

INDIREG

FINAL REPORT – ANNEX

Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)

Annex II – Country Tables – Ireland

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I. GENERAL INFORMATION

Table 1 - Market data

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Ireland	14 in total 1 National broadcaster (TV3) 3 satellite services (Setanta Sports, NASN, NASN TV) 2 satellite PPV services (Setanta PPV1, Setanta PPV 2) 5 cable services (3e, Chorus TV, City Channel Dublin, City Channel Waterford, City Channel Galway) 3 community services (DCTV, P5TV, Cork Community TV)	No information unavailable	3 in total RTE 1, RTE 2, TG4

Table 2 - Audiovisual laws and regulatory bodies

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Ireland	Information requirements (art. 5 AVMS Directive) Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive) Accessibility to people with a disability (Art. 7 AVMS Directive) Broadcasting of major events (Art. 14 AVMS)	Broadcasting Act of 2009 is the relevant legislation the Broadcasting Authority of Ireland is the authority of all the issues and sectors listed.			

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Directive)				
	Access to short news reports (Article 15 AVMS Directive)				
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)				
	Hate speech (Art. 12 and 6 AVMS Directive)				
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)				
	Protection of minors (Art. 27 AVMS Directive)				
	Right of reply (Art. 28 AVMS Directive)				
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)				

Table 3 - Regulatory bodies – general information

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Ireland	Broadcasting Authority of Ireland	www.bai.ie	October 1, 2009	2-5 Warrington Place, Dublin, Ireland
The Broadcasting Authority of Ireland (BAI) was established on October 1, 2009 following the enactment of the Broadcasting Act of 2009, replacing the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission as the regulator of public and commercial broadcasting in Ireland. As the BAI has only recently been set				

Country	Name of regulatory body	Link to website	Date of establishment	Location
	up, its website has not been populated fully with the details of its activities, obligations and enforcement activities. Therefore, the majority of the information provided in relation to the Irish regulator's previous activities and its current obligations has been taken from the legacy regulators' sites. In the absence of confirmation from the BAI, we have assumed that this information remains accurate and relevant for the BAI.			

Table 4 - Sectors covered

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Ireland	Broadcasting Authority of Ireland	Yes	No	Yes	No	No	No

Table 5 - Staff and overall budget

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Ireland	BAI	25 (board members)	Information not yet publicly available: Staff at legacy regulator was 39	Not specified	Revised 2010 budget: €5.7m	2010 (Business&Leadership.com)

II. INSTITUTIONAL FRAMEWORK

Table 6 - Legislation establishing and governing the regulatory body

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Ireland	Broadcasting Authority of Ireland	Broadcasting Act 2009	Broadcasting Act 2009

Table 7 - Legal status

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Ireland	Broadcasting Authority of Ireland	It is a body corporate, which consists of three separate boards: The Authority, The Contract Awards Committee and The Compliance Committee.	Yes			Broadcasting Act 2009, Part 2, Section 7

Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Ireland	Broadcasting Authority of Ireland		√	Broadcasting Act 2009, Part 2, Section 24

III. POWERS OF THE REGULATORY BODIES

Table 9 - Regulatory powers

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Ireland	Broadcasting Authority of Ireland	Tick boxes	√	√	√
		Areas	Licensing Editorial codes Advertising Codes Right of Reply	Licensing Editorial codes Advertising Codes Right of Reply	Licensing Editorial codes Advertising Codes Right of Reply
		Sources	Powers derived from Broadcasting Act 2009, which consolidates powers granted to previous regulators in 1988, 2001 and 2007)	Powers derived from Broadcasting Act 2009, which consolidates powers granted to previous regulators in 1988, 2001 and 2007)	Powers derived from Broadcasting Act 2009, which consolidates powers granted to previous regulators in 1988, 2001 and 2007)

Table 10 - Supervision and monitoring power

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Ireland	Broadcasting Authority of Ireland	Quotas	√	√	√	√		Broadcasting Act 2009
		Advertising	√	√	√	√		Broadcasting Act 2009
		Protection of minors	√	√	√	√		Broadcasting Act 2009

Table 11 - Powers of sanctions

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Ireland	BAI	Quotas	√ discretionary	√ (The Compliance Committee may make a recommendation to the High Court who then determines an appropriate find – with a maximum €250,000)	√ discretionary	√ (The Compliance Committee may make a recommendation to the main Authority Board to suspend the licences)	√	Broadcasting Act 2009
		Advertising	As above	As above	As above	As above	As above	As above
		Protection of minors	As above	As above	As above	As above	As above	As above

Table 12 - De facto use of formally granted competences and monitoring powers

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Ireland	Broadcasting Authority of Ireland	√	√	√	√	√	√	√

Table 13 - De facto use of formally granted sanction powers

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Ireland	BAI (Previously the Broadcasting Complaints Committee and the Broadcasting Commission of Ireland)	√	This power was not available to the BCC, the previous regulator, which was replaced by the BAI in October 2009: no fines have yet been issued by the BAI.	√	No	Power not available to the BCC and not yet exercised by the BAI

Table 14 - Complaints handling

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Ireland	Broadcasting Authority of Ireland	<p>Yes</p> <p>Complaints must be in writing and within 30 days of the transmission of the relevant content</p> <p>The matter is first referred to the broadcaster for comment and resolution. If the complainant is not satisfied with the broadcaster's response, the complaint is then assessed by the Executive Complaint Forum. If they judge that the code has been breached, or that there is an issue which merits consideration, then it is referred to the BCI's Compliance Committee who will decide.</p> <p>Committee decisions must be published and, where a complaint is upheld against a broadcaster wholly or in part, the broadcasters is statutorily required to publish the decision</p>	www.bai.ie/broadcasting_complaints.html

IV. INTERNAL ORGANISATION AND STAFFING

Table 15 - Highest decision-making organ – composition

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Ireland	Broadcasting Authority of Ireland	BAI main Authority	9	No legal requirement. However, currently 3 board members are representatives of civil society	No There is a legal requirement that no member of Government can act on the Board's main Authority.	No There is a legal requirement that no member of Parliament can act on the Board's main Authority.	No legal requirement. Currently 2 board members are representatives of industry	No legal requirement. 4 board members are experts	Requirement for gender balance: Not less than 4 members must be men and not less than 4 must be women	No information available	Broadcasting Act 2009 BAI website
		BAI Compliance Committee	8	No legal requirement	No There is a legal requirement that no member of Government can act on the Compliance Committee.	No There is a legal requirement that no member of Parliament can act on the Compliance Committee.	No legal requirement	No legal requirement	No legal requirement	No information available	Broadcasting Act 2009 BAI website
		BAI Contract Awards Committee	8	No legal requirement	No There is a legal requirement that no member of government can act on the Contract Awards Committee.	No There is a legal requirement that no member of Parliament can act on the Contract Awards Committee.	No legal requirement	No legal requirement	No legal requirement	No information available	Broadcasting Act 2009 BAI website

Table 16 - Highest decision-making organ – competences and decision-making process and transparency

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Ireland	BAI – Main Authority Board	Responsible for developing overall organisation strategy and codes of practice, issuing guidance, licensing services, reporting to Government and Ministry.	Majority vote In case of equal division of votes, the Chairperson shall have second and casting vote	Yes	No
	BAI – Contract Awards Committee	Responsible for selecting and awarding contracts and licences	Majority vote In case of equal division of votes, the Chairperson shall have second and casting vote	Yes	No
	BAI – Compliance Committee	Responsible for determining whether a breach has taken place and making recommendations to the Authority Board and the High Court regarding sanctions	Majority vote In case of equal division of votes, the Chairperson shall have second and casting vote	Yes	No

Table 17 - Highest decision-making organ – appointment process

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Ireland	BAI	Main Board	Yes	There are 9 members. 5 are nominated by	Government appoints on the nomination of	Yes: the legislation allows the Minister not to	Broadcasting Act 2009, Part 2, Section 8

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
				the Minister and 4 are nominated as follows: A joint chamber (Senate and Parliament – Seanad and Oireachtas) committee is set up by the Minister to advise him/her on his/her nomination. The Minister has regard to the committee's advice but has the final decision regarding who should be nominated.	the Minister	take the advice of the nominating parliamentary committee	
		Chairman	Yes	The Minister nominates an individual – who is already a member of the Authority.	Government appoints on the nomination of the Minister	No	Broadcasting Act 2009, Part 2, Section 11
		Contract Awards Committee	Yes	There are 8 members of this	4 members of the board are appointed by	No	Broadcasting Act 2009, Part 2, Section 8

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
				Committee- 4 are nominated by the Minister, the remaining 4 are appointed directly by the Authority Main Board.	the Government on the nomination of the Minister. The other 4 members are appointed directly by the Authority Main Board.		
		Compliance Committee	Yes	There are 8 members of this Committee- 4 are nominated by the Minister, the remaining 4 are appointed directly by the Authority Main Board.	4 members of the board are appointed by the Government on the nomination of the Minister. The other 4 members are appointed directly by the Authority Main Board.	No	Broadcasting Act 2009, Part 2, Section 8

Table 18 - Term of office and renewal

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Ireland	BAI	Chairman of the board	5 years	This issue is not addressed in legislation	A member may not serve more than 2 consecutive terms	Broadcasting Act, Part 2, Section 9
		Board members	5 years	This issue is not addressed in legislation	A member may not serve more than 2 consecutive terms	Broadcasting Act, Part 2, Section 9

Table 19 - Professional expertise/qualifications

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Ireland	BAI	All members of the Main Board, Compliance Committee and Contract Awards Committee	No information available	All members of these boards and committees must have experience or show capacity in one or more of the following: <ul style="list-style-type: none"> • Media affairs • PSB, commercial broadcasting or community broadcasting • Broadcast content production • Digital media technologies • Trade union affairs • Business or commercial affairs • Matters pertaining to the development of the Irish language • Matters pertaining to disability • Arts, music, sport or culture • Science, technology or environmental matters • Legal or regulatory affairs • Social, educational or community affairs or Gaeltacht 	Broadcasting Act 2009, Part 2, Section 9

Country	Body		Qualifications	Professional expertise	Source
				affairs	

Table 20 - Rules to guard against conflicts of interest – Appointment process

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Ireland	BAI	Chairman	Yes		No information available	No member of the authority may be a member of any parliament	No member of the authority may hold a position, or have an interest in, a broadcasting or newspaper company	Yes, subject to categories covered by the code of conduct	BAI required to draw up and implement Code of Conduct to cover potential conflicts of interest with industry	Broadcasting Act 2009 s.12
		Board members	Yes		Same as above	Same as above	Same as above	Same as above	Same as above	Same as above
		Senior staff	Yes		Same as above	Same as above	Same as above	Same as above	Same as above	Same as above

Table 21 - Rules to guard against conflicts of interest – during term of office

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Ireland	BAI	Chairman	Yes		Yes Same as table 20	Same as table 20	Yes Same as table 20	Broadcasting Act ss.12, 22
		Board members	Yes		Same as above	Same as above	Same as above	Same as above
		Senior staff	Yes		Same as above Staff and contracted consultants have additional disclosure requirements	Same as above	Same as above	Same as above

Table 22 - Rules to guard against conflicts of interest – after term of office

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Ireland		Chairman		No		
		Board members		No		
		Senior Staff		No		

Table 23 - Rules to protect against dismissal

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Ireland	BAI	Chairman	Yes		Removal by the Minister following affirmative resolution of both houses of parliament	Yes: <ul style="list-style-type: none"> ill-health stated misbehaviour removal necessary for effective performance by the Authority of its duties bankruptcy composition arrangement with creditors conviction of fraud or dishonesty disqualification as a company director imprisonment for criminal offence 	Only individual members	Broadcasting Act 2009
		Individual board members	Yes		Same as above	Same as above		

Table 24 - Dismissal before term

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Ireland	BAI	2005-2009	Chairman				No information available
			Individual board members				

V. FINANCIAL RESOURCES

Table 25 - Sources of income

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Ireland	BAI	No	No Exchequer funding only to cover costs incurred in performing functions and duties on an exceptional nature	No	Industry levy (100%) Authority has the power to devise levy methodology funding must be on cost recovery basis only any surplus must be returned either directly or via reduced levy in subsequent years	No	No	Broadcasting Act 2009, Part 2, Section 33

Table 26 - Annual budget

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Ireland	BAI	BAI	Yes	On the day the BAI imposes its levy on industry, it must present it to the Houses of Parliament. They have 21 days to annul the order if they wish.	Yes – in light of the financial crisis of 2008/2009 and increasing industry pressure, the BAI was forced to revise its levy order.	The Broadcasting Act, Part 2, Section 33

Table 27 - Financial accountability – auditing

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Ireland	Broadcasting Authority of Ireland	Yes	An external audit can take place at any time – on the direction of the Minister	Yes (statutory annual obligation of audit by Comptroller and Auditor General	If appointed by the minister under their powers in s. 37 of the Broadcasting Act 2009	May be carried out by any person appointed by the Minister	Requirement set out in the Broadcasting Act 2009, Section 37 (3) (a)

VI. CHECKS AND BALANCES

Table 28 - Formal accountability

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Ireland	BAI	Parliament	Yes	The Joint Parliament/Senate Committee receives the Authority's annual report as provided by the Minister	Broadcasting Act 2009, Part 2, Section 37
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	Yes	Minister for Communications, Energy and National Resources The Minister reviews an annual report and financial report provided by the BAI.	Broadcasting Act 2009, Part 2, Section 37
		Public at large	Yes	The BAI must publish its financial accounts publicly on an annual basis	Broadcasting Act 2009, Part 2, Section 37
		Other	No	N/A	N/A

Table 29 - Reporting obligation

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Ireland	BAI	Minister for Communications, Energy and National Resources – Financial report submitted	Annual	Financial auditing, income and expenditure	All financial records must be made available	No	No	Broadcasting Act 2009, Part 2, Section 37
		Minister for Communications, Energy and National Resources - Annual Report	Annual	A progress report on BAI's activities, its strategies for the future and records of board and committee attendance	Details of board attendance required	No	No	Broadcasting Act 2009, Part 2, Section 37

Table 30 - Auditing of work undertaken

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Ireland	BAI	Yes	The Minister can determine the frequency.	No	No	Yes Any individual appointed by the Government	Broadcasting Act 2009, Part 2, Section 37

Table 31 - Power to overturn/instruct

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Ireland	Broadcasting Authority of Ireland	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	Yes	Yes The Minister may confer on the Authority by order any additional functions as he or she may deem necessary	No	No	No	Broadcasting Act 2009, Part 2, Section 26
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal	See above	See above	N/A	N/A	N/A	N/A

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		instructions which exclude instructions on political grounds)?						

Table 32 - Number of stages in appeal procedure

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Ireland	BAI	Internal	1	Authority	No	The licence holder	Broadcasting Act 2009, Part 5, Section 54
		External	1	The High Court			

Table 33 - Does the regulator's decision stand pending appeal?

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Ireland	BAI	√			No specific detail given on whether or not decision stands pending appeal process. However, absence of any detail suggests that the decision must stand.

Table 34 - Accepted grounds for appeal

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Ireland	BAI			√	N/A

Table 35 - Does the appeal body have power to replace the original decision with its own?

Country	Body	Appeal stage	Yes	No	Comments
Ireland	BAI	1 The High Court	√		The High Court can consider an appeal against the Authority's decision to revoke a contractor's licence and can overturn the decision

VII. PROCEDURAL LEGITIMACY

Table 36 - External advice regarding regulatory matters

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Ireland	Broadcasting Authority of Ireland	No	-	Yes		The BAI took external advice from PwC in relation to the methodology for the broadcasting levy.

Table 37 - Public consultations

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Ireland	Broadcasting Authority of Ireland	Broadcasting Code: Before preparing a broadcasting Code or making a broadcasting rule, the Authority shall make available for inspection a draft of any code or the changes it is seeking to make.	Any individual may request to view the possible changes and the draft changes must be made available for public inspection	To be determined by the Authority as it sees fit	Full responses have been published in the past but there is no legal basis for this.		Broadcasting Act 2009, Part 3, Section 43 (however, no legal basis to publish responses)
		Strategy Statement: Prior to the adoption of a strategy statement to the Minister, the Authority shall launch a public consultation process on the draft of the strategy statement.	Public	Not specified	No information available		

Table 38 - Public consultations – figures

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Ireland	Broadcasting Authority of Ireland	2009	2
	Broadcasting Commission of Ireland	2008	0
		2007	1
		2006	2
		2005	Information unavailable

Table 39 - Publication of regulator’s decisions

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Ireland	BAI – The Compliance Committee	Complaints decision: Unless they consider it inappropriate to do so, the Compliance Committee shall publish the particulars of their decision on a complaint	Legal basis – Broadcasting Act 2009, Part 4, Section 48 sets this obligation out.	No	Yes

VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Ireland	Broadcasting Authority of Ireland	The Communications regulator is responsible for issuing broadcasting licences to the BAI. The BAI then allocates the licences to broadcasters.	The Broadcasting Act of 2009 sets out that the BAI should liaise and consult with the Communications Regulator (Comreg) in the preparation of the allocation plan for the frequency range dedicated to sound and television broadcasting.	No	

Table 41 - International cooperation

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Ireland	Broadcasting Authority of Ireland	Yes	Broadcasting Act 2009, Part 2, Section 26 (f) sets out that the BAI must cooperate with other bodies outside the state which perform similar functions to the Authority.	The BAI is a member of the European Platform of Regulatory Authorities (EPRA) and its CEO was Chairperson for a 2 year term. Members of the BCI frequently participate at EPRA meetings.