



4.16. IE - Ireland²⁰⁸

4.16.1. Key findings

- The national media regulatory authority (the Broadcasting Authority of Ireland – BAI) was dissolved on 15 March 2023 and has been replaced by *Coimisiún na Meán* (CnaM). The BAI Access Rules remain in effect until the new rules are promulgated. The BAI rules are in effect still in place, and are now CnaM rules.
- The current legislation implementing Article 7 encompasses both linear and VOD audiovisual media service providers, but the BAI only promulgated rules for linear broadcasters, since, at the time of drafting the rules, the BAI had no powers regarding VODs. The CnaM will change the accessibility rules in 2024.
- At present, VOD providers are governed by a self-regulating Code of Conduct and a general obligation to endeavour to ensure services are made gradually more accessible.
- The public service broadcaster TG4, the Irish language channel, had significantly fewer accessibility obligations in the time period 2019-2023 compared with the other public service broadcaster, RTÉ.
- Audio description and sign language interpretation lag behind subtitling in broadcast accessibility.
- Oireachtas TV, covering the government, had low obligations for subtitling and sign language and no obligations to provide audio description.

4.16.2. Legal framework: primary and secondary legislation

National legislation	Summary of the measures
Article 7 (1) AVMSD	
Online Safety and Media Regulation Act 2022, section 460(6-9) ²⁰⁹	<p>Section 460(6) Audiovisual media service providers must take steps to provide access to audiovisual programmes by means such as sign language translation, subtitling, or audio description.</p> <p>Section 460(7) The rules promulgated by the CnaM must require media service providers to consider whether the accessibility functions for audiovisual programming are provided at daily or regular intervals, during popular (and other) viewing times and</p>

²⁰⁸ The factsheet on Ireland incorporates the feedback received from the Media Commission (Coimisiún na Meán), during the checking round with the national regulatory authorities.

²⁰⁹ <https://data.oireachtas.ie/ie/oireachtas/act/2022/41/eng/enacted/a4122.pdf>



<p>S.I. No. 258/2010 – European Communities (Audiovisual Media Services) Regulations 2010, section 12²¹⁰</p> <p>BAI Rules 2019 – Secondary Legislation²¹¹ Access Principles</p>	<p>for news and news-related (as well as other) matters, or in the case of the on-demand service providers, in an easily identifiable and easily accessible way.</p> <p>Section 46O(8) The rules promulgated by the CnaM may require media service providers to meet specific quotas or employ specified means in order to promote accessibility.</p> <p>Section 46O(9) The rules promulgated by the CnaM will provide for the matters required by Article 7 AVMSD.</p> <p>Section 12 VOD service providers must endeavour to ensure their services are gradually made accessible to people with a visual or hearing disability.</p> <p>Citizens for whom the access rules are designed should have the fullest possible access to the broadcast media. The level of subtitling, audio description, and Irish Sign Language interpretation will develop incrementally over a period of time, on a five-year timeframe.</p>
<p>Article 7 (2) AVMSD</p>	
<p>BAI Rule 9</p>	<p>Rule 9 The BAI/CnaM may undertake some or all of the following activities:</p> <p>Request reports on the accessibility of programming from broadcasters every 6 months. Meet with broadcasters annually to discuss performance against the rules with regard to reporting and outcomes of monitoring. Produce an annual report for the Compliance Committee of the BAI/CnaM. Apply the BAI/CnaM Compliance and Enforcement Policy in instances of non-compliance. Publish an annual report.</p>
<p>Article 7 (3) AVMSD</p>	
<p>Online Safety and Media Regulation Act 2022, section 46O(5)</p> <p>S.I. No. 258/2010 – European Communities (Audiovisual Media Services) Regulations 2010, section 13</p>	<p>Section 46O(5). The CnaM must make regulations that require audiovisual media service providers to take steps to make programming more accessible for persons who are D/deaf or hearing impaired, blind, or partially sighted, or persons who have a hearing impairment and are partially sighted.</p> <p>Section 13 VOD service providers must develop codes of conduct in consultation with the CnaM and other relevant bodies.</p> <p>The level of subtitling, audio description, and Irish Sign Language will develop incrementally over a period of time in order to facilitate broadcasters to develop capacity and expertise. A five-year timeframe allows the broadcaster to plan for the development and delivery of quality access provision.</p>

²¹⁰ <https://www.irishstatutebook.ie/eli/2010/si/258/made/en/print>

²¹¹ <http://www.bai.ie/en/download/133605/>



BAI Rules – Access Principles	
Article 7 (4) AVMSD	
Commission website/BAI Access Rules	Anyone wishing to make a complaint shall contact the broadcaster directly, and later the BAI/CnaM if necessary.
Article 7 (5) AVMSD	
BAI Rule 5.2	Broadcasters must ensure that audience members requiring access services are kept informed about national emergencies by providing key information with subtitles (preferably open format) and spoken. Unless impracticable, it should also be provided via Irish Sign Language. Irish Sign Language interpreters must be clearly visible and understandable to audiences throughout the entirety of the broadcast.

4.16.3. Overview of national rules

Types of accessibility measures	Brief overview of existing rules
Accessibility measures (hearing impairments)	Yes. Subtitling and sign language targets and timeframes are specified for each broadcaster in Ireland in the BAI/CnaM Access Rules document for the period 2019-2023. The targets and timeframes beyond that window have yet to be published.
Accessibility measures (visual impairments)	Yes. Audio description targets and timeframes are specified for each broadcaster in Ireland in the BAI/CnaM Access Rules document for the period 2019-2023. The targets and timeframes beyond that window have yet to be published.
Accessibility measures developed by self- or co-regulatory process	Yes. Currently, VOD providers must develop codes of conduct in consultation with the BAI/CnaM. This is subject to imminent amendment.
Reporting to the NRA – frequency	Uncertain – pending new rules from the CnaM.
Designated point of contact for information and complaint	Yes. Broadcasters first, then to the CnaM by email.



4.16.4. Law in practice: selected examples²¹²

4.16.4.1. Public service broadcaster: RTÉ

RTÉ, the public service broadcaster, provides programming with subtitling, audio description, and Irish Sign Language. It also provides subtitling and audio description on its VOD player. In 2021, 95% and 89% of prime-time programmes were subtitled for RTÉ1 and RTÉ2. Of the normal 18 hour-day programmes, 52% were subtitled on RTÉjr. Additionally, the BAI Irish Sign Language target was met. RTÉ engages with the D/deaf community and adapts its services in response to feedback.²¹³

4.16.4.2. Private broadcaster: Virgin Media Television

In 2021, the private broadcaster Virgin Media Television provided a weekly list of programmes broadcast with subtitles, audio description, or Irish Sign Language.²¹⁴ The BAI found mixed performance on quotas; one channel, Virgin Media One, exceeded targets for subtitling and audio description, but others did not meet the targets (Virgin Media Two and Three). The BAI did find overall evidence of progress for subtitling and audio description and incremental increase.²¹⁵

4.16.4.3. VOD: Netflix

The VOD Netflix provides viewers in the UK and Ireland with the same service. According to written evidence provided to the UK Parliament, it offered 100% of its programming with “timed text” (subtitling) in English and audio description for more than half of the most-viewed content in the UK.²¹⁶

²¹² Examples as provided by the national expert.

²¹³ https://www.rte.ie/annual-report-2021/pub/pdf/21877_RTE_Annual_Report_YE21_EN.pdf, BAI Access Rules Report 2023 <https://www.bai.ie/en/download/138317/?tmstv=1690213794>.

²¹⁴ <https://www.virginmediatelevision.ie/access-services>

²¹⁵ BAI 2023 Report <https://www.bai.ie/en/download/138317/?tmstv=1690213794>

²¹⁶ <https://committees.parliament.uk/writtenevidence/7209/pdf/>