Hate Offences) Bill) but they have been delayed by the need to carefully delineate between legitimate freedom of expression and harmful discourse.

3.1. Fundamental Protection (27% - low risk)

The Fundamental Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have the competence to regulate the media sector, and the reach of traditional media and access to the Internet.



Though scored as a low risk overall, three of the five indicators that make up the Fundamental Protection area are coded as medium risks, and only the very low risks associated with the independence of the media regulator and the strong protections guaranteeing access to public service media keep the area as a whole within the low-risk coding.

The 37% score places Ireland at the lower end of the medium risk segment with regard to the **Protection of freedom of expression** indicator. In practice, Freedom of Expression is generally respected, and the right to such freedom is explicitly recognised in Article 40.6.1.i of the Irish constitution. However, the same Article qualifies that right, making it subject to considerations of, for example, “public order and morality”. As such, it is less generous than Article 10 of the European Convention on Human Rights and is arguably more appropriate to the social mores of the period in which the Irish constitution was originally written (the 1930s) than the 21st century. In 1996 a Constitution Review Group recommended that Article 40.6.1.i be replaced by a new clause modelled on Article 10, but this has not been actively pursued since. (It is also evident that in Ireland, as elsewhere, the limits of Freedom of Expression may be circumscribed by political considerations. In March 2022, the EU-wide ban on broadcasts from Russia Today and Sputnik was endorsed by the Irish Department of Foreign Affairs and saw Eir, the only Irish distribution platform still carrying Russia Today, immediately remove it from its service without demur. Notably this prompted no public response from journalist organsiations within Ireland.)
The risk associated with Freedom of Expression is also driven by the fact that Irish defamation damages are amongst the highest in Europe, and plainly have a chilling effect upon speech. This is reflected in the recommendation included in the Defamation Review report published by the Department of Justice in March 2022. The report recommended following: "Abolish the use of juries in High Court defamation cases:

provide that all defamation cases will be heard by a judge alone, sitting without a jury. The judge will decide the nature and level of redress, including the amount of any damages." The heads of a bill for the new Defamation Act to enact such changes were to be drawn up in 2022 but, as of February 2023, these have yet to be made public.

The **Protection of the right to information** was scored as a medium risk at 46%. A comprehensive freedom of information (FOI) regime was introduced in 1997 and updated in 2003. It was replaced by a similarly comprehensive regime in 2014 under the Freedom of Information Act 2014. Restrictions potentially limiting access to official documents are in line with Council of Europe guidelines and applicants who are refused access to information have two – escalating – avenues of appeal. In previous years, we have selected a low-risk coding for this indicator on the grounds that although Freedom of Information requests were not always speedily addressed, this seemed more a result of inefficiency and/or a lack of resources rather than an active/arbitrary abuse of the system. However, when a new Information Commissioner, Gerard Deering, took office in January 2022, he was presented with an internal briefing document from Office of the Information Commissioners staff, the executive summary of which detailed extensive weaknesses in the FOI system relating to resourcing, inadequate staff training and a failure to fill public service job vacancies. Given this, we have re-coded the risk as "medium" for 2022.
Protection for whistleblowers is also integrated into Irish regulatory frameworks. In 2014, the government introduced the Protected Disclosure Act, which protects all employees (including contractors, agency workers, and trainees) against dismissal or other penalties in the event of their making a charge of wrongdoing either by their employer or another employee. The Act was updated by the passage of the Protected Disclosures (Amendment) Act in July 2022, which transposed the 2019 EU Whistleblower Protection Directive into Irish law, extending the legislation to cover private sector organisations with 50 or more employees and expanding the definition of protected workers to include job applicants, shareholders, members of boards and volunteers. It also expanded the range of actions that could be seen as penalising a whistleblower to include negative performance assessments, withholding of promotion and failure to convert a temporary employment contract into a permanent one.

The medium risk 35% score for the **Journalistic profession, standards, and protection** is unchanged from 2021. For the most part, journalists are not subject to official harassment, and the threat of arbitrary arrest is effectively zero. There are risks, however, relating to conditions of employment (with permanent jobs now increasingly unusual), a decline in trade union membership (and access to the associated protections), and there is some evidence to suggest that journalists have been subjected to at least verbal harassment (querying their objectivity) when covering populist protest movements.
The absence of legislation against strategic lawsuits against public participation (SLAPPs) is also a concern. The 2022 Report of the Review of the Defamation Act 2009 recommended introducing a new mechanism to allow individuals to a person to apply for "summary dismissal of defamation proceedings that he/she believes are a SLAPP." In May 2022, the Minister for Justice committed to implementing this recommendation, although the draft legislation mechanism required to effect this had not yet been published by the end of 2022.

Remaining at 10%, the low risk associated with the indicator for the **Independence and effectiveness of the media authority** reflects the fact that, notwithstanding the direct involvement of the Minister for Communications in the appointment of members of the Broadcasting Authority of Ireland (BAI), there is little evidence of political interference in the day-to-day operation of the BAI. From March 2023, the BAI has been superseded by a Media Commission as per the Online Safety and Media Regulation Act 2022. The process for appointing three to six Commissioners allowed for in that legislation does not seem to offer scope for any

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additional state influence as Commissioners are to be appointed by the Minister for Communications on the recommendation of the Public Appointments Service (thus maintaining continuity with the current practice).

The **Universal reach of traditional media and access to the Internet** indicator scores the lowest risk (8%) within the Fundamental Protection Area. This reflects the obligations imposed upon the public service media (PSM) to "establish, maintain and operate a national television and sound broadcasting service which shall...be made available..., to the whole community on the island of Ireland" in the Broadcasting Act 2009. In practice, 100% of the population has access to PSM content through cable, satellite or DTT infrastructures.

Focus on the digital environment

With regard to the **Journalistic profession, standards and protection** indicator, the current Communications Data Retention regime in Ireland remains problematic. In April 2022 the Court of Justice of the European Union confirmed that the general indiscriminate retention of traffic and location data permitted by the Irish Communications (Retention of Data) Act 2011 was inconsistent with EU Law. In July 2022, the Irish parliament passed a Communications (Retention of Data) Amendment Act to address this incompatibility. However, as the Irish Council for Civil Liberties (ICCL) has argued the new Act still does not provide for protection of journalists' sources and arguably fails to meet European Court of Human Rights requirements. (This reflects the fact that although Irish case law generally recognises the legitimacy of protecting journalistic sources Irish law does not recognise the concept of absolute journalistic privilege.)

The low risk associated with the **Universal reach of traditional media and access to the Internet** partially reflects figures from the European Commission's Digital Agenda Data which suggest that 96% of Irish households have access to download speeds of at least 30 mbps. Despite this, there remain areas of the country where broadband is not available (especially on the western seaboard), and the National Broadband Plan does not envisage completing the basic national infrastructure for rural broadband until 2026 at the earliest. Ireland does however have strong protections for net neutrality having transposed the relevant EU directive into Irish law and having published a statement of penalties to be imposed upon ISPs for breaching net neutrality in July 2019. The Irish Commission for Communications Regulation has actively policed these regulations, issuing a number of non-compliance orders against Irish ISPs for technical breaches, most recently in February 2021.

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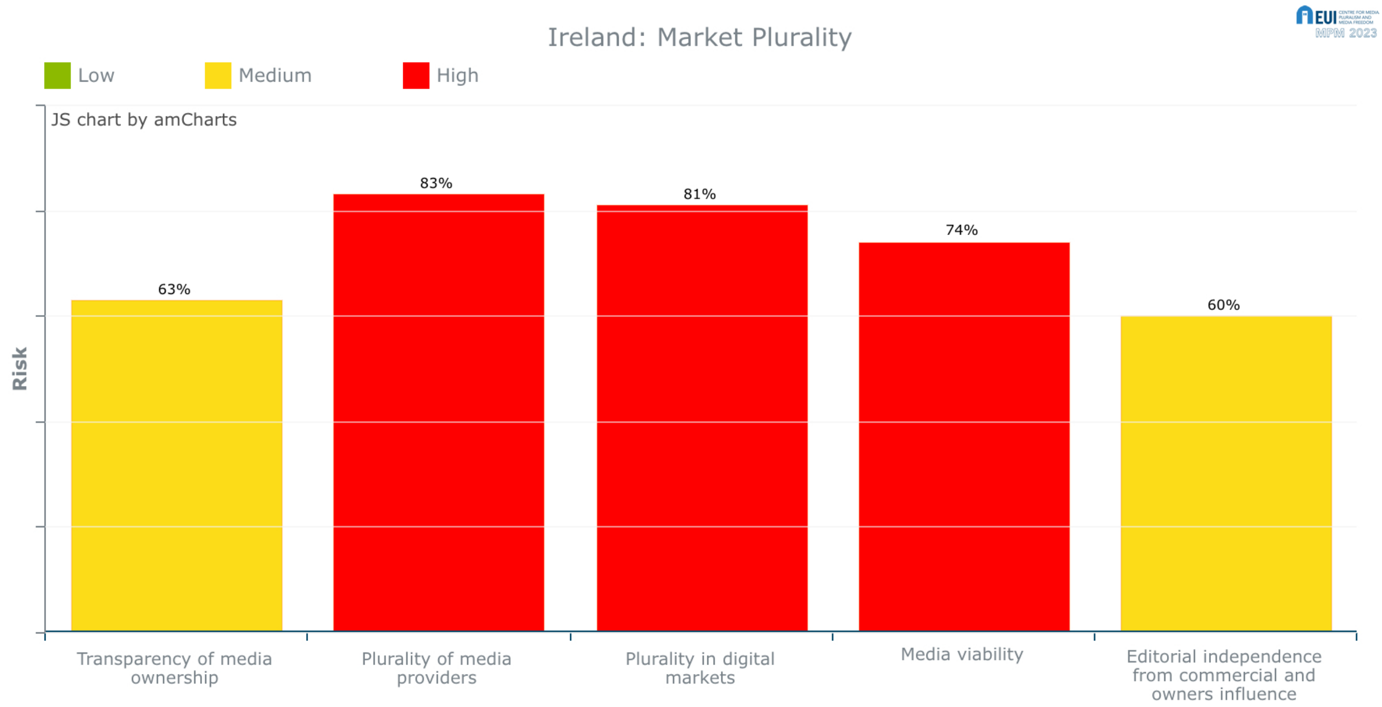
3.2. Market Plurality (72% - high risk)

The Market Plurality area considers the economic dimension of media pluralism, assessing the risks deriving from insufficient transparency in media ownership, the concentration of the market in terms of both production and distribution, the sustainability of media content production, and the influence of commercial interests and ownership on editorial content. The actors included in the assessment are media content providers, with indicators including Transparency of media ownership, Plurality of media providers, Media viability, Editorial independence from commercial and ownership influence, and digital intermediaries (with the indicator on Plurality in digital markets).



In the Market Plurality area, Ireland is at a high risk in 2022 up to 72% from 67% in 2021.

At 63% the **Transparency of media ownershi**p indicator remains at the higher end of the medium risk spectrum. The increase from the 56% risk score in 2022 is accounted for by a reconsideration of the risk associated with the disclosure of digital media ownership. In practice, accessing information about the beneficial ownership of media firms in Ireland is facilitated by the Mediaownership.ie resource. This resource has been financially supported by the Broadcasting Authority of Ireland (BAI) since 2020 and anticipates the kind of public register of media ownership envisaged in the draft version of the European Media Freedom Act. However, although the 2014 Competition and Consumer Protection Act requires the BAI to conduct periodic surveys of media ownership in Ireland, there is no media-specific legislation requiring media outlets to make this data public. Furthermore, there are no obligations on media companies to report their financial statements to regulatory authorities. Under Irish company law, "small" firms (firms with less than €12m in annual turnover) have no obligation to include sales or turnover data in their annual filings to the Companies Records Office. Many Irish Imedia outlets fall below this turnover threshold and based on our extensive survey of financial statements most Irish media limit the amount of information included in their filings. This rendering the financial structure of the industry as, at best, opaque. In 2022 we adjudged the practical risk relating to disclosure of digital media ownership to be medium given the existence of the Mediaownership.ie resource. However, given that online outlets now constitute the most frequently consulted sources of news in Ireland and the relatively small number of online outlets currently included in the Mediaownership.ie database we have coded the risk this year as high.

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Though the risk relating to the **Plurality of Media Providers** has fallen from 90% in 2022, it remains very high at 83% in 2023. The risk in Ireland is largely related to the absence of legally-defined criteria establishing upper limits on the market share which may be held by a media owner. Section 28A(1) of the 2002 Competition Act (as inserted by section 74 of the 2014 Competition and Consumer Protection Act) requires the Minister for Communications to consider the "undesirability of allowing any one undertaking to hold significant interests within a sector or across different sectors of media business in the State" when assessing a media merger. However, what constitutes a "significant interest" in this regard is not defined in reference to any universal or objective criteria.

There is an overt ownership threshold applied exclusively to radio stations ("sound broadcasting services") within the Broadcasting Authority of Ireland's 2019 Ownership and Control Policy. This states that "a number equivalent to over 25% of the total number of commercial sound broadcasting services licensed under the 2009 Act would be unacceptable." However, this takes no account of the market share held by these stations and, in theory, ownership of fewer than 25% of the stations might be sufficient to allow a single entity to hold more than 50% of the national audience. In practice, no single player in the radio or television markets currently enjoys a dominant position but the absence of statutory limits on market share has permitted much greater levels of dominance in both the print sector and, more recently the online advertising sector. The risk is further exacerbated by difficulty in accessing reliable data relating to media market shares. With regard to revenues, our research has not been able to establish what percentage of the market is held by the top four players in print, radio, television or digital media. The difficulty in doing so stems from the fact that some players operate in two or more media markets simultaneously while foreign-owned media outlets do not report Irish revenues in disaggregated form. (The situation is only slightly better with regard to audiences but, even here, while we do have fairly reliable figures for radio and television, we have at best only indicative figures for print and digital media.) In sum, not only does Ireland lack universal, objective criteria limiting concentration of media ownership, there is a dearth of publicly available data regarding the market/audience dominance of the largest players.

The **Media Viability** indicator remains a high risk at 74%. There are a number of issues here. With the relaxation of Covid measures in 2022 and an increase in economic activity, it would be surprising if overall advertising expenditure did not improve over 2021. However, given the artificially depressed state of the advertising market in 2020 and 2021, an improvement in 2022 does not constitute a turnaround in the fortunes of the legacy media sector. There is strong anecdotal evidence to suggest that both circulation and advertising revenues for legacy media are continuing their long post-2008 financial crisis decline. For example, in their June 2022 pre-Budget joint submission to the Irish Department of Finance, the representative bodies for national and local newspapers contended that “print advertising decreased from €171m in 2011 to €79m in 2020. While digital advertising has increased from €11m to €26m over the same period, it falls far short of compensating for the €92 million declines in print advertising.” The submission continued: “The total estimated circulation revenue in 2020 was €168 million, of which €15 million was digital subscriptions. For every €1 that news publishers have lost in print revenues, they gained at most 10 cents in digital revenues.” This financial precarity impacts on the working conditions of journalist. The NUJ argues that media outlets across all sectors have cut their freelance budgets and Newsbrands, the newspaper industry representative body, estimate that there has been a 13% decline in numbers of journalists in employment between 2016 and 2020, and a further 6% decline between 2020 and 2022.

However, there is a question over the overall reliability of published figures on the basis of which we assess media viability. Nielsen AdIntel collate advertising spend figures across media (and offer a general description of their methodology). However, Nielsen’s figures suggest that the Irish newspaper advertising market was worth €140m in 2020, 77% higher than the figure offered by representative bodies for national and local newspapers for the same year. A similar pattern is evident across other media: a report from PWC commissioned by the Internet Advisory Board for Ireland estimated the value of Irish Digital Advertising in 2021 at €830m. Nielsen's figure (clearly based on very different methodology which excludes search, social and classified advertising) for 2021 was €68m. With regard to broadcast television, Core Media, one of Ireland's largest marketing and communications companies predicted that televisionadvertising revenues would increase to €276m in 2022 up from €60m in 2021. By contrast Nielsen Ad Intel found that such revenues actually fell in this period (from €245m in 2021 to €226m in 2022). Such disparities between data sources present a considerable challenge for this research and we are not alone in identifying this issue. Core Media publishes annual estimates (the "Core Outlook") relating to the value of the Irish advertising market. These estimates are routinely cited in other research (including the Report of the Future of Media Commission). However, the introduction to their 2022 estimates includes the observation that "Once again this year, we will see varying reports about the size of the Irish market and the expenditure level across each medium... We continue to see wildly different estimates across the market. Once again we are emphasizing that this needs to change."

Furthermore, there are whole sectors of the Irish media market for which we have no figures at all. Liberty Global's subsidiary, Virgin Media Ireland earned $550m in 2021 (up from $513.7m in 2020). However, these revenues are spread across multichannel television distribution, broadband services, broadcast television and mobile phone services and the revenues associated with these respective services are not presented separately (nor are they possible to infer). Even the Liberty Global Annual Report is more revealing than that of Comcast which, since 2018, has owned Sky Television, the dominant player in satellite television distribution in Ireland. Comcast's annual report gives no Ireland-specific figures at all.

Although the increase in the risk associated with **Editorial independence from commercial and owners influence** (up to 60% in 2022 from 48% in 2021) means that the indicator remains coded as a medium risk, it has clearly moved closer to the high risk boundary. The main reason for the increase is a re-assessment of the mechanisms granting protection to journalists in case of changes of ownership or editorial line. Although journalists enjoy the same protections afforded to any employee by the 2001 EU directive (2001/23/EC of 12 March 2001) on safeguarding employee rights, there are no media-specific protections in Irish law.

There are a variety of codes (from the National Union of Journalists, the Irish Press Council and the Broadcasting Authority of Ireland) stipulating that journalists should not be influenced by commercial interests. Taken together these measures constitute a strong admonition against allowing external commercial influences to shape the content of Irish news organisations. While, ALL commercially-funded media are indirectly influenced by their funding environment, there is scant evidence in the Irish context that this has directly determined news and current content.

However, there is a degree of inconsistency across these codes. The BAI's General Commercial Communications Code specifies that newsreaders should not be associated with "Commercial communications" (I.e. advertising) but does not extend this prohibition to, for example, current affairs presenters. Furthermore this prohibition is not an element of NUJ or Press Council codes. So there does not appear to be a blanket ban on journalists appearing in advertising or endorsing commercial goods and services. Furthermore although both RTE and Mediahuis Ireland require their staff to adhere to inhouse Codes of Conduct to maintain a separation of their editorial and commercial activities, we have not been able to establish whether similar codes prevail in other leading Irish news media organisations.

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Focus on the digital environment

The **Plurality in Digital Markets** indicator was also coded as a high risk at 81%. Similar issues emerge with regard to digital/online media as have already been noted with regard to legacy media: there is, for example, no obligation on online media to identify their benefical owners or to file financial statements with any media regulator. Nor is there a defined upper limit on the level of market share a single company may hold in the online advertising market or much in the way of reliable data on the revenue/audience market share of the largest players (even if estimates from agencies such as Core Media suggest that Alphabet (Google) and Meta (Facebook/Instagram) alone may account for 85% of the Irish digital advertising market). This is not to suggest that digital markets are entirely unregulated. In December 2022, for example, the Irish Data Protection Commission (DPC) fined Meta Ireland €210 million for breaches of the GDPR relating to its Facebook service and a further €180 million for breaches in relation to its Instagram service. However, even this particular case (which turned on Meta Ireland's alteration of the Terms of Service for its Facebook and Instagram services and the legal basis on which Meta relied to legitimise its processing of users' personal data) highlighted the absence of consensus across Europe regarding how to approach the regulation of online platforms. In its assessment, the Irish DPC essentially accepted that some processing of user data was "central to the bargain" struck between users and platforms such as Meta. A number of other Concerned Supervisory Authorities (CSA) within the European Economic Area disagreed and the matter was referred to the European Data Protection Board which sided with the CSAs. It is notable that the final arbiter on such matters, the European Data Protection Board effectively concluded that the Irish Data Protection Commission was adopting a less restrictive attitude in its regulation of elements of Meta's activities than was appropriate.

Reflecting (but not driven by) the Future of Media Commission's confirmation that that digital intermediary platforms were impacting the financial viability of traditional news content providers by cannibalising the advertising market, there have been some moves towards implementing the European Copyright Directive. Google's News Showcase began licencing news from Irish publishers in October 2021 although such agreements have not been concluded between other platforms.

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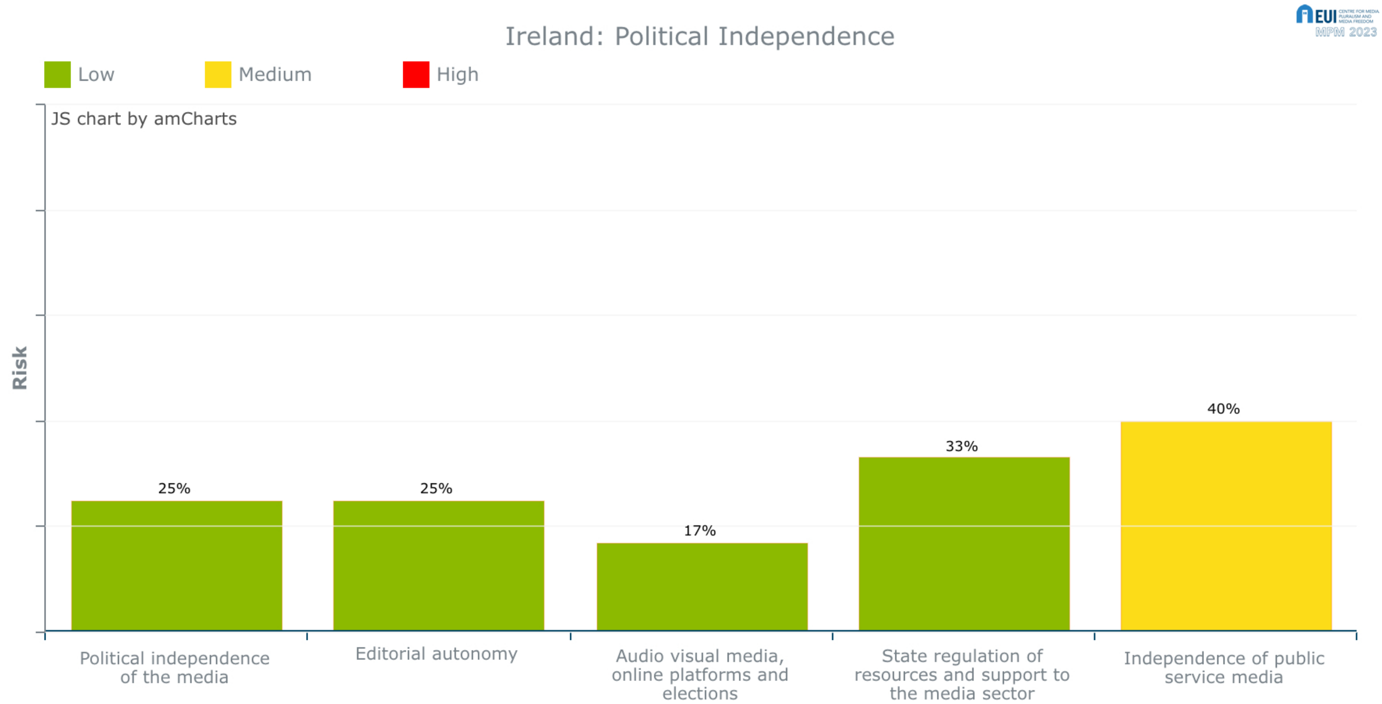
3.3. Political Independence (28% - low risk)

The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of the public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and the availability of plural political information and viewpoints, in particular during electoral periods.



The Political Independence area as a whole scored a low risk (28%). However, the indicator on Independence of public service media scores medium risk, while the State regulation of resources and support to the media sector indicator is on the cusp of a medium risk.

The low (25%) risk for the **Political Independence of Media** indicator reflects the fact that, notwithstanding the absence of overt legal prohibition on combining media ownership with political office in Ireland, there is almost no incidence of such overlap in practice and there is little-to-no evidence of political control over any significant media outlets. Only the Sinn Féin party maintains anything like a newspaper – An Phoblacht – but, as of 2023 this has been effectively reduced to online blog posts relating to party activities. The last *major* politically-connected media outlet – the Irish Press group which was established and owned by members of the Fianna Fáil political party – ceased publication in 1995. Nor is there any compelling evidence to suggest that state-owned PSM display any kind of political bias towards *any* party.

This state of affairs is echoed in the low risk (25%) accorded to the **Editorial Autonomy** indicator. Again, despite the absence of regulatory safeguards aimed at guaranteeing autonomy from political interference in the appointment of senior editorial staff in public and private media, there is no compelling evidence to suggest that Irish politicians have – at least in the 21st century – sought to exercise such influence. Furthermore, all of the major news media adhere to self-regulatory measures stipulating the importance of editorial independence from political interference.

The risk relating to **Audio visual media, online platforms and elections** is also considered low (17%) although there is an ongoing issue relating to the transparency of political advertising online (see below). Both the 2009 Broadcasting Act and BAI codes place significant stress on the need for fairness, objectivity and impartiality in news and current affairs programming. Although strictly speaking there is no absolute legal requirement guaranteeing political parties access to PSM (or private broadcaster) airtime during elections, since the 1960s such access (via news and current affairs shows) has been taken for granted by political actors because the PSM routinely grants it. The 2022 Bertelsmann's SGI assessment of Media Pluralism in Ireland notes that there are recurrent criticisms of bias in RTE's "core news and editorial comment" from a number of directions. However, the PSM does appear to actively strive to accommodate a multiplicity of voices and to identify criteria for distinguishing perspectives which reflect prevailing currents of opinion from more marginal, sectoral interests. Broadly speaking there is agreement that political actors and parties do receive fair representation across PSM and private media. (The complete bar on broadcast political advertising obviates the possibility that political actors with deep pockets might simply spend their way to influence over broadcast audiences.)

That the risk associated with **State regulation of resources and support to the media sector** is scored at 33% (and is therefore on the cusp of a medium risk) largely relates to the absence of clear rules on the distribution of state advertising. Historically, direct state subsidies have not been a feature of the Irish media landscape although this looks set to change following a recommendation in the Report of the Future of Media Commission in 2022. The Commission suggested re-purposing the formerly Broadcasting Authority of Ireland-administered Sound and Vision fund (which supports non-news and current affairs public service content production) as a broader Media Fund to support platform neutral core public interest media activities such court reporting. However, this has not yet been implemented and so does not impact the risk assessment for 2022. Indirect media subsidies are a feature of the Irish mediasphere. In November 2022 and following the recommendation of the Future of Media Commission Report, the Minister for Finance announced the removal of VAT on print/digital newspapers. This measure applies all and any such outlets, however, so there is no scope for discriminatory/favourable treatment of individual media outlets in this regard.

However, there is very little clarity regarding the distribution of state advertising. Although there is an open (and heavily rule-bound) tender process to win the right to place print advertisements on behalf of Irish public bodies, once that tender has been won, the rules on the placement of individual advertisements are completely unclear. In practice it appears that individual public bodies can determine where ads are placed but there are no obvious publicly available rules on how this process operates, nor are the specifics of how much state advertising is dispersed to individual media outlets routinely collated and made publicly available. Thus, while there is no evidence that the Irish state (or any of its institutions) have sought to “strategically” deploy advertising funding in a manner designed to secure favourable editorial coverage, nor is there any evidence available that might counter suggestions that this has occured. Given the increased importance of State advertising during the Covid crisis in particular (as other economic activity temporarily contracted), this lack of clarity is increasingly problematic.

At a 40% medium risk, the **Independence of public service media** rates as the highest risk indicator within the Political Independence area. That the serving Minister for Communications plays a key role in appointing the boards for both PSM institutions and that Ministerial Approval is required before a Director-General is appointed for either clearly demonstrates that there is some scope for political interference in both. In practice, however, that political involvement ceases at the point of appointment and there is no sense that Irish governments have sought to inappropriately influence PSM output (at least not in recent decades).

However, the scale and manner of PSM funding *is* highly problematic. The larger of the two PSM, RTE, has been in a state of more or less permanent financial crisis since 2008. The reasons for this are manifold but include a collapse in their commercial revenues and a freezing of the television licence fee at the same level since 2008. A sequence of public and private reports and a parliamentary committee have all concluded that the licence fee is not fit for the purpose of funding 21st century public service media. Most recently the Report of the Future of Media Commission recommended phasing out the licence fee by 2024 and replacing it with exchequer funding. This was one of 50 recommendations made by the Commission and, notably, the only one not accepted by the government . The insistence on retaining the licence fee model appears to be at least partially motivated by a concern to avoid the perception that the state is offering a blank cheque to RTE, underwriting an organisational structure which is routinely characterised as economically inefficient. Even if this characterisation has some validity, it remains the case that they current funding system undermines the capacity of the PSM to fulfil its core public service function to the detriment of the wider public sphere.

Focus on the digital environment

The bar on broadcast political advertising mentioned above does not extend to other media in Ireland and concern has been expressed that online media in particular might be used by political actors (especially those from outside Ireland) to influence public opinion in a less than transparent fashion.

The passage of the Electoral Reform Act in July 2022 was intended to address this by requiring online platforms to identify the purchasers of any political advertising. This would include political parties, individual candidates and "private" supporters of individual candidates and political parties. In theory the combined impact of the Electoral Reform Act and the Electoral Act 1997 (setting maximum limits on electoral campaign expenditure) could prevent political actors from achieving undue influence through excessive expenditure on political advertising in online media during an election campaign.

Implementing the Electoral Reform Act has not been straightforward however. Under EU law, the Irish state had to notify Part 4 and Part 5 of the Act (those parts regulating online political advertising) to the European Commission. In July 2022 the Commission issued a detailed opinion to the effect that the section detailing what information online platforms should collect and make public were not compatible with Article 14(1) and 15(1) of the e-Commerce Directive. Despite attempts by the Irish government to clarify the operation of these sections, as of December 2022 the European Commission continued to insist that the incompatibility had not been addressed and, as a consequence, the Irish government has not been able to commence the legislation. Indeed, it is possible that the legislation will have to be redrafted before it will pass Commission scrutiny.

This is more than an abstract concern. The Irish Standards in Public Office Commission has required political candidates to file detailed expense returns in the wake of each election including reports detailing party expenditure on individual election campaigns. In theory it should be possible to identify expenditure on social media campaigns at a "granular" level (i.e. by candidate) and thus to build up a picture of expenditure on social media campaigns across parties. However, parties have not routinely disaggregated their expenditure on social media campaigns nor have they been actively transparent about the techniques they have applied in the course of those social media campaigns, making the need for something like the transparency sought by the 2022 Electoral Reform Act critical.

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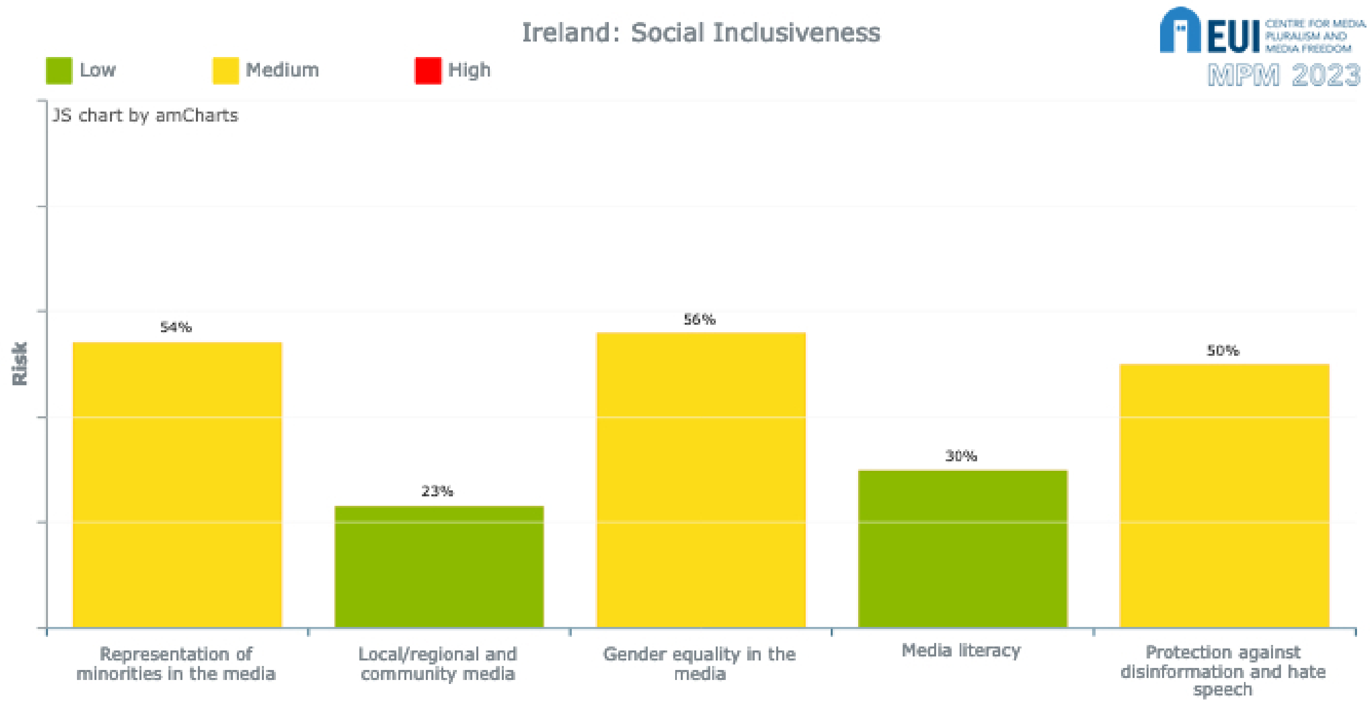
3.4. Social Inclusiveness (43% - medium risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country's media literacy environment, including the digital skills of the overall population. Finally, it also includes new challenges arising from the uses of digital technologies, which are linked to the Protection against disinformation and hate speech.



At 43% overall the Social Inclusiveness area remains a medium risk, albeit the level has dropped slightly from last years 49% (due mainly to a lower risk rating for the Protection against disinformation and hate speech indicator).

The 2022 score for the **Representation of minorities in the media** indicator remains unchanged at 54%, a medium risk. There is still no definition in Irish law of what constitutes a minority and thus there are no legally recognised minorities. The Irish-language community is relatively well-served by the existence of a dedicated radio and television station. Beyond this, however, even those categories of identity that might be regarded in a commonsense fashion as constituting minorities are not well-served on either the PSM or private broadcasters. Notwithstanding the emphasis on the need to reflect the diversity of Irish society in RTÉ's last strategy document, this research is not aware of any programming dedicated to addressing minority audiences defined along ethnic, religious, disability or sexual orientation lines. It *is* apparent that there is growing awareness of the absences in the access of and representation of minorities on the PSM and private channels. Both have committed to adopting "mainstreaming" approaches, that is, including minority identities within "normal" content rather than risking ghetto-ising them by creating separate programming strands. However - especially given the absence of published data collection from either the PSM or private media on the characteristics of both in-house staff and programme participants - it is hard to point to clear evidence that this has resulted in significant improvements in minority access to airtime.

With regard to people with disabilities, Access Rules relating to subtitling, Irish sign language (ISL) and audio description (AD) appear to be generally adhered to. However, although subtitling is widespread, it is

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much harder to find ISL and AD content. In the absence of published data we conducted our own snapshot survey of ISL-ed content and although RTE can reasonably claim to make at least some ISL content available every day of the week, our survey suggested a less active embrace of ISL by the commercial television station, Virgin Media (reflecting the less onerous regulatory obligations imposed pon the station). Similarly the Audio Description Rules contained in the Broadcasting Authority of Ireland's 2020 code place relatively low obligations on Irish broadcasters and there is no evidence that these obligations are being surpassed. The PSM, RTÉ was mandated to add AD to just 9% of shows in 2022 while Virgin Media faced much lower (4%) obligations.

At 23%, the risk associated with the **Local/regional and community media** is low. Though not legally obliged to do so the PSM RTE maintains eight regional offices (with associated correspondents) which broadly cover the entire island of Ireland. Local and community media are guaranteed access to distribution infrastructures and both constitute well-established elements of the wider Irish media landscape. (Commercial local radio in particular has proved extremely popular since its introduction in 1989.) Local stations have received limited state support through the Broadcasting Authority of Ireland-administered Sound and Vision fund since 2003, although as a competitive scheme, securing funding is not guaranteed. State support for community media has been even less forthcoming although there is a growing sense that the issue needs to be addressed. In it's most recent policy document on Community Media (published in July 2021) the Broadcasting Authority of Ireland noted that although the community media sector is viable " funding individual media organisations, of very different natures and size, is an ongoing challenge for operators and the communities served."

The BAI has operated a Community Broadcasting Support Scheme, although its funds are limited: as of 2021, its total budget was just €20,000. Perhaps cognisant of this, in October 2022, the BAI announced that under Round 48 of the Sound & Vision 4 Scheme, up to €750,000 would be made available for "Social Benefit projects for community radio and television".

With regard to **Gender Equality in the Media** the 56% score (up from 48% in 2021) places Ireland firmly in the medium risk category. Although both PSMs have close to equal numbers of men and women on their boards, neither has a specific gender policy. RTÉ’s Diversity and Inclusion Strategy has, since 2018, included gender (along with ethnicity, disability and sexual orientation) as markers of diversity and committed to developing and implementing policies to actively address identity-based inequities across the Irish creative and media industries. Things are less clear with regard to private television companies: we have been unable to establish if there are any women on the management board of Virgin Media Television Ireland. Across the leading print, broadcast and online media in Ireland just two of the seven leading editors-in-chief are women.

This is reflected in the conclusions of research on the representation of women in Irish news and current affairs programming. The Global Media Monitoring Project in 2020 points to a relative absence of women from news and current affairs. Although 46% of reporters were women, this figure fell to 39% for presenters of television/radio news. Women accounted for 25% of people in the news and were far outstripped by men in the categories of politicians, public servants, businesspeople and medical professionals. (Indeed women accounted for a majority of appearances in just one category: "celebrity".) There is, however, a general sense that we still lack empirical quantitative and qualitative data necessary to develop policies regarding the position of women Irish news media. In December 2022 the Joint Oireachtas (Parliamentary) Committee on Gender Equality published a report detailing recommendations on promoting gender equality across Irish society. These included a requirement whereby broadcast media should publish diversity and gender disaggregated data for all programmes including contributors and directly employed presenters. The data should include some qualitative analysis of the manner in which women were deployed/represented in such programming.

The 30% score for **Media Literacy** places this indicator in a low risk category for the first time. Media literacy is increasingly core to the Irish education curriculum even if it is not always formally assessed and often depends upon the initiative of individual teachers and principals in promoting the subject.

Media Education has been a strand of the Science and Social Personal and Health (SPHE) element of the primary school curriculum since 2000 although there is no separate Media Literacy curriculum at secondary level. Media Education is encountered in secondary school through the study of English under the heading of Cultural Literacy and into both Civic Social and Political Education (CSPE) and Environmental and Social Studies (ESS) curricula albeit in an incidental rather than integral manner. This “incidental” approach is reflected in the absence of stand-alone, media-specific training embedded in formal teacher-training in Ireland.

Indeed there is arguably far more activity in non-formal education, especially those projects facilitated by the Broadcasting Authority of Ireland-supported Media Literacy Ireland (MLI) network. Most recently 2022 saw the commencement a joint initiative of Media Literacy Ireland, the Irish European Digital Media Observatory (EDMO) Hub, University College Dublin and public libraries to expand the roll-out of Media Literacy activities through libraries. The project commenced in October, with EDMO Ireland developing an online course and organizing a depository of resources hosted on the MLI website for both librarians and the public.

This said, much the decline in the risk is associated with an apparent improvement in the percentage of the population assessed by Eurostate as having basic digital skills. This has risen from 53.8 % of th population in 2019 to 70.49% in 2021. We should note that we are a something of a loss to account for this - quite dramatic - improvement given the absence of any particularly notable innovations in the digital literacy education since 2019. As such, the lowered risk with regard to media literacy should be treated with some caution.

The score for the **Protection against disinformation and hate speech** indicator is 50% which, though considered a medium risk, is far lower than the 75% risk recorded in the nearest parallel indicator in 2021, that for Protection against illegal and harmful speech. The lower risk profile is more illusory than real, however, and reflects a recasting of the sub-indicators used to arrive at an overall indicator score since last year.

To date the State has carried out few activities tackling disinformation. When it has the main focus has been on preventing disinformation during elections and referenda. The 2022 Future of Media Commission report concluded that there is "a need for more coordinated and strategic action by Government, media, academia and technology companies to combat the damaging impact of misinformation and disinformation on Irish society and democracy". The government has accepted the Commission recommendation to develop a National Counter-Disinformation Strategy to "enhance trust and protect the safety of Irish users of global content platforms".

There are some fact-checking initiatives in Ireland. TheJournal.ie runs a Fact-Check feature supported by Meta Ireland and the local EDMO Hub. In addition the Health Research Board in association with the Cochrane Ireland, University College Galway and the Northern Ireland Public Health Agency operates https://ihealthfacts.ie/ which specifically fact-checks medical-related claims. The Irish EDMO Hub itself, which began work in March 2022 from its base in Dublin City University, is intended to bring together expertise in disinformation, software, AI and fact-checking in a bid to counter the negative impacts of disinformation campaigns.

Assessing the effectiveness of these actions in countering the spread of disinformation is difficult. That disinformation is spreading is undeniable but the growth of far-right ideology on Irish online networks has not been reflected in electoral outcomes: none of the 30 candidates who espoused far-right positions in the 2020 Irish general election secured more than 2% of the vote. And, Irish Covid vaccine uptake rates were amongst the highest in the EU, despite the spread of mis/disinformation on that subject.

The state has also made efforts to counter hate speech through legislation. The Hate Crime and Hate Speech Bill published in April 2021 makes it a specific criminal offence to commit a hate crime based on the colour of a person's skin, sexual orientation or their gender, including gender expression or identity. Other new "protected characteristics" include the victim's race, nationality, religion, ethnic and national origin, and any disability. However, although a revised version the bill was expected to become law before the end of 2022, the bill had still not passed through the Irish legislature as of April 2023,.

For now then the fight against hate speech remains inchoate within Ireland, but the issue has been thrown into sharp relief by the rise of a small but increasingly vocal anti-immigration movement since 2022, prompted in part by the influx into Ireland of Ukrainian refugees fleeing the Russian invasion in February 2022.

Focus on the digital environment

With regard to media education, Digital Media Literacy is increasingly an element of secondary education, with curricula designed to enable students to actively distinguish and discriminate between the multiple sources of online information to challenge the views they find there. It also seeks to develop student capacity to express their own perspectives through developing effective online communication skills.

Such prophylactic approaches to digital literacy are all the more timely given the speed with which disinformation channels have sprung up through social media. The Covid crisis in particular appeared to create particularly fertile conditions for disinformation. An Institute for Strategic Dialogue report has pointed to a significant increase in the level of use of less-regulated social media platforms in Ireland noting that that whereas in 2019 Irish far-right channels posted just over 800 messages on Telegram, this increased to 60,377 messages posted by 34 channels in 2020. Against that, however, Eurostat data from December 2021 suggests that the Irish are among the most cautious in the EU when it comes to disinformation: 39% of Irish online users verify (often via other online sites) information they had encountered on online new sites or social media, compared to the EU average of 23%.

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4. Conclusions

Looked at from the perspective of risk areas, Media Pluralism in Ireland in 2022 is largely unchanged from 2021, variously rated as a low risk with regard to **Fundamental Protection** and **Political Independence**, medium risk in relation to **Social Inclusiveness** and remaining high risk in the area of **Market Plurality**.

Legislative measures have been taken in 2022 which, inter alia, address some of the issues identified in the preceding pages. The Communications (Data, Retention and Disclosure) Act, the Electoral Reform Act, the Online Safety and Media Regulation Act, and the Protected Disclosures (Amendment) Act all had the potential to improve aspects of media pluralism but as noted above they are only partially successful in this regard, delayed or – in the case of the Data Retention Act – entirely miss an opportunity to address pluralism-related issues.

Though considered a low risk area there remains scope for improving **Fundamental Protections**. The conditionality of the guarantees for Freedom of Expression still merit revisiting and there appears to be a case for better resourcing (both in terms of financing and human resources) the operation of the Freedom of Information mechanism across Government Departments and Public Service institutions. There is little point in having legal access to public information if the mechanism to facilitate this is not effective. Significant issues remain with the Data Retention regime in Ireland. The 2022 Communications (Retention of Data) Amendment Act does not adequately address the weaknesses of the 2011 legislation it updated and it appears that it still does not conform with EU case law (despite having been primarily - and expressly - drafted with EU requirements in mind). Though not extensively discussed earlier, the chilling effect of the current Defamation Regime remains an issue and it is hoped that the recommendations in the 2022 Report of the Review of the Defamation Act 2009 - and in particular those relating to anti-SLAPP measures - will be taken seriously by legislators.

Recommendations

- To the state: **Resourcing of Freedom of Information operations across the Public Sector should be formally and independently investigated and, if necessary, augmented; the Department of Justice should make good on their Minister's May 2022 commitment to introduce Anti-SLAPP legislation; the 2022 Communications (Retention of Data) Amendment Act urgently needs to be revisited and redrafted by the legislature; consideration should be given to submitting the current framing of constitutional protections relating for the consideration of the Irish Citizens' Assembly.**

Although **Political Independence** as a whole scores a low risk, there are a number of areas where intervention might see the level of risk lowered further still.
The current impasse between the Irish government and the European Commission regarding the incompatibility of the Electoral Reform Act with the e-Commerce Directive should be addressed as a matter of urgency. Ireland is scheduled to have a referendum in November 2023 (relating to the status of women) and a general election no later than March 2025. Given the apparent incidence of interference in election/referenda campaigns in other jurisdictions, it is crucial that Irish voters have some basis for assessing the provenance of campaign-related material they encounter online.

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While there is no compelling evidence to suggest that the Irish State has distributed state advertising in a discriminatory fashion with a view to securing favourable media coverage (or, conversely, to punish negative coverage) the absence of *any* public information in this regard constitutes a risk in and of itself. (This is reflected in the fact that it seems likely that the forthcoming Media Freedom Act will require EU member states to collate and publish information about such expenditures.)

Although in the past the Irish state has sought to interfere in the editorial content of the PSM (and had a formal mechanism to do so under the 1960 Broadcasting Act), this has not been a notable feature of broadcaster/state relations in the 21st century. Nonetheless, the prominent role of the Minister for Communications in determining PSM appointments AND in setting the level of public funding (through setting the level of the licence fee) raises the prospect that the state might exert at least indirect influence over the PSM through these mechanisms. The current level of political influence in making such appointments could be diluted by including, for example, universities, charities, trade unions, the National Organisation for the Unemployed etc. in the appointments process.

Recommendations

- To the state: **Prioritise ongoing Irish government/European Commission discussions regarding adjustments to the Electoral Reform Act; Require government departments and public sector organisations to collate and publish the details of advertising expenditures, identifying the amount spent and how much was received by individual media outlets; Alter the appointment process for PSM boards to include input of civil society/social partner organisations; Implement the recommendation of the Future of Media Commission to replace the current Television Licence Fee-based system for funding the PSM with direct exchequer funding.**

Market Plurality remains a high risk area overall. There are no media-specific requirements in Irish law requiring media outlets to publicly disclose their beneficial owners, nor are there any legally codified upper limits on the share of media markets which may be owned and controlled by individuals or corporate entities. Furthermore, there is clear evidence that concentration is already a feature of some Irish media markets, especially with regard to online advertising.

Although overall media revenues have recovered somewhat from the sharp downturn resulting from the Covid-related slowdown in wider economic activity, there is no reason to think that the long post-2008 Financial Crash decline in legacy media revenues will not continue. Although print and broadcast organisations have moved to exploit their digital presence, none have come close to earning sufficient online revenues to compensate for declines in traditional revenue streams. The Future of Media Commission proposal for a state-financed Media Fund can, at best, only partially address the negative impacts of this.

(In this regard the ongoing difficulty in identifying reliable aggregate revenue and audience figures for many media sectors and for the market shares held by individual players also constitutes a significant risk since it complicates the process of identifying market dominance and the extent of influence enjoyed by individual media outlets. There are a variety of European Commission-funded projects which seek to address this lacuna but, in Ireland, even these face considerable challenges in arriving at reliable figures to describe Irish media markets.)

Recommendations

- To the state: **Redraft Section 4 of the 2014 Competition and Consumer Protection act (relating to media mergers) to require media outlets to publicly declare their beneficial ownership.**
- To the Media Commission: **Prioritise the establishment of a Media Fund along the lines proposed by the Future of Media Commission; Consider funding research into market/audience share of legacy and digital media and publishing the results online.**

There has been some progress in the **Social Inclusiveness** risk area score even if it remains in the medium category (and even if some of that improvement owes more to adjustments in the indicators than it does to “facts on the ground” in Ireland).

The continued absence of any legal definition of “minority status” in Ireland means that, by definition, legal protections for minority access/representation in Irish media are largely non-existent. There are exceptions: both the PSM and the private television station have made commitments to addressing the underrepresentation of minorities through “mainstreaming”. However no data is available on the nature and extent of this process. Access rules designed to facilitate media consumption by people with disabilities do exist but in some cases - notably Irish Sign Language - the obligations imposed upon broadcasters in this regard are very limited.

Gender equality remains a key issue. Although increasingly subject to scrutiny through academic research (which consistently points to the persistence of out-moded representations of women), there is no formal mechanism to record (and publish) data on how women are “deployed” in Irish media.

There is an empirically verifiable increase in the dissemination of both disinformation and hate speech in Ireland, especially online. This is a recent phenomenon and appears to have accelerated during and after the Covid crisis. The state’s activities in countering this remain nascent although the Government did accept the Future of Media Commission recommendation to establish a National Disinformation Strategy Group and the Hate Crime and Hate Speech Bill continues to work its way through the Irish parliament. Beyond this, the work of “official” fact-checking/counter disinformation initiatives such as TheJournal.ie’s “Fact-Check” feature and the Irish Hub of the European Digital Media Observatory point to some efforts to grapple with the issue of dis/misinformation.

Recommendations.

- To the state: **Prioritise the passage of the Hate Crime and Hate Speech Bill.**
- To the Media Commission: **Institute the collation/publication of quantitative and qualitative data regarding the representation of gender in news and current affairs contents (as per the December 2022 recommendation of the Joint Oireachtas Committee on Gender Equality).**

5. Notes

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ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2023 CT Leader
Roderick	*Flynn*	*Associate Professor*	*Dublin City University*	*X*

ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
Ciaran	*Kissane*	*Media Regulator*	*Broadcasting Authority of Ireland*
Seamus	*Dooley*	*Trade Union Representative for Irish Journalists*	*National Union of Journalists*
Marie	*McGonagle*	*Lecturer/Professor*	*National University of Ireland, Galway*
Ann Marie	*Lenihan*	*Chief Executive Officer*	*Newsbrands*
Dualta	*O'Broin*	*Head of Public Policy*	*Facebook (Meta) Ireland*

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