



# Caighdeán agus Treoirlínte Iriseoireachta Chláir TG4



## Réamhrá

Tugtar breac-chuntas i gCaighdeáin agus Treoirlínte Iriseoireachta Chláir TG4 ar dhualgais agus ar fhreagrachtaí dlíthiúla TG4 maidir le hábhar, mar aon lena phrionsabail eagarthóireachta. Léirítear freisin cuspóir agus tiomantas TG4 na caighdeáin ábhair is airde a bhaint amach.

Tagann an cháipéis seo in ionad Chaighdeáin & Treoirlínte Clár 2019 agus Treoirlínte TG4 maidir le hIriseoireacht agus Ábhar Conspóideach 2019. Rinneadh nuashonrú ar Pholasaí Comhlíontachta TG4 (2024) agus leagtar amach an Polasaí Comhlíontachta is déanaí sa Chéad Sceideal.

Is é TG4 an tseirbhís teilifíse náisiúnta Gaeilge a bunaíodh sa bhliain 1996 agus atá á maoiniú ag an Rialtas chun raon iomlán ábhair ardchaighdeáin Gaeilge a chur ar fáil dá lucht féachana in Éirinn agus thar lear. Is Craoltóir Seirbhíse Poiblí reachtúil é.

Is é seo a leanas misean TG4: Is é ár misean seirbhíse poiblí seirbhísí meán cumarsáide nuálacha agus siamsúla a chur ar fáil a dhéanann ceiliúradh ar chruthaitheacht na Gaeilge agus a bhfuil ceangal acu le lucht féachana sa bhaile agus ar fud an domhain. Trí chomhpháirtíocht le hearnáil físe agus fuaime na Gaeilge, déanfar ábhar de scoth an domhain a chruthú agus tacófar le fás eacnamaíoch in Éirinn.

Mionsonraítear sainordú reachtúil TG4 san Acht Craolacháin 2009 arna leasú leis an Acht um Rialáil Sábháilteachta ar Líne agus na Meán, 2022 (an "Acht") lena chuspóirí a shonraítear in Alt 118 den Acht. Leagtar amach san Acht freisin na cóid/na rialacha craolacháin agus creat dualgas do gach craoltóir agus do sholáthraithe ar éileamh. Is cuid bhunúsach de gach rud a dhéanann TG4 é an tiomantas cloí lena shainordú reachtúil, dualgais reachtúla, rialacha agus cóid chraolacháin agus ar éileamh Choimisiún na Meán.

Rinneadh nuashonrú ar Chaighdeáin agus Treoirlínte Iriseoireachta Chláir TG4 i bhfianaise na n-athruithe ar na hoibleagáidí reachtúla agus rialála a bhaineann le TG4.

Baineann Caighdeáin agus Treoirlínte Iriseoireachta Chláir TG4 le foireann TG4 agus le gach déantóir/lucht déanta clár (idir inmheánach agus seachtrach) agus dá bhrí sin baineann siad le léiriúcháin inmheánacha TG4 agus leis an earnáil léiriúcháin neamhspleách i dtaca le cláir a léirítear do TG4. Caithfidh baill foirne TG4 agus lucht déanta clár uile eolas a chur ar Chaighdeáin agus Treoirlínte Iriseoireachta Chláir TG4.

Baineann Treoirlínte Iriseoireachta RTÉ leis an nuacht agus le hábhar eile a chuireann RTÉ ar fáil do TG4 mar chuid den uair an chloig in aghaidh an lae agus ba chóir do lucht déanta clár a bhfuil baint acu le léiriú ábhair na huair sin in aghaidh an lae cloí le Treoirlínte Iriseoireachta RTÉ, leis an Acht agus le cóid agus rialacha Choimisiún na Meán.

Ba chóir do bhaill foirne sceidealaithe TG4 cloí le Caighdeáin agus Treoirlínte Iriseoireachta Chláir TG4 agus an t-ábhar uair an chloig in aghaidh an lae á sceidealú.

Cinntoidh foireann TG4 go gcomhlíonann an t-ábhar a fhaightear an tAcht agus na Cóid agus na Rialacha.

## Sainordú Reachtúil agus Freagrachtaí TG4

Tá sainordú reachtúil TG4 sonraithe san Acht Craolacháin. Faoi reachtaíocht, tá TG4 faoi cheangal seirbhís craolacháin teilifíse náisiúnta, ar de ghné seirbhíse poiblí í agus ar seirbhís saorchraolta í agus is seirbhís a chuirtear ar fáil don phobal uile ar oileán na hÉireann, a sholáthar. Is seirbhís í chun an Ghaeilge a chur chun cinn agus a fhorbairt agus cultúr na hÉireann a chaomhnú.

Is iad na hailt ríthábhachtacha den Acht atá iomchuí maidir le déantóirí clár (inmheánach agus seachtrach araon) ná ailt 118 agus Cuid 3B ina leagtar amach na dualgais, na cóid agus na rialacha a bhaineann le craoltóirí agus soláthraithe ar éileamh agus nach foláir do TG4 cloí leo.

Sonraítear cuspóirí TG4 in Alt 118(1) den Acht agus áirítear orthu na nithe seo a leanas:

1. Seirbhís craolacháin teilifíse náisiúnta, ar de ghné seirbhíse poiblí í agus ar seirbhís saorchraolta í a bhunú, a chothabháil agus a oibriú;
2. Suíomh gréasáin agus seirbhísí teilitéacs a bhunú agus a chothabháil;
3. Cartlanna agus leabharlanna a bhunú agus a chothabháil;
4. Seirbhís craolacháin teilifíse, ar de ghné seirbhíse poiblí í, agus is seirbhís a bheidh le cur ar fáil do phobail Éireannacha lasmuigh d'oileán na hÉireann, a bhunú agus a chothabháil;
5. Suíomh gréasáin agus seirbhísí meán ar éileamh a bhunú agus a chothabháil;
6. An tseirbhís a chur ar fáil ar gach ardán; agus
7. Cibé deiseanna tráchtála a shaothrú a thagann chun cinn de bhun a chuspóirí reachtúla eile.

Deirtear in alt 118(3) go bhfuil sainordú sonrach ag TG4, le linn dó a chuid cuspóirí a shaothrú, raon cuimsitheach clár a chur ar fáil:

- cláir as Gaeilge go príomha;
- cláir a léiríonn éagsúlacht chultúir oileán na hÉireann uile;
- cláir lena gcuirtear siamsa, eolas agus oideachas ar fáil;
- cláir lena gcuirtear tuairisciú ar ghníomhaíochtaí spóirt, reiligiúin agus cultúir ar fáil;
- cláir nuachta agus chúrsaí reatha, as Gaeilge go príomha;
- do gach aoisghrúpa; agus,
- a sholáthróidh tuairisciú ar imeachtaí i dTithe an Oireachtais agus i bParlaimint na hEorpa.

Tá sé sainordaithe do TG4 freisin léiriú cultúrtha comhaimseartha a éascú nó cúnamh a thabhairt don chéanna agus nuáil agus turgnamh i gcraolachán a spreagadh nó a chur chun cinn.

Deirtear in Alt 118(2) maidir le TG4, le linn dó a chuid cuspóirí a shaothrú

*"(a) be responsive to the interests and concerns of the whole community, be mindful of the need for understanding and peace within the whole island of Ireland, ensure that the programmes reflect the varied elements which make up the culture of the people of the whole island of Ireland, and have special regard for the elements which distinguish that culture and in particular for the Gaeltachtaí;*

*(b) uphold the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression;*

*(c) have regard to the need for the formation of public awareness and understanding of the values and traditions of countries other than the State, including in particular those of other Member States".*

Ní mór do TG4 cloí le Cuid 3B den Acht ina leagtar amach na dualgais, na cóid agus na rialacha a bhaineann le craoltóirí agus le soláthraithe ar éileamh.

## **Ráiteas Seirbhíse Poiblí/Prionsabail i gComhlíonadh Chuspóirí Seirbhíse Poiblí TG4**

Ceanglaítear ar TG4 leis an Acht Ráiteas Seirbhíse Poiblí a chur ar fáil gach 5 bliana a chuirtear faoi bhráid an Aire lena cheadú. Tá prionsabail leagtha síos ag TG4 don eagraíocht, trína ndéanann sé a chuspóirí seirbhíse poiblí agus cuirtear na prionsabail sin i láthair ina Ráiteas Seirbhíse Poiblí. Nuair a dhéanfar an Ráiteas Seirbhíse Poiblí a nuashonrú de réir mar is gá in am trátha, déanfar tagairt ann do na hoibleagáidí nua ar éileamh agus ar oibleagáidí eile faoin Acht agus faoi na Cóid agus na Rialacha. Leagtar amach na prionsabail sa Ráiteas Seirbhíse Poiblí atá i bhfeidhm faoi láthair ag an nasc seo a leanas. [Ráiteas Seirbhíse Poiblí](#)

## **Prionsabail Eagarthóireachta**

Coimeádfaidh TG4 na caighdeáin is airde maidir le hionracas eagarthóireachta agus cuirfidh sé réimse éagsúil clár ar ardchaighdeán ar fáil ar féidir leis an bpobal muinín a bheith acu astu.

Cé go bhfuil an ceart chun saoirse cainte ag TG4, téann freagrachtaí leis an gceart sin. Tá TG4 tiomanta do chraoltóireacht fhreagrach. Ba chóir ábhar TG4 a léiriú gan eagla na cinsireachta, ach le tuiscint ar an tionchar a d'fhéadfadh a bheith aige ar bhealach a chosnaíonn an lucht féachana agus a éascaíonn an lucht féachana ábhair a bhfuil tábhacht phoiblí leo a thuiscint agus a thugann eolas dóibh ar mhaithe le leas an phobail.

Comhlíonfaidh na cláir dualgais reachtúla agus rialála TG4, lena n-áirítear an oibleagáid gan dochar ná cion míchuí a dhéanamh in ábhar na gclár agus na hoibleagáidí maidir le cothroime, oibiachtúlacht agus neamhchlaontacht sa nuacht agus i gcúrsaí reatha, agus i ndáil le nithe atá ina gconspóid phoiblí nó ina n-ábhar díospóireachta poiblí reatha.

Taobh amuigh de na hoibleagáidí a bhaineann le TG4, tá dualgas reachtúil ar leith ag Bord TG4 i dtaca le nuacht agus cúrsaí reatha. Ceanglaítear le halt 87(c) den Acht ar an mBord a chinntiú go mbíonn bailiú

agus cur i láthair nuachta agus cúrsaí reatha cruinn agus neamhchlaonta ag TG4. Comhlíonfaidh TG4 an riachtanas sin.

Leagtar dualgas reachtúil ar an mBord freisin faoin Acht chun “safeguard the independence of the corporation, as regards, the conception, content and production of programmes, the editing and presentation of news and current affairs programmes and the definition of programme schedules from State, political and commercial influences.” Comhlíonfaidh TG4 an riachtanas sin.

Tá leas na ndaoine a chuireann leis an ábhar tábhachtach do TG4.

## Freagracht Eagarthóireachta

Sonraítear in Alt 89(2)(b) den Acht gurb é an tArd-Stiúrthóir príomheagarthóir an ábhair go léir a fhoilsíonn TG4. Ó thaobh na praiticiúlachta de, ní mór d'fhoireann TG4 a bhfuil baint acu le cruthú ábhair nó le hábhar a choimisiúnú nó a fháil freagracht eagarthóireachta a ghlacadh as an ábhar, in ainneoin go bhfuil freagracht reachtúil deiridh ar an Ard-Stiúrthóir agus é ina phríomheagarthóir. I gcás éiginnteachta maidir le ceist eagarthóireachta, is féidir le baill foirne TG4 treoir a lorg ón Eagarthóir Coimisiúnaithe Comhlíontachta, nó ón Meitheal Eagarthóireachta ag a bhfuil ról i gcaighdeáin ábhair a choinneáil.

Is é an tEagarthóir Coimisiúnaithe Comhlíontachta a dhéanann cathaoirleacht ar an Meitheal agus faoi láthair, tá an Stiúrthóir Oibríochtaí & Acmhainní Daonna, Ceannaire Nuachta & Cúrsaí Reatha, an Bainisteoir Sceidil Ilárdán agus an Bainisteoir Coimisiúnaithe ar an meitheal sin. D'fhéadfadh ballraíocht na Meithle Eagarthóireachta athrú ó am go ham.

## Neamhspleáchas TG4

Leagtar dualgas reachtúil sonrach ar an mBord faoi Alt 87 den Acht ina n-éilítear ar an mBord “safeguard the independence of the corporation, as regards, the conception, content and production of programmes, the editing and presentation of news and current affairs programmes and the definition of programme schedules from State, political and commercial influences.”

## Rialuithe ar Leasanna agus ar Iompar Eiticiúil

Tá Cód Iompair d'Fhostaithe agus don Bhord ag TG4 ina sonraítear na rialuithe ar leasanna agus ar iompar eiticiúil a theastaíonn ó fhostaithe agus ar Bhord TG4. [Cód Iompair agus Eitice don Bhord agus d'Fhostaithe](#)

## Cód Iompair do Sholáthraithe Clár Coimisiúnaithe

Bíonn TG4 ag brath ar chomhlachtaí léiriúcháin chun cláir choimisiúnaithe a sholáthar do TG4. Ceanglaítear ar chomhlachtaí léiriúcháin feidhmiú de réir na gcaighdeán is airde atá ag teacht le luachanna TG4. Leagtar amach sa Chód Iompair do Sholáthraithe Clár Coimisiúnaithe prionsabail agus ionchais TG4 i dtaca leis an gcaoi a bhfuiltear ag súil go ndéanfaidh eagraíochtaí a sholáthraíonn cláir choimisiúnaithe do TG4 iad féin a iompar (lena n-áirítear a bhfostaithe agus a gconraitheoirí) agus iad ag cur cláir choimisiúnaithe ar fáil do TG4. Ceanglaítear ar chomhlachtaí léiriúcháin a bheith i bhfeidhm chun déileáil le coimhlintí lena chinntiú go ndéantar iad a láimhseáil go cuí, agus nach mbíonn tionchar acu ar dhlísteacht na cinnteoireachta ná ar sheachadadh clár do TG4. Cód Iompair do Sholáthraithe Clár Coimisiúnaithe

## **Leas na ndaoine a chuireann ábhar ar fáil**

Tá leas na ndaoine a chuireann leis an ábhar tábhachtach do TG4. Ceanglaítear ar chomhlachtaí léiriúcháin leas na ndaoine a chuireann ábhar ar fáil a chosaint.

## **Dualgais Reachtúla a bhaineann le hÁbhar faoin Acht**

Ní cheadaítear do chraoltóirí ná do sholáthraithe ar éileamh ábhar a chraoladh ná a chur ar fáil: is cúis le díobháil nó cion míchuí; a spreagann coiriúlacht; a sháraíonn rialacha an Aontais maidir leis an sceimhlitheoireacht a chomhrac; a spreagann foréigean nó fuath i gcoinne grúpaí áirithe; ná a bhainfidh an bonn d'údarás an Stáit. Ní mór aird chuí a thabhairt ar oiriúnacht agus / nó ar údar eagarthóireachta i dtaca le hábhar foréigin, ábhar gnéasach agus teanga mhaslach i gcláir. Cuireann an tAcht oibleagáidí i bhfeidhm i dtaca le clársceidealú agus an comhshaol. Forálann an tAcht gur cheart bunábhar cláir a bhaineann le foréigean gan ghá nó le hiompar gnéasach a chur i láthair agus íogaireacht chuí á léiriú maidir le háitiúis nó le mothúcháin an lucht féachana, agus ar shlí nach gcloisfidh leanaí, nó nach bhfeicfidh siad, aon rud de ghnáth a d'fhéadfadh dochar a dhéanamh dá bhforbairt fhisiciúil, mheabhrach nó mhorálta. Ní ceadmhach do chraoltóirí ná do sholáthraithe ar éileamh cur isteach go míréasúnta ar phríobháideacht duine aonair sna cláir ná ar na modhanna chun na cláir a léiriú. Tá sceidealú/rabhaidh/rangúcháin thuairisciúla/línte cabhrach cuí ag teastáil faoin Acht. Ní mór do chraoltóirí agus do sholáthraithe ar éileamh cloí leis na hoibleagáidí san Acht i dtaca le hábhar Nuachta agus Cúrsaí Reatha.

Cuireann cóid/rialacha Choimisiún na Meán oibleagáidí breise i bhfeidhm ar na nithe sin.

Tá sleachta as an Acht leagtha amach sa Dara Sceideal. Tá an tAcht iomlán ar fáil ag an nasc seo a leanas: <https://revisedacts.lawreform.ie/eli/2009/act/18/front/revised/en/html>

Ní mór do lucht déanta clár cloí leis na ceanglais sin.

## Cóid agus Rialacha Choimisiún na Meán

Ní mór cloí le Cóid agus Rialacha Choimisiún na Meán a rialaíonn caighdeáin agus cleachtas do chraoltóirí agus do sholáthraithe ar éileamh.

Ní mór do lucht déanta clár cloí leis na ceanglais sin.

## Cód Caighdeáin na gClár

D'fhorbair Coimisiún na Meán Cód de Chaighdeáin Clár ar gá do TG4 cloí leis maidir le hábhar líneach. Is féidir gearáin ar aon sárú líomhnaithe ar an Acht nó ar chóid nó rialacha Choimisiún na Meán a chur chuig Coimisiún na Meán.

Ní mór do lucht déanta clár a bheith eolach ar Chóid um Chaighdeáin Chlár Choimisiún na Meán arna nuashonrú ó am go ham, atá ar fáil ar a shuíomh gréasáin. [An Cód um Chaighdeáin Chlár](#)

Tá an Cód um Chaighdeáin Chlár leagtha amach sa Tríú Sceideal.

## Cosaint ar Dhíobháil agus ar Chion Míchuí

Cloífidh lucht déanta clár leis an Acht agus leis an gCód um Chaighdeáin Chlár lena chinntiú nach gcraolfaidh TG4 aon rud a d'fhéadfaí a mheas le réasún a bheith ina chúis le díobháil nó le cion míchuí.

Déantar cur síos ar chion míchuí mar seo a leanas sa Chód um Chaighdeáin Chlár: *However, while still subjective, **undue offence** can be considered to be programme material that, taking into account contextual factors such as editorial justification and the public interest, amongst others, could still be regarded as having crossed a line that has resulted in an individual or group of individuals being caused to suffer serious or widespread offence, beyond what can reasonably be justified.*

Déantar cur síos ar dhíobháil mar seo a leanas sa Chód um Chaighdeáin Chlár: ***Harm** is less subjective. Harmful material is material that may cause mental, psychological or physical harm. Individuals should not be harmed by programme material and the Code aims to prevent harm to viewers and listeners, in particular children. While parents and guardians have primary responsibility for content that children access on television and / or radio, broadcasters can, in order to prevent harm to children, support the parent / guardian relationship with their child / children by scheduling responsibly and through general compliance with this Code. While acknowledging that harm and undue offence are two distinct concepts, content that has caused undue offence can become harmful in certain circumstances.*

Ní mór do lucht déanta clár aird a thabhairt ar na nithe atá sonraithe sa Chód um Chaighdeáin Chlár agus measúnú á dhéanamh acu go réasúnta cé acu atá ábhar clár ina chúis le díobháil agus/nó cion míchuí nó nach bhfuil.

Teastaíonn sceidealú cuí, rabhaidh roimh ré, rangúchán tuairisciúil cuí agus sonraí líne chabhrach.

## Foréigean, Ábhar Gnéasach agus Teanga Mhaslach

Cloífidh lucht déanta clár leis an Acht agus leis an gCód um Chaighdeáin Chlár a éilíonn an méid seo a leanas maidir le gach ábhar (lena n-áirítear ábhar do leanaí):

*13.1 Broadcasters shall ensure that they have due regard to the appropriateness of and/or editorial justification for the inclusion in programme material of the following content: -*

- i. *violence.*
- ii. *sexual content.*
- iii. *offensive language.*

*13.2 Broadcasters shall be alert to, and guard against, the use of offensive language in live programming and, where such incidents occur, take timely steps to minimise any offence caused, such as acknowledging, clarifying and/or apologising for the language used.*

## Leanaí a Chosaint

Cosnóidh TG4 agus lucht déanta clár leas na leanaí a ghlacann páirt i gclár. Beidh Polasaí Cuí um Chosaint Leanaí i bhfeidhm ag soláthraithe ábhar leanaí agus leanfaidh siad é. Cloífidh TG4 le Polasaí agus Nósanna Imeachta TG4 maidir le Cosaint Leanaí.

Cosnóidh TG4 agus lucht déanta clár leanaí ó ábhar an chlár.

Cinntoidh soláthraithe ábhar do leanaí go mbíonn ábhar leanaí oiriúnach le craoladh roimh am craoltóireachta do dhaoine fásta.

Ní mór cúram ar leith a bheith ann maidir le clár a bhaineann le leanaí agus le hiompar mídhleathach agus/nó frithshóisialta agus níor cheart a bhféiniúlacht a chur in iúl.



Cloífidh lucht déanta clár agus TG4 leis na ceanglais san Acht agus i gcóid agus rialacha Choimisiún na Meán maidir le cosaint leanaí.

Ceanglaítear leis an gCód um Chaighdeán Chlár go gcuirfí dóthain faisnéise ar fáil do lucht féachana faoi ábhar a d'fhéadfadh dochar a dhéanamh d'fhorbairt fhisiciúil, mheabhrach nó mhorálta leanaí. Ina theannta sin, éilíonn sé ar TG4 córas a úsáid a thugann cur síos ar dhíobhálacht an ábhair ar a sheirbhís. Cuirfear an fhaisnéis a chuirtear ar fáil do lucht féachana ar taispeáint ag tús an chlár agus, más cuí, tar éis do chlár filleadh ó shos fógraíochta.

De réir mar a cheanglaítear leis an Acht, cinnteoidh lucht déanta clár go gcuirfear ábhar clár a bhaineann le foréigean ar son an fhoréigin nó le hiompar gnéasach i láthair— (i) le híogaireacht chuí do chiontuithe nó do mhothúcháin an lucht féachana, agus (ii) sa chaoi nach gcloisfidh ná nach bhfeicfidh leanaí aon rud a d'fhéadfadh dochar a dhéanamh dá bhforbairt fhisiciúil, mheabhrach nó mhorálta.

Cloífidh lucht déanta clár agus TG4 leis an gCód um Chaighdeán Chlár a éilíonn go nglacfaidh an craoltóir "bearta cuí" lena chinntiú nach mbeidh cláir ar fáil ina bhfuil ábhar a d'fhéadfadh dochar a dhéanamh d'fhorbairt fhisiciúil, mheabhrach nó mhorálta leanaí, lena n-áirítear, ach gan a bheith teoranta do:

- (a) ábhar ina bhfuil pornagrafaíocht,
- (b) ábhar a bhaineann le foréigean ar son an fhoréigin, ach amháin sa chaoi is go gcinntítear

nach gcloisfidh ná nach bhfeicfidh leanaí iad de ghnáth.

Tugtar sampla sa Chód um Chaighdeán Chlár de na cineálacha beart is féidir leis an gcraoltóir a ghlacadh, lena n-áirítear rabhaidh ábhair roimh ré, sceidealú cuí nó bearta eile a bhainfidh toradh comhionann amach. Ní mór do na bearta a dhéantar a bheith i gcomhréir leis an bhféidearthacht go ndéanfaidh an clár dochar do leanaí agus áirítear ar na fachtóirí atá le breithniú: -

- i. An dóchúlacht díobhála a d'fhéadfadh a bheith ina cúis le hábhar an chlár.
- ii. An dóchúlacht go mbeidh rochtain ag leanaí ar an ábhar.
- iii. Cineál na seirbhíse agus an lucht féachana is dócha.

Caithfidh an t-ábhar is díobhálaí, amhail foréigean ar son an fhoréigin agus pornagrafaíocht, a bheith faoi réir na mbeart is déine.

Beidh cineál na mbeart cuí éagsúil idir an sceideal líneach agus an sceideal ar éileamh.

Déanfaidh TG4 ábhar do pháistí a sceidealú ar an gcainéal líneach sula dtosóidh na cláir do dhaoine fásta. Tá seánra ar leith ag TG4 ar Sheinnteoir TG4 le haghaidh cláir leanaí. Ní bheidh ach cláir do pháistí sa Seánra do Pháistí ar sheinnteoir TG4. Tá ábhar uile Cúla4 ar taispeáint sa Seánra Leanaí. Soláthraíonn TG4 Treoir Tuismitheora ann maidir leis an ábhar ar fad ar an seinnteoir agus déantar an t-ábhar sin a rátáil i

gceann de na catagóirí seo a leanas: G, PG, 12, 12A, 15, 15A, 16, 18. Tá an Treoir Tuismitheora ar taispeáint in éineacht leis an ábhar ar fad ar sheinnteoir TG4.

Comhlíonfaidh lucht déanta clár na hoibleagáidí maidir le leanaí sa Chód Cothroime, Oibiachtúlachta agus Neamhchlaontachta sa Nuacht agus i gCúrsaí Reatha.

Comhlíonfaidh lucht déanta clár rialacha maidir le suíomh táirgí sa Chód Ginearálta maidir le Cumarsáid Tráchtála, lena n-áirítear cosc ar shuíomh táirgí i gcláir do leanaí.

Comhlíonfaidh TG4 na ceanglais maidir le cumarsáid tráchtála (lena n-áirítear na hoibleagáidí sonracha i dtaca le leanaí) sa Chód Ginearálta maidir le Cumarsáid Tráchtála agus sa Chód maidir le Cumarsáidí Tráchtála do Leanaí.

## Meas ar Dhaoine agus ar Ghrúpaí sa tSochaí/ Spreagadh chun Foréigin nó Fuatha

Comhlíonfaidh lucht déanta clár forálacha an Achta agus an Chóid um Chaighdeáin Chlár lena gcuirtear cosc ar ábhar a d'fhéadfaí a mheas le réasún gur dócha go spreagfadh sé foréigean nó fuath bunaithe ar na forais a luaitear in Airteagal 21 de Chairt um Chearta Bunúsacha an Aontais Eorpaigh. Is iad na forais sin ná gnéas, cine, dath, bunús eitneach nó sóisialta, gnéithe géiniteacha, teanga, reiligiún nó creideamh, tuairim pholaitiúil nó tuairim ar bith eile, ballraíocht de mhionlach náisiúnta, maoin, breith, míchumas, aois nó claonadh gnéasach.

## Leas an Phobail a Chosaint

Comhlíonfaidh lucht déanta clár forálacha an Achta agus an Chóid um Chaighdeáin Chlár a fhéachann le leas an phobail a chosaint trí chosc a chur ar (i) aon rud a d'fhéadfaí a mheas le réasún gur dócha go gcuirfeadh sé coireacht chun cinn, nó a dhéanfadh í a ghríosú, agus (ii) ábhar a chuirfeadh sceimhlitheoireacht chun cinn nó a dhéanfadh í a ghríosú.

Sainmhínítear ábhar sceimhlitheoireachta i ndlí an Aontais Eorpaigh mar ábhar:

- a spreagann cionta sceimhlitheoireachta a dhéanamh, amhail trí ghníomhartha sceimhlitheoireachta a ghlóiriú;
- a mholann go ndéanfaí cionta sceimhlitheoireachta;
- a iarrann ar dhuine nó ar ghrúpa daoine cionta sceimhlitheoireachta a dhéanamh nó cabhrú le cionta sceimhlitheoireachta a dhéanamh;

- a dhéanann cionta sceimhlitheoireachta a ghríosú, a mhealladh, a bhagairt nó a mhúineann bealaí chun cionta sceimhlitheoireachta a dhéanamh;
- a iarrann ar dhuine nó ar ghrúpa daoine páirt a ghlacadh i ngníomhaíochtaí grúpa sceimhlitheoireachta;
- a chuireann treoir maidir le cruthú nó úsáid pléascán, airm tine nó airm eile, nó substaintí urchóideacha nó guaiseacha, nó a úsáideann modhanna nó teicnící sonracha eile chun cionta sceimhlitheoireachta a dhéanamh nó cabhrú lena ndéanamh;
- a dhéanann cion sceimhlitheoireachta a bhagairt

Ní spreagfaidh clársceidealú iompar ná tuairimí a dhéanann dochar mór do chosaint an chomhshaoil agus tabharfar faisnéis maidir le forbairtí reatha i dtaca le cúrsaí comhshaoil ar bhealach a thugann aird chuí ar chothromaíocht an eolais feasaigh chomhaimseartha.

Mar chuid de thionscnamh Gaeilge, Comhshaoil, Sóisialta agus Rialachais TG4, tá TG4 ina bhall de Sustainable Media Ireland ar líonra inbhuanaitheachta é chun gníomh dearfach ar inbhuanaitheacht a chur chun cinn agus a chumasú ar fud earnáil na meán in Éirinn. Ina theannta sin, tá TG4 ag obair le Albert chun caighdeán níos airde inbhuanaitheachta comhshaoil a bhaint amach i dtionscal léirithe scáileáin in Éirinn. Ceanglaítear ar gach léiriúchán a choimisiúnaigh TG4 áireamhán carbóin Albert a úsáid chun monatóireacht a dhéanamh ar lorg carbóin.

## Príobháideacht

Cinnteidh lucht déanta clár nach ndéanfar aon chúngú ar phríobháideachas duine aonair i gclár nó ar na modhanna a úsáidtear chun clár a dhéanamh, ag féachaint d'fhorálacha an Achta agus an Chóid um Chaighdeán Chlár, go háirithe, leas an phobail a chosaint. Beidh aon chúngú den sórt sin réasúnta, comhréireach agus teoranta don mhéid is gá chun an lucht féachana a chur ar an eolas ar mhaithe le leas an phobail.

Ní mór a bheith cúramach maidir le príobháideachas nuair a dhéantar scannánú in áiteanna íogaire amhail suíomhanna leighis, scoileanna, príosúin nó stáisiúin phóilíneachta agus nuair a dhéantar scannánú ar mhaoin phríobháideach.

Ní mór a bheith cúramach nuair a bhíonn ábhar á fhoinsiú ó ardáin phoiblí, lena n-áirítear ar na meáin shóisialta, chun príobháideachas na ndaoine atá le feiceáil san ábhar a chosaint, go háirithe nuair nár chruthaigh an duine atá le feiceáil an t-ábhar ar an ardán poiblí nó nár phostáil an duine atá le feiceáil an t-ábhar ar an ardán poiblí.

Ba chóir geamhú a dhéanamh de réir mar is gá.

Comhlíonfaidh lucht déanta clár na hoibleagáidí san Acht agus sa Chód um Chaighdeán Chlár maidir le príobháideacht, lena n-áirítear príobháideacht leanaí/daoine soghonta a chosaint.

## Údarú Leas an Phobail

Bíonn amanna ann nuair is gá do lucht déanta clár cothromaíocht a aimsiú idir meas ar phríobháideachtas ar thaobh amháin agus leas an phobail i nochtadh faisnéise agus saoirse cainte ar an taobh eile. Ní mór údar maith a bheith leis an bhfoilsíú ar mhaithe le leas an phobail.

Baineann leas an phobail le saoirse cainte; faisnéis a chur ar fáil a chabhraíonn le daoine tuiscint níos fearr a fháil ar ábhair a bhfuil tábhacht phoiblí leo nó cinntí a dhéanamh ina leith; agus cosc a chur ar dhaoine a bheith míthreoraithe ag ráitis nó ag gníomhartha daoine aonair nó eagraíochtaí. Freastalaítear ar leas an phobail freisin chun coireacht nó iompar suntasach frithshóisialta a léiriú nó a bhrath agus trí éilliú, éagóir, neamhinniúlacht shuntasach nó faillí a nochtadh.

Admhaíonn lucht déanta clár go bhfuil breithiúnas le déanamh ar dhuine aonair as a chuid gníomhartha poiblí, seachas as a chuid gníomhartha príobháideacha. Sa chás seo, ba cheart smaoineamh ar 'phríobháideachtas' i dtaca le saincheisteanna a bhaineann le caidreamh pearsanta, cumarsáid phearsanta, creideamh agus ceangal roimhe seo mura féidir a thaispeáint go bhfuil ábharthacht dhíreach shuntasach acu i gcomhlíonadh a ndualgas poiblí. Is é an tástáil i gcónaí an tionchar ar ghníomhartha nó ar dhualgais phoiblí.

De ghnáth, ba cheart líomhaintí atá le déanamh a chur faoi bhráid an duine aonair, na heagraíochta nó na cuideachta lena mbaineann.

## Taifeadadh Rúnda/ an Cód um Chaighdeáin Chlár agus an Cód Cothroime, Oibiachtúlachta agus Neamhchlaontachta sa Nuacht agus i gCúrsaí Reatha

Cloífidh lucht déanta clár leis an gCód um Chaighdeáin Chlár a éilíonn nach n-úsáidfear scannánú ná taifeadadh faoi cheilt ach amháin sa chás go bhfuil gá leis.

Ní bhainfear úsáid as taifeadadh ná scannánú rúnda ná nár nochtadh in ábhar cúrsaí reatha ach amháin i gcúinsí eisceachtúla agus i gcomhréir leis an gCód Cothroime, Oibiachtúlachta agus Neamhchlaontachta sa Nuacht agus i gCúrsaí Reatha. Caithfidh an mhír atá á clúdach a bheith léirithe ar mhaithe le leas an phobail agus ní mór fianaise a bheith ann ar ábhar a bhfuil clúdach tuillte aige.

Teastaíonn toiliú i scríbhinn ón mBainisteoir Coimisiúnaithe nó ón gCeannaire Nuachta agus Cúrsaí Reatha (de réir mar is cuí) sula n-úsáidfear taifeadadh nó scannánú rúnda nó nár nochtadh.

## An Cód Cothroime, Oibiachtúlachta agus Neamhchlaontachta sa Nuacht agus i gCúrsaí Reatha

Tugann an Cód seo mionsonraí ar na rialacha nach mór do chraoltóirí cloí leo maidir le hábhar líneach. Faoin Acht, tá oibiachtúlacht agus neamhchlaontacht ag teastáil maidir le nuacht agus níl aon oibleagáid san Acht maidir le cothroime nuachta. Mar sin féin, éilíonn an Cód Cothroime, Oibiachtúlachta agus Neamhchlaontachta sa Nuacht agus i gCúrsaí Reatha, cothroime, oibiachtúlacht agus neamhchlaontacht maidir le nuacht agus cúrsaí reatha agus maidir le clúdach nithe atá ina gconspóid phoiblí nó ina n-ábhar díospóireachta poiblí reatha. Is féidir gearáin ar aon sárú líomhnaithe ar an Acht nó ar chóid nó rialacha Choimisiún na Meán a chur chuig Coimisiún na Meán.

Ní mór do lucht déanta clár a bheith eolach ar an gCód Cothroime, Oibiachtúlachta agus Neamhchlaontachta sa Nuacht agus i gCúrsaí Reatha de chuid Choimisiún na Meán agus cloí leis, arna nuashonrú ó am go ham, atá ar fáil ar a láithreán gréasáin. [An Cód Cothroime, Oibiachtúlachta agus Neamhchlaontachta i gCláir Nuachta agus Cúrsaí Reatha](#)

Tá an Cód Cothroime, Oibiachtúlachta agus Neamhchlaontachta sa Nuacht agus i gCúrsaí Reatha leagtha amach sa Cheathrú Sceideal.

## Cothromaíocht Inscne sa Nuacht agus i gCúrsaí Reatha

Leis an Acht, ligtear do Choimisiún na Meán cóid a dhéanamh lena ndéantar foráil maidir le caighdeán agus cleachtais chun ionadaíocht chothrom inscne a chur chun cinn i measc rannpháirtithe i gcláir nuachta agus chúrsaí reatha.

Cloífidh TG4 le haon chóid dá leithéid má fhoilsíonn Coimisiún na Meán é.

## Athúsáid ábhair agus athchruthuithe/athachtuithe

Éilíonn an oibleagáid chothroime sa Chód Cothroime, Oibiachtúlachta agus Neamhchlaontachta sa Nuacht agus i gCúrsaí Reatha ar lucht déanta clár a chinntiú nach gcruthaíonn athúsáid aon ábhair i gcomhthéacs nuachta nó cúrsaí reatha, lena n-áirítear úsáid ábhar cartlainne, éagóir nó míchruinneas mar thoradh air.

Ceanglaítear leis an oibleagáid chothroime sa Chód seo freisin go n-aithneofar go soiléir imeacht a athchruthú nó a athachtú in ábhar nuachta nó cúrsaí reatha mar ábhar den sórt sin agus ba cheart go mbeadh sé barántúil ina léiriú ar na himeachtaí atá i gceist.

Ba cheart do lucht déanta clár smaoineamh ar íospartaigh atá fós beo agus ar ghaolta má bheartaítear scrúdú a dhéanamh ar imeachtaí san am atá thart a raibh fulaingt agus tráma bainteach leo agus, a mhéid is indéanta le réasún, ba cheart íospartaigh atá fós beo nó neasteaghlach duine marbh atá le feiceáil sa chlár a chur ar an eolas faoi na pleananna atá beartaithe.

## Tuairisciú i gcásanna íogaire

Ní mór do lucht déanta clár a bheith airdeallach agus iad ag tuairisciú i gcásanna íogaire (mar shampla léigear, giall a dhéanamh de dhuine, srl.) lena chinntiú nach mbíonn tionchar ag an tuairisciú ar thoradh an chás íogair agus go gcomhlíontar aon chomhairle ó na Gardaí sna cásanna sin.

## Tragóidí agus éigeandálaí a thuairisciú

Ní mór do lucht déanta clár leas an phobail i dtuairisciú iomlán agus cruinn a chothromú leis an ngá atá le cur isteach gan údar ar phríobháideacht a sheachaint nuair a thuairiscítear tragóidí pearsanta agus cásanna éigeandála.

Comhlíonfaidh lucht déanta clár an Cód um Chaighdeáin Chlár lena gceanglaítear ar lucht déanta clár aird chuí a thabhairt ar na cúinsí áirithe a bhfuil feidhm acu agus iad ag scannánú i gcásanna éigeandála nó nuair a dhéantar scannánú ar íospartaigh timpistí nó orthu siúd atá ag fulaingt le tragóid phearsanta, d'fhonn a chinntiú nach ndéantar cur isteach míréasúnach ar phríobháideacht na ndaoine sin; agus beidh aird chuí aige ar an tionchar a d'fhéadfadh a bheith ag clúdach agus athchlúdach ar bhás ar theaghlaigh agus ar chairde an duine nach maireann.

## Féinmharú

Caithfidh lucht déanta clár a bheith cúramach nuair a léirítear féinmharú nó iarracht féinmharaithe i gcláir fhíorasacha nó i ndrámáíocht toisc go bhféadfadh ábhar den sórt sin dochar a dhéanamh.

Cloífidh lucht déanta clár leis an gCód um Chaighdeáin Chlár maidir leis an ábhar seo agus leis na treoirlínte go léir is infheidhme.

## Drugaí, alcól nó tuaslagóirí nó úsáid drugaí mídhleathacha

Cloífidh lucht déanta clár leis an gCód um Chaighdeáin Chlár lena n-éilítear nach spreagann ábhar an chlár mí-úsáid drugaí, alcól ná tuaslagóirí ná úsáid drugaí mídhleathacha. Ní mór go mbeadh údar láidir eagarthóireachta ag léirithe agus/nó ag tuairiscí ar mhodhanna agus ar theicnící mionsonraithe chun drugaí mídhleathacha a thógáil. Is ualach níos mó é seo ná údar eagarthóireachta atá ag teastáil in áiteanna eile sa Chód um Chaighdeáin Chlár maidir le nithe eile.

## Reiligiún

Ceanglaítear leis an Acht ar TG4 clúdach a dhéanamh ar ghníomhaíochtaí reiligiúnacha agus cultúir.

Reiligiún nó Creideamh: Comhlíonfaidh lucht déanta clár forálacha an Achta agus an Chóid um Chaighdeáin Chlár lena gcuirtear cosc ar ábhar a d'fhéadfaí a mheas le réasún gur dócha go spreagfadh sé foréigean nó fuath bunaithe ar fhorais a luaitear in Airteagal 21 den Chairt um Chearta Bunúsacha an Aontais Eorpaigh. I measc na bhforas sin tá reiligiún nó creideamh.

Cloífidh lucht déanta clár le forálacha an Achta agus an Chóid um Chaighdeáin Chlár a cheanglaíonn nach leagann ábhar cláir béim ar nithe áirithe lena n-áirítear reiligiún nó creideamh ach amháin nuair a bhíonn údar maith leis na tagairtí sin.

Comhlíonfaidh lucht déanta clár ceanglais sa Chód um Chaighdeáin Chlár lena chinntiú go léiríonn siad meas cuí ar thuairimí reiligiúnacha, íomhánna, cleachtais agus creideamh in ábhar an chlár. Ceadáítear grinnscrúdú criticiúil ar reiligiún trí fhaisnéis, drámaíocht nó cláir eile.

Mar a cheanglaítear leis an gCód Ginearálta maidir le Cumarsáid Tráchtála, ní cheadóidh TG4 urraíocht a dhéanamh ar chlár reiligiúnacha agus ní chuimseoidh lucht déanta clár suíomh táirgí i gcláir reiligiúnacha.

Ní fhoilseoidh TG4 fógraí ná urraíocht ina bpléitear na tuillteanais a ghabhann le cloí le reiligiún áirithe nó le ballraíocht i reiligiún áirithe.

## Seónna Cluichí / Tráth na gCeist / Rannpháirtithe

Níor cheart go gcuirfeadh rogha na n-iomaitheoirí i seónna cluichí/tráth na gceist droch-cháil ar TG4 agus ba chóir do lucht déanta clár céimeanna a ghlacadh lena chinntiú nach nglacfaidh iomaitheoirí mí-oiriúnacha páirt.

Ina theannta sin, ba chóir do lucht déanta clár a chinntiú nach gcuireann rogha rannpháirtithe in ábhar coimisiúnaithe eile droch-cháil ar TG4.

## Cur isteach Polaitiúil, Clúdach Polaitiúil, Tuairimí Polaitiúla

Cur isteach polaitiúil: Tá dualgas reachtúil ar Bhord TG4 sceidil na gclár a chosaint ó thionchar Stáit agus polaitiúil. Comhlíonfaidh TG4 an dualgas sin.

Clúdach Polaitiúil: Comhlíonfaidh TG4 na hoibleagáidí sa Chód Cothroime, Oibiachtúlachta agus Neamhchlaontachta sa Nuacht agus i gCúrsaí Reatha a cheadaíonn cláir pholaitiúla páirtí, ar an gcoinníoll

nach dtabharfar tosaíocht éagórach d'aon pháirtí polaitíochta, maidir le leithdháileadh ama do chlár den sórt sin, nó maidir le suíomh na gclár sin sa tseirbhís ar éileamh.

Tuairimí Polaitíochta: comhlíonfaidh lucht déanta clár forálacha an Achta agus an Chóid um Chaighdeáin Chlár lena gcuirtear cosc ar ábhar a d'fhéadfaí a mheas le réasún gur dócha go spreagfadh sé foréigean nó fuath bunaithe ar fhorais a luaitear in Airteagal 21 den Chairt um Chearta Bunúsacha an Aontais Eorpaigh. I measc na bhforas sin tá tuairim pholaitiúil nó tuairim ar bith eile.

Cloífidh lucht déanta clár le forálacha an Achta agus an Chóid um Chaighdeáin Chlár a éilíonn nach gcuireann ábhar clár béim ar nithe áirithe lena n-áirítear tuairimí polaitiúla nó aon tuairim eile ach amháin nuair a bhíonn údar maith leis na tagairtí sin.

Cumarsáid tráchtála: Ní chuirfidh TG4 fógraí ná urraíocht ar fáil ar mhaithe le críocha polaitiúla. Déantar eisceachtaí do chlár pholaitiúla páirtithe agus d'fhógraí a iarrann an Coimisiún Reifrinn i dtaca le reifreann.

## **Clúdach Toghcháin agus Reifrinn**

Cloífidh TG4 agus lucht déanta clár leis an gCód Cothroime, Oibiachtúlachta agus Neamhchlaontachta sa Nuacht agus i gCúrsaí Reatha maidir le clúdach toghcháin agus reifrinn.

Cloífidh TG4 agus lucht déanta clár le treoirlínte nó cóid chleachtais arna n-eisiúint ó am go ham ag Coimisiún na Meán agus arna n-eisiúint ag TG4 maidir le toghcháin agus reifrinn.

## **An Cód Ginearálta maidir le Cumarsáid Tráchtála agus An Cód maidir le Cumarsáidí Tráchtála do Leanaí**

Ní mór do lucht déanta clár a bheith eolach go hiomlán ar an gCód Ginearálta maidir le Cumarsáid Tráchtála, agus cloí leis, lena n-áirítear rialacha maidir le suíomh táirgí, comórtais agus glaonna ardráta.

Comhlíonfaidh TG4 na ceanglais maidir le cumarsáid tráchtála (lena n-áirítear na hoibleagáidí sonracha i dtaca le leanaí) sa Chód Ginearálta maidir le Cumarsáid Tráchtála agus sa Chód maidir le Cumarsáidí Tráchtála do Leanaí.

Áirítear leis na hoibleagáidí faoin Acht na nithe seo a leanas i ndáil le cumarsáid tráchtála:

- Is ceart go mbeifí in ann fógraí a idirdhealú go soiléir ó ábhar eagarthóireachta. Ní ceart iad a bheith míthreorach agus is ceart cloí le caighdeáin eiticiúla iontu.
- Ní chraolfaidh TG4 fógraí atá ann ar mhaithe le críocha polaitíochta nó a bhaineann le díospóidí tionscail ach tá eisceachtaí ann i leith clár pháirtithe polaitíochta agus i leith fógraí a lorgaíonn an Coimisiún Reifrinn maidir le reifreann.



- Ní chraolfaidh TG4 fógraí in a bpléitear na tuillteanais a ghabhann le cloí le reiligiún áirithe nó le ballraíocht i reiligiún áirithe.
- Foráiltear leis an Acht go bhféadfaidh foráil maidir le caighdeáin agus cleachtais a bheith ann i gcóid lena chinntiú a mhéid a bhaineann le cumarsáid tráchtála: (i) go gcosnaíonn sí leasanna an lucht féachana, agus (ii) go háirithe, i gcás ina mbaineann sí le nithe ar dóigh ina leith go gcuirfeadh leanaí spéis iontu go díreach nó go neamhdhíreach, go gcosnaíonn sí leasanna leanaí ag féachaint go háirithe do leasanna ginearálta sláinte poiblí leanaí.
- Leis an Acht, foráiltear go bhféadfar fógraíocht de chineál a bhaineann le bianna áirithe - mar shampla, bianna ardsaille agus ardsalainn etc - a thoirmeasc nó shrianadh nuair atá clár do leanaí ar siúl.

Tá treoir ann maidir leis na hoibleagáidí seo sa Chód maidir le Cumarsáid Tráchtála Ghinearálta agus sa Chód maidir le Cumarsáid Tráchtála Leanaí. Is sárú faoi Chuid 8B den Acht é iad sárúithe ar an oibleagáid reachtúil nó ar na Cóid.

Tá na cóid seo ar fáil ar shuíomh gréasáin Choimisiún na Meán.

[An Cód Ginearálta maidir le Cumarsáid Tráchtála](#)

## Comórtais

Ní mór do lucht déanta clár cloí leis an gCód Ginearálta maidir le Cumarsáid Tráchtála agus comórtais á reachtáil.

Ní mór do lucht déanta clár a chinntiú nach fógraíocht atá i gceist le comórtais urraithe lucht féachana laistigh de chlár. Ceanglaítear leis an gCód Ginearálta maidir le Cumarsáid Tráchtála go gcaithfidh seans cothrom a bheith ag rannpháirtithe comórtas urraithe a bhuachan agus go gcaithfear faisnéis ábhartha a chur ar fáil don lucht féachana, lena n-áirítear: conas cur isteach ar an gcomórtas; amanna agus dátaí dúnta; an modh trína roghnaítear buaiteoir; príomhthéarmaí agus coinníollacha a chuirfeadh iontráil ar neamhní nó a chuirfeadh cosc ar bhuaiteoir an duais a ghlacadh; conas rochtain a fháil ar na téarmaí agus coinníollacha iomlána i ndáil leis an gcomórtas; agus aon athruithe ar théarmaí agus coinníollacha an chomórtais agus/nó ar phróisis agus/nó ar dhuaisianna.

## Ionchur ar na Meáin Shóisialta a Láimhseáil

Déanann lucht déanta clár téacsanna agus ábhar eile ar na meáin shóisialta a fhíorú sula bhfoilsítear iad agus bíonn siad cúramach faoi chuntais bhréige agus nuacht bhréige. Seiceáiltear bunús an ábhair ó shuíomhanna gréasáin nó ó shuíomhanna meán sóisialta sula núsáidtear é agus breithníonn lucht déanta

clár an bhfuil ranníocaíocht curtha ar fáil ag ball de ghrúpa brústocaireachta nó eagraíocht a bhfuil leas dílsithe aige, nó ag duine nach bhfuil suim aige ann.

Ní fhéadfar ábhar a úsáid ach amháin sa chás go bhfuil cead ag lucht déanta clár é a úsáid.

Cinntíonn lucht déanta clár go mbíonn séanadh mar seo a leanas ag dul le tráchtanna, anailís agus píosáí tuairime ó rannpháirtithe seachtracha: "Is tuairimí an údair iad na tuairimí a chuirtear in iúl anseo agus ní tuairimí TG4." Ar an gcaoi chéanna, ba chóir go mbeadh séanadh den chineál céanna le naisc chuig suíomhanna tríú páirtí.

Cloífidh foireann TG4 le Treoirlínte TG4 maidir leis na Meáin Shóisialta.

## Toiliú Rannpháirtíochta Leanaí

Is duine faoi 18 mbliana d'aois atá i gceist le leanbh chun críocha an Achta agus na gcód agus na rialacha. Mar sin féin, chun críocha toilithe rannpháirtíochta, is duine faoi 16 bliana d'aois atá i leanbh. Comhlíonfaidh lucht déanta clár ceanglais an Chóid um Chaighdeáin Chlár maidir le toiliú do leanaí agus do dhaoine soghonta agus cloífidh siad leis an gcosc ar shonraí leanaí a phróiseáil chun críocha tráchtála. Teastaíonn toiliú feasach.

Cinntoidh lucht déanta clár go bhfaighidh siad toiliú sa chás go mbaineann ábhar an chlár, nó na modhanna a úsáidtear chun ábhar an chlár a dhéanamh, go díreach le duine soghonta nó le leanbh faoi 16 bliana d'aois. Iarrfar toiliú ón duine soghonta nó ón leanbh, más féidir, agus ó thuismitheoir, caomhnóir, ionadaí ainmnithe nó ó dhuine atá freagrach as cúram príomhúil duine soghonta nó linbh. Tabharfaidh TG4 breithniú cuí ar chomharthaí maidir le toiliú a tharraingt siar, ag féachaint d'fhorálacha an Chóid, go háirithe maidir le cosaint leas an phobail agus imthosca eile a d'fhéadfadh teacht chun cinn, amhail caidreamh conarthach.

I dtaca le nuacht agus cúrsaí reatha, cloífidh lucht déanta clár leis an gCód Cothroime, Oibiachtúlachta agus Neamhchlaontachta sa Nuacht agus i gCúrsaí Reatha. Éilíonn sé sin go dtabharfar aire i gcónaí maidir le hagallaimh le leanaí nó le daoine soghonta a chur in ábhar nuachta nó cúrsaí reatha agus gurb é an prionsabal is tábhachtaí i ngach cás ná craoladh nó infhaighteacht ábhar a d'fhéadfadh a bheith éagórach nó díobhálach dá leas is fearr a sheachaint.

Ní mór údar a thabhairt le cinneadh ar agallamh nuachta nó cúrsaí reatha a bhfuil leanbh ann a chraoladh nó a chur ar fáil mura mbíonn an toiliú riachtanach ann ar mhaithe le leas an phobail agus teastaíonn toiliú i scríbhinn ón mBainisteoir Coimisiúnaithe nó ón gCeannaire Nuachta agus Cúrsaí Reatha de réir mar is cuí.

## Teorainneacha Fógraíochta

Comhlíonfaidh TG4 an Cód Seirbhíse Meán agus Rialacha maidir le Seirbhís na Meán (Fógraíocht, Teilíshíopadóireacht, Sláine Comharthaí agus Faisnéis) lena n-áirítear na ceanglais ar theorainneacha fógraíochta ar chumarsáid tráchtála maidir le hábhar líneach agus leis an gCód Seirbhíse Meán agus Rialacha maidir le Seirbhís na Meán (Soláthraithe na Seirbhíse Meán Closamhairc ar Éileamh) agus teorainneacha fógraíochta maidir le cumarsáid tráchtála in ábhar ar éileamh.

## Rochtain do dhaoine faoi mhíchumas

Comhlíonfaidh TG4 Rialacha Rochtana Choimisiún na Meán a bhfuil feidhm acu maidir le rochtain ar ábhar líneach agus an Cód Seirbhíse Meán agus Rialacha maidir le Seirbhís na Meán (Soláthraithe na Seirbhíse Meán Closamhairc ar Éileamh) i dtaca hábhar ar éileamh chun a chinntiú go ndéantar clár a léiriú níos inrochtana do dhaoine faoi mhíchumas go leanúnach agus de réir a chéile.

Tá Cód Cleachtais dréachtaithe ag TG4 chun Gearáin Rochtana a Láimhseáil mar aon le foirm Ghearáin Rochtana chun gearáin a láimhseáil ón lucht féachana nár chomhlíon TG4 a dhualgais rochtana faoin Acht agus na spriocanna rochtana atá leagtha síos ag Coimisiún na Meán. Tá siad ar fáil ar shuíomh idirlín TG4.

<https://www.tg4.ie/ga/corporate/rialachas-corparaideach/>

Tá Oifigeach Idirchaidrimh Rochtana ag TG4 mar a cheanglaítear leis an Acht maidir leis na hoibleagáidí rochtana. Is é an tOifigeach Idirchaidrimh Rochtana an pointe teagmhála leis an lucht féachana agus le Coimisiún na Meán maidir le gearáin fhoirmiúla rochtana.

## An Cód Seirbhíse Meán agus Rialacha maidir le Seirbhís na Meán (Soláthraithe na Seirbhíse Meán Closamhairc ar Éileamh)

Is é an Cód Seirbhíse Meán agus Rialacha maidir le Seirbhís na Meán (Soláthraithe na Seirbhíse Meán Closamhairc ar Éileamh) na rialacha do sholáthraithe closamhairc ar éileamh a éilíonn srian a chur ar ábhar ar éileamh a d'fhéadfadh fuath a spreagadh, a chuireann cosaint ar fáil do leanaí ó rochtain a fháil ar ábhar míchuí agus a chuireann iallach ar sholáthraithe ar éileamh a chinntiú go bhfuil a gcuid clár inrochtana do dhaoine faoi mhíchumas. Baineann sé freisin le hoibleagáidí ar chumarsáid tráchtála maidir le hábhar ar éileamh. Tá rialacha uile Choimisiún na Meán a rialaíonn ábhar ar éileamh le fáil sa Chód ar Éileamh seo. Ina theannta sin, tá oibleagáidí ón Acht ann a bhaineann le hábhar líneach agus ar éileamh araon, ach nach ndéantar a athrú sa Chód ar Éileamh seo, ach baineann na hoibleagáidí sin san Acht le hábhar ar éileamh freisin. Féadfar gearáin maidir le haon sárú líomhnaithe ar an Acht nó ar chóid nó rialacha Choimisiún na Meán a chur chuig Coimisiún na Meán.

Ní mór do lucht déanta clár a bheith eolach ar an gCód Seirbhíse Meán agus Rialacha maidir le Seirbhís na Meán (Soláthraithe na Seirbhíse Meán Closamhairc ar Éileamh) arna nuashonrú ó am go ham maidir le hábhar ar éileamh, atá ar fáil ar shuíomh gréasáin Choimisiún na Meán, agus cloí leis. An Cód maidir le Seirbhís Meán agus Rialacha maidir le Seirbhísí Meán

Leagtar amach an Cód Seirbhíse Meán agus Rialacha maidir le Seirbhís na Meán (Soláthraithe na Seirbhíse Meán Closamhairc ar Éileamh) sa Chúigiú Sceideal.

## Sceidealú

Ní féidir clár a sceidealú tar éis dheireadh thréimhse cheadúnais an chláir.

Mar a cheanglaítear leis an gCód um Chaighdeáin Chlár, déanfaidh TG4 cláir (lena n-áirítear réamhfhógráin) a sceidealú go cuí agus aird chuí á tabhairt ar na rudaí seo a leanas, i measc rudaí eile: - (a) cineál ábhar an chláir, (b) seánra ábhar an chláir, (c) aois dhóchúil an lucht féachana, (d) cineál na seirbhíse craolta, (e) an clár áirithe agus an t-am den lá a bheidh leanaí ag breathnú ar ábhar clár nó ag éisteacht leis... (f) ar sheirbhísí teilifíse, úsáid na tairsí (a oibríonn tar éis 21.00), i gcás inarb iomchuí.

Sceidealaíonn TG4 cláir ag amanna oiriúnacha dá sprioclucht féachana roimh nó tar éis na tairsí de réir mar is cuí. Tá rabhaidh agus línte cabhrach ag teastáil freisin faoi alt 14 den Chód um Chaighdeáin Chlár agus cloíonn TG4 leis an gceanglas sin.

Ar an gcaoi chéanna, teastaíonn rabhaidh agus bearta cuí faoi alt 15 den Chód um Chaighdeáin Chlár chun leanaí a chosaint. Aithnítear ról na dtuismitheoirí mar seo a leanas sa Chód um Chaighdeáin Chlár: *“While parents and guardians have primary responsibility for content that children access on television and / or radio, broadcasters can, in order to prevent harm to children, support the parent / guardian relationship with their child / children by scheduling responsibly and through general compliance with this Code.”*

Leagann an treoir sa Chód um Chaighdeáin Chlár maidir le Díobháil béim arís ar an tábhacht a bhaineann le sceidealú/rabhaidh/línte cabhrach cuí.

Ní mór Cumarsáid Tráchtála a sceidealú go cuí de réir an Chóid Ghinearálta maidir le Cumarsáid Tráchtála.

Teastaíonn cúram nuair a bhíonn ábhar a cuireadh ar fáil tamall sular seoladh é á sceidealú lena chinntiú nár tharla aon mhórimeacht, mar shampla bás duine a raibh baint aige leis an gclár, cúiseamh ciontóra, nó athruithe suntasacha saoil. I gcásanna áirithe, beidh gá le fógra ar an aer, i gcásanna eile, beidh gá le hábhar éigin a athrú nó a bhaint.

## Oibleagáidí Ábhair Eile

Taobh amuigh de na hoibleagáidí reachtúla maidir le hábhar clár a chuirtear i bhfeidhm leis an Acht agus na hoibleagáidí a chuirtear i bhfeidhm le cóid agus rialacha Choimisiún na Meán, ní mór cúinsí eile a chur san áireamh lena n-áirítear comhlíonadh an chonartha a rialaíonn ábhar an chláir. Ní foláir do dhéantóirí

clár a chinntiú nach ndéanfaidh ábhar sa chlár cóipcheart tríú páirtí a shárú. Ní mór do lucht déanta clár a chinntiú freisin nach bhfuil an t-ábhar clúmhilleach ná dímheasúil ó thaobh na cúirte de agus go leantar na hoibleagáidí maidir le tuairisciú na gcúirteanna.

Caithfidh lucht déanta clár foinsí iriseoireachta a chosaint agus a bheith cúramach maidir le foinsí gan ainm a úsáid. Déanfaidh lucht déanta clár aon ghealltanais a thugtar do dhuine a mbíonn baint aige le clár maidir le rúndacht nó anaithnidieacht a chomhlíonadh. Cuirfear aon teicnící closamhairc gaolmhara a úsáidtear i scannánú agus in eagarthóireacht araon i bhfeidhm go cúramach chun a chinntiú go mbaintear rúndacht iomlán amach agus go nurramaítear go hiomlán na gealltanais a thugtar dóibh.

## **Fotheidil agus Dubáil**

Cinntoidh lucht déanta clár go gcomhlíonann fotheidil Caighdeáin agus Treoirlínte Iriseoireachta Chláir TG4.

Cinntoidh TG4 agus comhlachtaí dubála go gcomhlíonfaidh an dubáil Caighdeáin agus Treoirlínte Iriseoireachta Chláir TG4.

## **Ábhar coimisiúnaithe a athcheadúnú**

Teastaíonn cúram nuair a dhéantar ábhar coimisiúnaithe nach bhfuil cearta aige a thuilleadh a athcheadúnú. Níor chóir é a athcheadúnú ach amháin má chomhlíonann sé riachtanais an Achta agus na gCód/Rialacha.

## **Saincheisteanna Dlí**

Sa chás go dtagann saincheisteanna dlí chun cinn, ba chóir d'fhoireann TG4 treoir a lorg ón Roinn Dlí.

## **Ceart Freagartha**

Tabharfar Ceart Freagartha de réir mar a cheanglaítear leis an Acht agus mar atá leagtha amach i gcáipéis Scéim maidir le Ceart Freagartha an BAI (2011) atá ar fáil ar shuíomh gréasáin Choimisiún na Meán. [An Scéim maidir le Ceart Freagartha](#)

Tugann an Ceart Freagartha an ceart d'aon duine a ndearnadh damáiste dá onóir nó dá cháil trí dhearbhuí fíricí nó faisnéis mhícheart i gcaoladh freagra a thabhairt. Luafar sa cheart freagartha (i) cé mhéad den fhaisnéis sa chraoladh atá mícheart nó míthreorach, agus (ii) beidh sé teoranta do dhearbhuíthe fíorasacha is gá chun dearbhuí neamhiomlán nó curtha as a riocht ar shlí eile a cheartú.

Ní dhéanann Ceart Freagartha foráil do thuairim mhalartach ná chontrártha a chraoladh. B'fhéidir nach mbeadh duine sásta leis an mbealach a chuir craoltóir faisnéis faoi, ach ní dheonófar Ceart Freagartha ach amháin má bhíonn na fíricí nó an fhaisnéis mícheart go fíorasach agus go ndearna siad damáiste don duine agus conspóid ar a onóir nó ar a cháil.

## Cosaint Sonraí

Comhlíonfaidh TG4 agus lucht déanta clár an cosc ar shonraí leanaí a phróiseáil chun críocha tráchtála sa Chód um Chaighdeán Chlár maidir le hábhar líneach agus ábhar ar éileamh sa Chód Seirbhíse Meán agus Rialacha maidir le Seirbhís na Meán (Soláthraithe na Seirbhíse Meán Ciosamhairc ar Éileamh).

Comhlíonfaidh TG4 agus lucht déanta clár na hoibleagáidí faoin dlí is infheidhme maidir le Cosaint Sonraí, lena n-áirítear an Rialachán Ginearálta maidir le Cosaint Sonraí.

Cloífidh TG4 leis an bPolasaí Príobháideachais ar shuíomh gréasáin TG4.

## Cuntasacht TG4

Mar Chraoltóir Seirbhíse Poiblí, tá TG4 freagrach do réimse leathan páirtithe leasmhara, ina measc go príomha tá an lucht féachana, an Roinn Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán agus Coimisiún na Meán. Tá TG4 freagrach as gach rud a dhéanann sé, lena n-áirítear an t-ábhar agus an chumarsáid tráchtála a dhéanann sé a léiriú, a choimisiúnú, a fháil agus a chraoladh/ a chur ar fáil, agus an bealach a chaitear an maoiniú chun é sin a dhéanamh. Chuige sin, rialaítear TG4 trí raon sásraí maoirseachta a bhfuil tuairisc mhionsonraithe le fáil orthu inár Ráiteas Seirbhíse Poiblí. [Ráiteas Seirbhíse Poiblí](#)

Cuireann TG4 fáilte roimh aiseolas ón lucht féachana i nGaeilge nó i mBéarla. Tá muid tiomanta freagra iomlán a thabhairt ar gach gearán a fhaigheann muid maidir le caighdeán clár agus gnéithe eile den aschur uainn. Tá sé de dhualgas ar gach déantóir clár lena n-oibríonn TG4 a bheith rannpháirteach sa phróiseas seo. **IgCód Cleachtais TG4 maidir le Gearáin a Láimhseáil** (atá ceadaithe ag Coimisiún na Meán), déantar cur síos ar an bpróiseas seo agus déantar cur síos ar na nósanna imeachta atá le leanúint i gcás gearán maidir le clár agus cumarsáid tráchtála, an teagmhálaí ábhartha in TG4 agus an tréimhse ama a ghlacfaidh sé freagra a fháil ar na gearáin. [Cód Cleachtais Chun Gearáin a Láimhseáil](#)

An Stiúrthóir Oibríochtaí & Acmhainní Daonna an pointe teagmhála don lucht féachana agus do Choimisiún na Meán maidir le gearáin ábhar foirmiúil agus cumarsáid tráchtála.

Má theipeann ar an gcéad phointe teagmhála sin aghaidh a thabhairt ar ghearán d'fhéadfaí an gearán a chur ar aghaidh chuig Coimisiún na Meán agus d'fhéadfaí fineáil mhór (suas le €20m) a ghearradh sa chás go gcinneann Coimisiún na Meán gur sháraigh TG4 an tAcht nó an Cóid/Riail.

Comhoibreoidh TG4 ar bhealach dáiríre le haon imscrúdú ar shárú agus glacfaidh sé céimeanna cuí chun deireadh a chur leis an sárú go pras.

## **Iarmhairtí i dtaca le sárú ar an Acht/na Cóid/Rialacha**

Féadfaidh Coimisiún na Meán imscrúduithe a dhéanamh ar mhaithe le comhlíonadh agus is féidir leis smachtbhannaí airgeadais a ghearradh freisin má chinneann sé tar éis imscrúdaithe go ndearnadh sárú ar an Acht/na Cóid/Rialacha. Tá cumhachtaí imscrúdúcháin an-leathan ag Coimisiún na Meán. Bíonn smachtbhannaí suntasacha i gceist le mainneachtain cloí leis an Acht, na Cóid agus na Rialacha.

Ainmnítear ball údaráithe d'fhoireann Choimisiún na Meán ar a dtugtar an Duine Údaraithe chun an gearán a bhreithniú. Más gá, cuirfidh an Duine Údaraithe an gearán ar aghaidh chuig an Oifigeach Údaraithe i gCoimisiún na Meán chun imscrúdú a dhéanamh ar an sárú amhrasta. I measc na gcumhachtaí atá ag Oifigeach Údaraithe, áirítear cumhachtaí chun dul isteach in áitreabh agus é a chuardach, a iarraidh go dtugtar suas ábhar iomchuí, an t-ábhar sin a iniúchadh agus sleachta a thógáil as an ábhar sin. Féadfaidh Oifigeach Údaraithe a iarraidh go n-eiseofar barántas chun áitreabh a chuardach agus go mbeidh comhalta den Gharda Síochána in éineacht leis nó léi le linn an chuardaigh sin. Ullmhaíonn Oifigeach Údaraithe tuarascáil faoin imscrúdú, agus tugtar deis don chraoltóir/soláthraí seirbhíse ar éileamh chun freagra a thabhairt, roimh cinneadh críochnaitheach a dhéanamh i dtaobh ar tharla, nó nár tharla, sárú agus, má tharla sárú, i dtaobh an ndéanfar fineáil a fhorchur. Féadfaidh soláthraí achomharc a dhéanamh in aghaidh cinnidh. Téann na fineálacha suas go €20 milliún nó suas go 10% de láimhdeachas an tsoláthraí sa bhliain airgeadais roimh dháta an cinnidh. I gcás nach ndéanann an soláthraí achomharc, ní mór do Choimisiún na Meán iarratas a dhéanamh chun na Cúirte Cuarda chun cinneadh Choimisiún na Meán a dhaingniú.

Le linn méid na fineála a mheas, tabharfaidh Coimisiún na Meán aird ar chuid mhór nithe éagsúla lena n-áirítear easpa nó neamhéifeachtacht sásraí nó nósanna imeachta inmheánach atá beartaithe chun sárú den chineál lena mbaineann a chosc. Dá bhrí sin, tá sé tábhachtach nósanna imeachta inmheánacha dochta a bheith ann. De bhreis air sin, ní mór an fhíneáil a bheith comhréireach. Sonraítear san Acht go bhfuil an méid dochair do dhaoine áirithe nó don phobal, ar dochar é ar sárú is cúis leis, i measc na nithe a chuireann Coimisiún na Meán san áireamh le linn cinneadh a dhéanamh maidir le leibhéal na fineála i gcás ina dtarlaíonn sárú. Cuirfear san áireamh freisin sáruithe roimhe seo agus cineál, tromchúis agus fad an tsáraithe.

## **Córas Comhlíontachta agus rialuithe chun comhlíonadh an Achta/na gCód/na Rialacha a chinntiú**

Tá córais agus rialuithe i bhfeidhm ag TG4 chun a thaispeáint go gcomhlíontar na hoibleagáidí atá san Acht, sna Cód agus sna Rialacha mar atá sonraithe sa Pholasaí Comhlíontachta sa Chéad Sceideal.

### **Taifid a Choinneáil**

Coinníonn lucht déanta clár agus foireann TG4 faoi seach faisnéis/toilithe/taighde/taifid ábhartha maidir leis na céimeanna a ghlacann lucht déanta clár agus foireann TG4 mar chuid den phróiseas léiriúcháin/eagarthóireachta/comhlíontachta agus braitear orthu i gcás gearáin.

## **Leasuithe ar Chaighdeán & Treoirlínte Iriseoireachta Chláir TG4**

Féadfaidh TG4 ó am go ham, leasuithe a athbhreithniú agus a fhoilsiú ar Chaighdeán agus Treoirlínte Iriseoireachta Chláir TG4. Déanfar an leagan nuashonraithe a fhoilsiú ar shuíomh gréasáin TG4. [Rialachas Corparáideach](#)

### **Cumarsáid le TG4**

Cuirtear fáilte roimh gach aiseolas agus roimh gach cumarsáid. Is é an té seo a leanas a dhéileálfaidh leis na nithe sin:

Áine Lally, Bainisteoir Cumarsáide TG4 TG4, Baile na hAbhann, Co. na Gaillimhe, Éire.  
[aine.lally@tg4.ie](mailto:aine.lally@tg4.ie)  
teileafón: 091 505050

## **AN CHÉAD SCEIDEAL POLASAÍ COMHLÍONTACHTA**

<https://www.tg4.ie/ga/corporate/rialachas-corparaideach/>



## AN DARA SCEIDEAL SLEACHTA AS AN ACHT

**46J.** — (1) *A broadcaster shall not broadcast, and a provider of an audiovisual on-demand media service shall not make available in a catalogue of the service—*

*(a) anything which may reasonably be regarded as causing harm or undue offence,*

*(b) anything which may reasonably be regarded as likely to promote, or incite to, crime,*

*(c) anything which may reasonably be regarded as conduct falling within Article 5 of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA,*

*(d) anything which may reasonably be regarded as likely to incite to violence or hatred directed against a group of persons, or a member of a group, based on any of the grounds referred to in Article 21 of the Charter, or*

*(e) anything which may reasonably be regarded as tending to undermine the authority of the State.*

*(2) A failure to comply with subsection (1) shall be a contravention for the purposes of Part 8B.*

**46K.** — (1) *A broadcaster shall ensure that, in programmes broadcast by the broadcaster, and in the means employed to make such programmes, the privacy of any individual is not unreasonably encroached upon.*

*(2) A provider of an audiovisual on-demand media service shall ensure that in programmes included in a catalogue of the service, and in the means employed to make such programmes, the privacy of any individual is not unreasonably encroached upon.*

**46L.** (1) *A broadcaster, in programmes which he or she broadcasts, and a relevant media service provider, in programmes which he or she makes available in a catalogue of the relevant service, shall ensure—*

*(a) that news is reported and presented in an objective and impartial manner and without any expression of the broadcaster's or provider's own views, and*

*(b) that the treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned, and that the matter broadcast or made available is presented in an objective and impartial manner and without any expression of the broadcaster's or provider's own views.*

*(2) Should it prove impracticable to apply subsection (1)(b) in relation to a single programme, 2 or more related programmes may be considered as a whole, if—*

*(a) where the programmes are broadcast, they are broadcast within a reasonable period of each other, or*

*(b) where the programmes are made available on a relevant service, they are made available in the same way on the relevant service within a reasonable period of each other.*

*(3) Nothing in subsection (1) prevents a broadcaster from broadcasting, or a relevant media service provider from making available, party political programmes, provided that an unfair preference is not given to any political party—*

*(a) by a broadcaster, in the allocation of time for such programmes, or*

*(b) by a relevant media service provider, in the positioning of such programmes in a catalogue of the relevant service.*

*(4) Subsection (1), in so far as it requires a broadcaster or a relevant media service provider not to express his or her own views, does not apply to news or current affairs relating to a proposal which—*

*(a) concerns policy as regards broadcasting which is of public controversy or the subject of current public debate, and*

*(b) is being considered by the Government or the Minister.*

*.....*

*(8) A failure to comply with this section shall be a contravention for the purposes of Part 8B.*



Coimisiún  
na Meán

Media Service Code

Code of Programme  
Standards

(Radio and Television  
Broadcasters)

Publication date: November 2024



<b>1. Introduction</b>	<b>28</b>
<b>2. Scope and Jurisdiction</b>	<b>28</b>
<b>3. Purpose and Application of the Code</b>	<b>28</b>
<b>4. Regulatory Principles Relevant to the Code</b>	<b>29</b>
<b>5. Severability</b>	<b>30</b>
<b>6. Waiver</b>	<b>31</b>
<b>7. Compliance and Enforcement</b>	<b>31</b>
<b>8. Complaints</b>	<b>31</b>
<b>9. Guidance</b>	<b>32</b>
<b>10. General Definitions</b>	<b>32</b>
<b>11. Objectives</b>	<b>33</b>
<b>12. Importance of Context</b>	<b>33</b>
<b>13. Violence, Sexual Content and Offensive Language</b>	<b>34</b>
<b>14. Protection from Harm</b>	<b>35</b>
<b>15. Protection of Children</b>	<b>36</b>
<b>16. Respect for Persons and Groups in Society</b>	<b>37</b>
<b>17. Protection of the Public Interest</b>	<b>37</b>
<b>18. Respect for Privacy</b>	<b>38</b>
<b>Appendix</b>	<b>40</b>

# 1. Introduction

- 1.1 Pursuant to Section 46N(1) of the Broadcasting Act 2009, as amended by the Online Safety and Media Regulation Act 2022, (the “**Act**”) Coimisiún na Meán (the “**Commission**”) may make codes (“**media service codes**”) governing the standards and practices of broadcasters.
- 1.2 Pursuant to Sections 46N(2)(a), (b) (c), and (e) of the Act, the Commission may make media service codes providing for standards and practices to ensure that programme material protects the interests of the audience.
- 1.3 Pursuant to Section 46N(5) of the Act, the Commission shall make media service codes providing for the matters required to be provided for by Articles 5, 6(1), 6a(1) to (3), 7b, 8, 9, 10, 11, 15, Chapter VI, and Chapter VII (other than Article 26) of Directive (EU) 2010/13 (as amended by Directive (EU) 2018/1808) (the “**Audiovisual Media Services Directive**”) (except in so far as provision is made by media service rules).
- 1.4 In accordance with its statutory duties and obligations set out above, the Commission has prepared this media service code (the “**Code**”).
- 1.5 Pursuant to Section 46N(11)(c) of the Act, the BAI Code of Programme Standards dated 1 March 2015 was continued in force with the establishment of the Commission.
- 1.6 The Code replaces the 2015 BAI Code of Programme Standards, which will be revoked as of 5 November 2024, being the date this Code takes effect.

# 2. Scope and Jurisdiction

- 2.1 The Code gives effect to Articles 6(1) and 6a(1) to (3) of the Audiovisual Media Services Directive in Ireland, in so far as they relate to broadcasters.
- 2.2 The Code only applies to broadcasters under the jurisdiction of the State within the meaning of Section 2A of the Act.

# 3. Purpose and Application of the Code

## Purpose

- 3.1 The purpose of the Code is to ensure that broadcasters that are under the jurisdiction of the State comply with the duties set out in the Act relating to the broadcasting of programme material on their services.

## Preparation of the Code

- 3.2 Pursuant to Section 46N(6) of the Act, the Commission has had regard to the following matters when preparing the Code:-
- the degree of harm or offence likely to be caused by the inclusion of a particular matter in programme material.
  - the likely size and composition of the potential audience for programme material.
  - the likely expectation of the audience as to the nature of programme material, and the extent to which the nature of the programme material can be brought to the attention of potential members of the audience.
  - the likelihood of persons who are unaware of the nature of programme material being unintentionally exposed to it by their own actions.
  - the desirability of securing that a broadcaster informs the Commission of any change affecting the nature of the service and, in particular, of any change relevant to the application of media service codes.
  - the desirability of maintaining the independence of editorial control over programmes.
- 3.3 The Code has been prepared in accordance with the procedures provided for by Section 46Q of the Act.

## **4. Regulatory Principles Relevant to the Code**

- 4.1 In its interpretation, application and enforcement of the Code, the Commission must, in accordance with its public law duties, act lawfully, rationally and fairly.
- 4.2 More particularly, the Commission must act in accordance with:
- its general statutory objectives and functions under the Act.
  - the rights conferred by the Constitution, the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights insofar as applicable under the European Convention on Human Rights Act 2003 and the EU Treaties.
- 4.3 In its interpretation of the Code, the Commission will have due regard to the right to freedom of expression conferred under Article 40.6.1 of the Constitution, Article 11 of the Charter of Fundamental Rights of the European Union, and Article 10 of the European Convention on Human Rights.
- 4.4 Section 7(2) of the Act provides that, in performing its functions, the Commission shall endeavour to ensure that the democratic values enshrined in the Constitution,

especially those relating to rightful liberty of expression, are upheld, and that the interests of the public, including the interests of children, are protected, with particular commitment to the safety of children. The Commission shall also endeavour to ensure the Commission's policies in relation to broadcasters best serve the needs of the people of the island of Ireland.

4.5 In addition, the Commission must endeavour to ensure that its regulatory arrangements (i) address programme material and other content which are harmful or illegal; (ii) take account of technological and societal change; and (iii) operate proportionately, consistently and fairly.

4.6 Section 7(3) of the Act provides that, in addition, the Commission shall, inter alia:

- stimulate the provision of high quality, diverse, and innovative programmes by providers of broadcasting services and audiovisual on-demand media services,
- provide a regulatory environment that will sustain independent and impartial journalism,
- engage in evidence-based decision-making in the exercise of its functions, and promote evidencebased decision-making by those with which it consults,
- encourage compliance with the provisions of the Act, and the provisions of any code, rule or other statutory instrument made under it, in any manner the Commission considers appropriate, including by the publication of guidance as to how those provisions may be complied with.

4.7 Pursuant to Section 7(4) of the Act, in performing its functions, the Commission shall have regard to:

the safety of children, and published policies of the Minister for Children, Equality, Disability, Integration and Youth in respect of that matter; the regulation of gambling, and published policies of the Minister for Justice in respect of that matter; climate change and environmental sustainability, and published policies of the Minister for the Environment, Climate and Communications in respect of that matter; and published policies of the Government in respect of any of those matters.

## 5. Severability

5.1 If any provision of the Code is found to be unlawful, invalid, prohibited, unenforceable or inapplicable (either generally or with respect to a particular broadcaster) in any respect, on the basis of any law (including the Constitution and European law), such finding shall not affect the lawfulness, validity, enforceability or applicability of any other provision of the Code or part thereof, unless the finding is declared to be

applicable to such other provision or part thereof, or the same is the subject of the relief granted by a court.

- 5.2 Without prejudice to the foregoing, all of the other provisions and/or parts of the Code shall remain fully effective, applicable and enforceable. To the extent necessary any provision or part of the Code found to be unlawful, invalid, prohibited, unenforceable or inapplicable shall be severed from the Code.

## **6. Waiver**

- 6.1 The fact that the Commission does not respond to or comment upon any submission, assessment, proposal, report, compatibility statement or any analogous document submitted to it by a broadcaster shall not be deemed to be an acceptance or approval of the contents of any part of the same and shall not imply that the broadcaster has complied with its obligations under the Act and/or the Code.
- 6.2 Without prejudice to the foregoing, the fact that the Commission does not respond or comment on any such document shall not create an estoppel against, or constitute a waiver by, the Commission of any of its powers or rights pursuant to the Act and/or the Code.

## **7. Compliance and Enforcement**

- 7.1 Pursuant to Section 46N(10) of the Act, a failure by a broadcaster to comply with the Code shall be a contravention for the purposes of Part 8B of the Act.
- 7.2 A broadcaster shall ensure that it has systems and controls in place to demonstrate compliance with the obligations contained in this Code.
- 7.3 Pursuant to Section 47(3) of the Act, broadcasters are required to prepare and implement a code of practice for the handling of complaints relating to the failure of the broadcaster to comply with a media service code.

## **8. Complaints**

- 8.1 A person may make a complaint if they believe a broadcaster has not complied with this Code. Coimisiún na Meán advises complainants to make their complaint to the broadcaster in the first instance as this is the quickest way to have a complaint considered and responded to.
- 8.2 Information on the complaints handling process, including Coimisiún na Meán's process, is available on our website ([www.cnam.ie](http://www.cnam.ie)) or you can contact Coimisiún na Meán on + 353 1 963 7755 or at [usersupport@cnam.ie](mailto:usersupport@cnam.ie).



## 9. Guidance

- 9.1 The Commission may provide general non-binding guidance regarding the provisions of the Code on request or as and when it is deemed necessary. The Commission reserves the right to publish and amend guidance from time to time as it sees fit.
- 9.2 Requests for guidance must include the relevant material linked to the request for guidance. The request should clearly state the section(s) of the Code, which the requestor believes are relevant, and set out the specific question about which the requestor would like a view. The Commission accepts no liability for any decision (or consequences arising therefrom) made following receipt of non-binding general guidance from the Commission.

## 10. General Definitions

Terms not defined below have the meanings given by the Act.

**“broadcaster”** means a provider of sound broadcasts or television broadcasts as defined in this Code.

**“broadcasting service”** means a service which comprises a compilation of programme material of any description and which is transmitted, relayed or distributed by means of an electronic communications network, directly or indirectly for simultaneous or near-simultaneous reception by the general public, whether that material is actually received or not, and where the programmes are provided in a pre-scheduled and linear order, but does not include:

- (a) a service provided in a non-linear manner where each user of the service chooses a programme from a catalogue of programmes, or
- (b) any other services provided by way of the internet, if the service does not provide audiovisual programmes.

**“child”** or **“children”** means a person or persons under the age of 18 years.

**“programme”** means (a) a set of moving images with or without sound or (b) audio material, in each case constituting an individual item, irrespective of its length, within a schedule or a catalogue established by a media service provider, including feature-length films, video clips, sports events, situation comedies, documentaries, children's programmes and original drama.

**“sound broadcasting service”** or **“sound broadcast”** means a service, within the meaning of Articles 56 and 57 of the Treaty on the Functioning of the European Union, where—

- (a) the principal purpose of the service is devoted to providing sound programmes, by electronic communications networks, to the general public, under the editorial responsibility of the provider of the service, in order to inform, entertain or educate, and
- (b) the service is provided for simultaneous or near-simultaneous listening to sound programmes on the basis of a programme schedule

**“television broadcasting” or “television broadcast”** (i.e. a linear audiovisual media service) means an audiovisual media service provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule.

## 11. Objectives

11.1 The objectives of the Code are: -

- a) to promote the responsible provision of broadcasting services which enhance access to information, entertainment and education and a range of views, while avoiding undue offence and harm, and having due regard to the right to freedom of expression as referenced in Section 4.3 of this Code.
- b) to acknowledge the diversity of tastes and interests that exist in contemporary Irish society and to encourage and facilitate broadcasting that caters for this diversity.
- c) to advise viewers and listeners on the standards they can expect from broadcasting.
- d) to enable viewers and listeners to hold broadcasters to account in the event that they believe that a broadcaster has behaved irresponsibly.

## 12. Importance of Context

12.1 Broadcasters shall ensure that they schedule programme content appropriately taking into account, amongst other things: -

- a) the nature of the programme material.
- b) the genre of the programme material.
- c) the likely age range of the audience.
- d) the nature of the broadcast service.
- e) the particular programme and the time of day when children are likely to be watching or listening to programme material (including, in the case of radio, during school-run or holiday periods).

- f) on television services, the use of the watershed (which operates after 21.00), where appropriate.
- 12.2 Broadcasters shall ensure that they use prior warnings where it may be reasonably anticipated that programme material has the potential to offend or cause distress to audiences.
- 12.3 Broadcasters shall ensure that they have due regard to the established audience expectations of a broadcasting service and/or a programme and to the consequences of any intentional departure from the usual nature of the service or content of the programme.
- 12.4 Broadcasters shall ensure that in live programming they take timely corrective action where unplanned content is reasonably likely to have caused undue offence or harm. Such action may be to acknowledge, clarify and/or apologise for such content.
- 12.5 Broadcasters shall ensure that all audience information (such as prior content warnings and descriptive classification systems) and guidance mechanisms (such as help line or support service contact details) are provided in a manner which is clearly audible for radio audiences and clearly visible and audible for television audiences.
- 12.6 Broadcasters shall ensure that they promote on-air their audience information and guidance mechanisms.

## **13. Violence, Sexual Content and Offensive Language**

- 13.1 Broadcasters shall ensure that they have due regard to the appropriateness of and/or editorial justification for the inclusion in programme material of the following content:-
  - i. violence.
  - ii. sexual content.
  - iii. offensive language.
- 13.2 Broadcasters shall be alert to, and guard against, the use of offensive language in live programming and, where such incidents occur, take timely steps to minimise any offence caused, such as acknowledging, clarifying and/or apologising for the language used.

## 14. Protection from Harm

- 14.1 Broadcasters shall ensure that they take due care when broadcasting programme material containing characters, actions and personal circumstances with which audiences may identify and which can cause distress, particularly in relation to content such as sexual violence, self-harm or suicide behaviours, reconstructions of factual events and archive footage. Programme material of this nature shall be accompanied by some form of audience information or guidance, such as prior warnings.
- 14.2 Broadcasters shall ensure that they provide appropriate helpline contact details for the viewer or listener, where relevant, including telephone numbers to facilitate immediate contact with a helpline or hotline.
- 14.3 Broadcasters shall ensure that programme material does not encourage or favourably present the abuse of drugs, alcohol, or solvents or the use of illegal drugs. Depictions and/or descriptions of detailed methods and techniques for administering illegal drugs must have strong editorial justification for their inclusion.
- 14.4 Broadcasters shall ensure that they do not broadcast or make available material that encourages people to imitate acts which are damaging to their health and safety.
- 14.5 Broadcasters shall ensure that they take due care when broadcasting programme material that includes the simulation of news. Simulated news (for example in drama or in documentaries) must be broadcast in such a way that there is no reasonable possibility of the audience being misled into believing that they are listening to, or watching, actual news.
- 14.6 Broadcasters shall ensure that they treat with due care demonstrations of exorcism, the occult, the paranormal, divination (including fortune telling) or practices relating to any of these that purport, or may be thought, to be real. When such demonstrations are for entertainment purposes, this must be made clear to the audience.
- 14.7 Broadcasters shall ensure that demonstrations addressed by Section 14.6, whether purporting to be real or for entertainment purposes, shall not contain life-changing advice directed at an individual upon which they may reasonably be expected to act or rely. This does not apply to demonstrations which feature in films, drama or other fictional programming.
- 14.8 Broadcasters shall ensure that they take due care with regard to the manner in which hypnosis is conducted during a programme.
- 14.9 Broadcasters shall ensure that they provide prior warnings, as appropriate, for viewers with photo sensitive epilepsy in a manner which is clearly audible and visible.

## 15. Protection of Children

- 15.1 Broadcasters shall ensure that they take particular care when broadcasting programme material around programmes that are likely to be watched or listened to by children, or at times when children will normally hear or see it. This will include programme material broadcast before the watershed (in respect of television), during school runs, and during school holidays.
- 15.2 Broadcasters shall ensure that trailers and promotions for programming not reasonably regarded as suitable for children shall not be broadcast immediately before, during or after children's programming or before the watershed around children's programming.

In the case of **television broadcasters** only: -

- 15.3 Broadcasters shall ensure that they provide sufficient information to audiences about content which may impair the physical, mental or moral development of children. Television broadcasters shall use a system describing the potentially harmful nature of the content on their service/s. Information provided to audiences should be displayed at the beginning of a programme and, if appropriate to do so, after a programme returns from a commercial break.
- 15.4 Broadcasters shall take appropriate measures to ensure that programmes containing content which may impair the physical, mental or moral development of children, including, but not limited to:
  - (a) content consisting of pornography,
  - (b) content consisting of gratuitous violence, are only made available in such a way as to ensure that children will not normally hear or see them.
- 15.5 Appropriate measures may entail the use of some or all of the following protection mechanisms: -
  - a) the use of prior content warnings.
  - b) scheduling, including the use of the watershed.
  - c) other measures that achieve an equivalent outcome of the foregoing.
- 15.6 Broadcasters shall ensure that the measures they take are proportionate to the potential for the programme to harm children. Factors to consider include: -

- i. The likely degree of harm potentially caused by the programme content.
  - ii. The likelihood of children accessing the content.
  - iii. The nature of the service and its likely audience.
- 15.7 Broadcasters shall ensure that the most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures.

## **16. Respect for Persons and Groups in Society**

- 16.1 Broadcasters shall ensure that they do not broadcast any material which may reasonably be regarded as likely to incite to violence or hatred directed against a group of persons, or a member of a group, based on any of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the European Union,<sup>1</sup> namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation. Nationality constitutes such a ground without prejudice to the special provisions of the Treaty establishing the European Community and of the Treaty on European Union.
- 16.2 Broadcasters shall ensure that programme material only emphasises sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation when such references are justified, having regard to the provisions of this Code, in particular, the importance of context.
- 16.3 Broadcasters shall ensure that the use of terms, references and images that could reasonably be considered offensive to persons and groups in society and associated colloquial terms of abuse aimed at any group are only included where there is editorial justification for their inclusion in programming.
- 16.4 Broadcasters shall ensure that they show due respect for religious views, images, practices and beliefs in programme material. This is not intended to prevent the critical scrutiny of religion by means of information, drama or other programming.

## **17. Protection of the Public Interest**

- 17.1 Broadcasters shall not broadcast material which may reasonably be regarded as likely to promote, or incite to, crime or tending to undermine the authority of the State.

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<sup>1</sup> This includes but is not limited to members of the Traveller Community and Roma Communities.

- 17.2 Broadcasters shall not broadcast material which may reasonably be regarded as conduct falling within the concept of public provocation to commit a terrorist offence as set out in Article 5 of Directive (EU) 2017/541.
- 17.3 Broadcasters shall ensure that programme material does not encourage behaviour or views that are grossly prejudicial to the protection of the environment. Broadcasters are encouraged to inform audiences of current developments in respect of environmental matters in a manner that gives due weight to the balance of contemporary scientific knowledge.
- 17.4 Broadcasters shall ensure that a broadcasting service that has, as one of its principal objectives, the promotion of the interests of any organisation, protects the interests of the audience. These services shall meet the requirements of the Code.

## **18. Respect for Privacy<sup>2</sup>**

- 18.1 Broadcasters shall ensure that any encroachment on the privacy of an individual in a programme or in the means employed to make a programme is not unwarranted, having regard to the provisions of this Code, in particular, the protection of the public interest. Any such encroachment must be reasonable, proportionate and limited to the degree that is required to inform the audience in the public interest.
- 18.2 Broadcasters shall have due regard to the concept of individual consent and ensure that participants in a programme material are generally aware of the subject matter, context and the nature and format of their contribution so that their agreement to participate constitutes informed consent.
- 18.3 Broadcasters shall ensure that the personal data of children collected or otherwise generated by broadcasters is not processed for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising.
- 18.4 Broadcasters shall have due regard to the particular considerations that apply in the case of a vulnerable person or a child under 16 years of age, to ensure that the privacy of such persons is never unreasonably encroached upon. Vulnerable people are individuals whose personal circumstances or well-being require that extra care be taken.
- 18.5 Broadcasters shall ensure that they obtain consent where programme material, or the means employed to make programme material, directly involves a vulnerable person or a child less than 16 years of age. Consent should be sought from the vulnerable person or child, if possible, and from a parent, guardian, nominated representative or person responsible for the primary care of a vulnerable person or a child. It will not be

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<sup>2</sup> Section 18 (Respect for Privacy) applies to all programme materials. There are additional provisions with respect to news and current affairs content and these are set out in the Code of Fairness, Objectivity and Impartiality in News and Current Affairs.

necessary to obtain consent if the subject matter is trivial or the participation is minor or, based on other factors, it is warranted to proceed without consent, having regard to the provisions of this Code.

- 18.6 Broadcasters shall give due consideration to indications of withdrawal of consent, having regard to the provisions of the Code, in particular, the protection of the public interest and other circumstances that may arise, such as contractual relationships.
- 18.7 Broadcasters shall ensure that the re-use of material, for use in different programme material or for another purpose, does not unreasonably encroach on the privacy of an individual.
- 18.8 Broadcasters shall have due regard to the impact that coverage and repeated coverage of death may have on the families and friends of the deceased.
- 18.9 Broadcasters shall have due regard to the particular considerations that apply when filming in situations of emergency or when filming victims of accidents or those suffering personal tragedy, in order to ensure that the privacy of such persons is not unreasonably encroached upon.
- 18.10 Broadcasters shall ensure that surreptitious filming or recording is only used where it is warranted.



## Appendix

### Guidance

### Undue Offence and Harm

The Act states that a broadcaster shall not broadcast anything which may reasonably be regarded as causing harm or undue offence. This document provides non-binding guidance to broadcasters on the application of these terms in the context of the requirements of the Code of Programme Standards

Matters which cause **offence** can, and frequently do, differ from person to person and are largely subjective in their nature. It is unavoidable that a programme service that captures the full richness of life and seeks to address the entire range of topics of concern to the audience may be a source of offence to some.

There can be no guarantee that programme material will be free from offence. There is no right not to be offended and, for broadcasters, it is to be expected that, in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.

However, while still subjective, **undue offence** can be considered to be programme material that, taking into account contextual factors such as editorial justification and the public interest, amongst others, could still be regarded as having crossed a line that has resulted in an individual or group of individuals being caused to suffer serious or widespread offence, beyond what can reasonably be justified.<sup>3</sup>

**Harm** is less subjective. Harmful material is material that may cause mental, psychological or physical harm. Individuals should not be harmed by programme material and the Code aims to prevent harm to viewers and listeners, in particular children. While parents and guardians have primary responsibility for content that children access on television and / or radio, broadcasters can, in order to prevent harm to children, support the parent / guardian relationship with their child / children by scheduling responsibly and through general compliance with this Code.

While acknowledging that harm and undue offence are two distinct concepts, content that has caused undue offence can become harmful in certain circumstances.

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<sup>3</sup> Matters that may cause serious or widespread offence are detailed below.

In assessing whether programme material may reasonably be regarded as causing harm and/or undue offence, broadcasters may have regard to the following non-exhaustive matters: -

### **Harm and Undue Offence**

In the case of both **harm** and **undue offence**: -

- the content of the programme material broadcast.
- the relevant contextual factors relating to the broadcast of the programme material.
- the extent to which the programme material does not comply or adhere to the obligations of this Code.

### **Harm**

In the case of **harm**: -

- the likelihood that the programme material may reasonably be regarded as causing harm to any individual or group of individuals, including: -
  - the extent to which the programme material or similar material has previously caused mental, moral or physical harm to an individual or group of individuals.
  - the extent to which the programme material has unreasonably encroached upon the privacy of an individual/s.
  - the extent to which strong language, violence (including gratuitous violence) and sexual behaviour (or other content that might impair the mental, moral or physical development of children) included in programme material has been inappropriately scheduled such that children are likely to see or hear it.
  - the extent to which the programme material would reasonably be expected to impact negatively on an individual/s, because of their prior experiences, and that is shown without prior warnings, such as programme material featuring suicide, self-harm and sexual violence.
  - the extent to which the programme material would reasonably be considered to support or condone discrimination contrary to the Equal Status Act 2000 and/or the Charter of Fundamental Rights of the European Union.
  - the extent to which the programme material would reasonably be considered to incite to violence or hatred directed against a group of persons, or a member of a group, based on any of the grounds referred to in Article 21 of the European Charter of Fundamental Rights. Namely, on the grounds of sex, race, colour, ethnic or social origin, genetic features, language,

religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation.

- the extent to which the programme material would reasonably be considered to support or condone crime including violent, dangerous or seriously antisocial behaviour or undermine the authority of the State.

In the case of **undue offence**, the likelihood that the programme material may reasonably be regarded as causing undue offence to any individual or group of individuals, including: -

- the extent to which the programme material or similar material has previously caused **serious offence** to any individual or to an individual or group of individuals because of: -
  - the inclusion in programme material of demeaning, hostile, abusive, derogatory or discriminatory language and/or representations about an individual or group of individuals without there being a strong editorial justification for this programme material. Particular care is required with respect to language and representations of individuals or groups of individuals, based on the grounds referenced in Article 21 of the Charter of Fundamental Rights of the European Union or the Equal Status Act 2000.
- the extent to which the programme material or similar material has previously caused **widespread offence** because, for example, it has offended the prevailing values in Irish society around content that might cause particular harm or offence, including violent or sexual content or content containing offensive language. While the volume of complaints made about programme material may be a relevant factor when considering whether it has caused widespread offence, this is not likely to be a determinant factor.
- the extent to which the broadcast of the programme material is in the public interest.

**AN CEATHRÚ SCEIDEAL - CÓD COTHROIME,  
OIBIACHTÚLACHTA AGUS NEAMHCHLAONTACHTA SA  
NUACHT AGUS I GCÚRSAÍ REATHA**



**Coimisiún  
na Meán**

**Media Service Code**

**Code of Fairness, Objectivity &  
Impartiality in News and  
Current Affairs**

**(Radio and Television  
Broadcasters)**

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# Contents

1. Introduction	45
2. Scope and Jurisdiction	45
3. Purpose and Preparation of the Code	45
4. Regulatory Principles Relevant to the Code	46
5. Severability	47
6. Waiver	48
7. Compliance and Enforcement	48
8. Complaints	48
9. Guidance	49
10. Definitions	49
11. Code Objectives	50
12. General Obligations	50
13. Fairness	51
14. Objectivity & Impartiality	53
15. Election & Referendum Coverage	55
16. General	55

## 1. Introduction

- 1.1 Pursuant to Section 46N(1) of the Broadcasting Act 2009, as amended by the Online Safety and Media Regulation Act 2022, (the “**Act**”) Coimisiún na Meán (the “**Commission**”) may make codes (“**media service codes**”) governing the standards and practices of broadcasters and providers of audiovisual on-demand services.
- 1.2 Pursuant to Sections 46N(2)(a) and (b) of the Act, the Commission may make media service codes providing for standards and practices to ensure that broadcasters comply with Sections 46K and 46L(1) to (3) of the Act.
- 1.3 In accordance with its statutory duties and obligations set out above, the Commission has prepared this media service code (the “**Code**”).
- 1.4 Pursuant to Section 46N(11)(b) of the Act, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs dated 1 July 2013 was continued in force with the establishment of the Commission.
- 1.5 The Code replaces the 2013 BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which will be revoked as of 6 December 2024, being the date this Code takes effect.

## 2. Scope and Jurisdiction

- 2.1 The Code applies only to broadcasters (as defined in this Code) that are under the jurisdiction of the State within the meaning of Section 2A of the Act.

## 3. Purpose and Preparation of the Code

### Purpose

- 3.1 The purpose of the Code is to ensure that broadcasters that are under the jurisdiction of the State comply with the duties set out under Sections 46K and 46L(1) to (3) of the Act.

### Preparation of the Code

- 3.2 Pursuant to Section 46N(6) of the Act, the Commission has had regard to the following matters when preparing the Code: -
  - the degree of harm or offence likely to be caused by the inclusion of a particular matter in programme material.
  - the likely size and composition of the potential audience for programme material.

- the likely expectation of the audience as to the nature of programme material, and the extent to which the nature of the programme material can be brought to the attention of potential members of the audience.
  - the likelihood of persons who are unaware of the nature of programme material being unintentionally exposed to it by their own actions.
  - the desirability of securing that the provider of a broadcasting service informs the Commission of any change affecting the nature of the service and, in particular, of any change relevant to the application of media service codes.
  - the desirability of maintaining the independence of editorial control over programmes.
- 3.3 The Code has been prepared in accordance with the procedures provided for by Section 46Q of the Act.

## **4. Regulatory Principles Relevant to the Code**

- 4.1 In its interpretation, application and enforcement of the Code, the Commission must, in accordance with its public law duties, act lawfully, rationally and fairly.
- 4.2 More particularly, the Commission must act in accordance with:
- its general statutory objectives and functions under the Act.
  - the rights conferred by the Constitution, the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights insofar as applicable under the European Convention on Human Rights Act 2003 and the EU Treaties.
- 4.3 In its interpretation of the Code, the Commission will have due regard to the freedom of expression conferred under Article 40.6.1 of the Constitution, Article 11 of the Charter of Fundamental Rights of the European Union, and Article 10 of the European Convention on Human Rights.
- 4.4 Section 7(2) of the Act provides that, in performing its functions, the Commission shall endeavour to ensure that the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld, and that the interests of the public, including the interests of children, are protected, with particular commitment to the safety of children. The Commission shall also endeavour to ensure the Commission's policies in relation to broadcasting services best serve the needs of the people of the island of Ireland.

4.5 In addition, the Commission must endeavour to ensure that its regulatory arrangements (i) address programme material and other content which are harmful or illegal; (ii) take account of technological and societal change; and (iii) operate proportionately, consistently and fairly.

4.6 Section 7(3) of the Act provides that, in addition, the Commission shall, inter alia:

- stimulate the provision of high quality, diverse, and innovative programmes by providers of broadcasting services.
- provide a regulatory environment that will sustain independent and impartial journalism.
- promote and encourage environmental sustainability in the policies and practices of broadcasting services.
- engage in evidence-based decision-making in the exercise of its functions, and promote evidence-based decision-making by those with which it consults.
- encourage compliance with the provisions of the Act, and the provisions of any code, rule or other statutory instrument made under it, in any manner the Commission considers appropriate, including by the publication of guidance as to how those provisions may be complied with.

4.7 Pursuant to Section 7(4) of the Act, in performing its functions, the Commission shall have regard to:

the safety of children, and published policies of the Minister for Children, Equality, Disability, Integration and Youth in respect of that matter; the regulation of gambling, and published policies of the Minister for Justice in respect of that matter; climate change and environmental sustainability, and published policies of the Minister for the Environment, Climate and Communications in respect of that matter; and published policies of the Government in respect of any of those matters.

## 5. Severability

5.1 If any provision of the Code is found to be unlawful, invalid, prohibited, unenforceable or inapplicable (either generally or with respect to a particular broadcaster) in any respect, on the basis of any law (including the Constitution and European law), such finding shall not affect the lawfulness, validity, enforceability or applicability of any other provision of the Code or part thereof, unless the finding is declared to be applicable to such other provision or part thereof, or the same is the subject of the relief granted by a court.



- 5.2 Without prejudice to the foregoing, all of the other provisions and/or parts of the Code shall remain fully effective, applicable and enforceable. To the extent necessary, any provision or part of the Code, found to be unlawful, invalid, prohibited, unenforceable or inapplicable, shall be severed from the Code.

## **6. Waiver**

- 6.1 The fact that the Commission does not respond to or comment upon any submission, assessment, proposal, report, compatibility statement or any analogous document submitted to it by a broadcaster shall not be deemed to be an acceptance or approval of the contents of any part of the same and shall not imply that the broadcaster has complied with its obligations under the Act and/or the Code.
- 6.2 Without prejudice to the foregoing, the fact that the Commission does not respond or comment on any such document shall not create an estoppel against, or constitute a waiver by, the Commission of any of its powers or rights pursuant to the Act and/or the Code.

## **7. Compliance and Enforcement**

- 7.1 Pursuant to Section 46N(10) of the Act, a failure by a broadcaster to comply with the Code shall be a contravention for the purposes of Part 8B of the Act.
- 7.2 A broadcaster shall ensure that it has systems and controls in place to demonstrate compliance with the obligations contained in this Code.
- 7.3 Pursuant to Section 47(3) of the Act, a broadcaster is required to prepare and implement a code of practice for the handling of complaints relating to, among other obligations, the failure of the broadcaster to comply with a media service code.

## **8. Complaints**

- 8.1 A person may make a complaint if they believe a broadcaster has not complied with this Code. Coimisiún na Meán advises complainants to make their complaint to the broadcaster in the first instance as this is the quickest way to have a complaint considered and responded to.
- 8.2 Information on the complaints handling process, including Coimisiún na Meán's process, is available on our website ([www.cnam.ie](http://www.cnam.ie)) or you can contact Coimisiún na Meán on +353 1 963 7755 or at [usersupport@cnam.ie](mailto:usersupport@cnam.ie).

## 9. Guidance

- 9.1 The Commission may provide general non-binding guidance regarding the provisions of the Code on request or as and when it is deemed necessary. The Commission reserves the right to publish and amend guidance from time to time as it sees fit.
- 9.2 Requests for guidance must include the relevant material linked to the request for guidance. The request should clearly state the section(s) of the Code, which the requestor believes are relevant, and set out the specific question about which the requestor would like a view. The Commission accepts no liability for any decision (or consequences arising therefrom) made following receipt of non-binding general guidance from the Commission.

## 10. Definitions

Terms not defined below have the meanings given by the Act.

**“broadcast”** means the transmission, relaying or distribution by electronic communications network of communications, sounds, signs, visual images or signals, intended for direct reception by the general public whether such communications, sounds, signs, visual images or signals are actually received or not.

**“broadcaster”** means a provider of sound broadcasts or television broadcasts as defined in this Code.

**“broadcasting service”** means a service which comprises a compilation of programme material of any description and which is transmitted, relayed or distributed by means of an electronic communications network, directly or indirectly for simultaneous or nearsimultaneous reception by the general public, whether that material is actually received or not, and where the programmes are provided in a pre-scheduled and linear order, but does not include:

- (a) a service provided in a non-linear manner where each user of the service chooses a programme from a catalogue of programmes, or
- (b) any other service which is provided by way of the internet, if the service does not provide audiovisual programmes.

**“child” or “children”** means person or persons under the age of 18 years.

**“programme”** means (a) a set of moving images with or without sound or (b) audio material, in each case constituting an individual item, irrespective of its length, within a schedule or a catalogue established by a media service provider, including feature-length films, video clips, sports events, situation comedies, documentaries, children’s programmes and original drama.

**“sound broadcasting service” or “sound broadcast”** means a service, within the meaning of Articles 56 and 57 of the Treaty on the functioning of the European Union, where-

- (a) the principal purpose of the service is devoted to providing sound programmes, by electronic communications networks, to the general public, under the editorial responsibility of the provider of the service, in order to inform, entertain or educate, and
- (b) the service is provided for simultaneous or near-simultaneous listening to sound programmes on the basis of a programme schedule.

**“television broadcasting” or “television broadcast”** (i.e. a linear audiovisual media service) means an audiovisual media service provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule.

## 11. Objectives

11.1 The objectives of the Code are: -

- a) To set out clearly the minimum standards and practices that are expected of broadcasters in their treatment and broadcast or availability of news and current affairs content.
- b) To promote independent and impartial journalism in the provision of news and current affairs content.
- c) To inform and generate awareness among the public with regard to standards they may expect in relation to news and current affairs content.
- d) To protect the interests of the public, in their right to access fair, objective and impartial, news and current affairs content.
- e) To ensure news and current affairs content complies with applicable Irish and European legislation and has regard to international conventions.

## 12. General Obligations

- 12.1 In their treatment of news and current affairs content, including matters which are either of public controversy or the subject of current public debate, broadcasters shall comply with Section 46L of the Act.
- 12.2 In their treatment of news and current affairs content, including matters which are either of public controversy or the subject of current public debate, broadcasters shall comply with the following general obligations.

## ***Fairness***

12.2.1 Broadcasters shall ensure that individuals and organisations that are the subject of news and current affairs content, or persons who contribute to news and current affairs programmes or items, are treated fairly and honestly.

## ***Objectivity & Impartiality***

12.2.2 Broadcasters shall ensure that news and current affairs content is compiled, produced and presented in a manner which is and can be seen as independent, unbiased, and without prejudgement.

## ***Accuracy & Responsiveness***

12.2.3 Broadcasters shall ensure that coverage of news and current affairs is accurate. Accuracy shall always take priority over the speed with which content can be delivered.

12.2.4 Where, despite best efforts, inaccurate information is conveyed, providers of broadcasts shall ensure that fair, timely and appropriate remedies are adopted in respect of the broadcast or availability of inaccurate information.

## ***Transparency & Accountability***

12.2.5 Broadcasters shall ensure that practices and procedures adopted in the sourcing, compilation, production and presentation of news and current affairs are visible, open to scrutiny, robust and accessible. This is particularly the case where a decision to broadcast or make available certain content may impact on an individual's privacy.

12.2.6 Section 12.2.5 shall not place an obligation on broadcasters or their editorial staff to disclose information related to or capable of identifying journalistic sources or confidential communications or oblige any persons who, because of their regular or professional relationship with a broadcaster or its editorial staff, might have such information to disclose it.

# **13. Fairness**

13.1 In the normal course of events, broadcasters shall ensure that interviewees for news and current affairs content are made aware of the subject matter and the nature and format of their contribution, so that their agreement to participate constitutes informed consent.

13.2 A broadcaster shall not generally broadcast or make available any news or current affairs interview with any person without the consent of that person. The broadcast or provision of any news or current affairs content in the absence of consent must be editorially justified. Requests for withdrawal of consent shall be given due consideration

by the broadcaster having regard to the public interest, natural justice and the principles of fairness, objectivity and impartiality.

- 13.3 Care shall always be taken with the inclusion of interviews with children or vulnerable people in news or current affairs content. In all cases, the over-riding principle must be to avoid the broadcast or availability of material that may be unfair or detrimental to their best interests.
- 13.4 The consent of a parent, guardian or legal representative shall generally be obtained prior to the broadcast or availability of any interview with a child less than 16 years of age or a vulnerable person, where the subject matter is of a sensitive or serious matter or where not to do so could be deemed unfair. A decision to broadcast or make available an interview in the absence of such consent must be justified in the public interest.
- 13.5 Where a person or organisation refuses to contribute to news or current affairs content or chooses to make no comment, the content shall make this fact clear and shall report in a reasonable manner the person/organisation's explanation for declining to participate, where not to do so could be deemed unfair.
- 13.6 The refusal of a person or organisation to participate in a programme will not preclude the broadcast or availability of news or current affairs content. However, the broadcaster has a responsibility to reflect, as far as practicable, the views of the absent party and to do so fairly.
- 13.7 The editing process shall not distort the context or meaning of the original interview.
- 13.8 A broadcaster shall ensure that the re-use of any material in a news or current affairs context, including the use of archive material, does not create unfairness or result in inaccuracies.
- 13.9 The re-construction or re-enactment of an event in news or current affairs content shall be clearly identified as such and should be authentic in its depiction of the event(s) in question.
- 13.10 The use of secret or undisclosed recording or filming in current affairs content shall only be used in exceptional circumstances. It must be warranted, and a broadcaster shall have appropriate procedures in place for the authorisation of such recordings at the most senior editorial level. Such authorisation shall be in writing.

The following considerations are essential elements in determining if secret or undisclosed recording or filming is warranted:

- the item being covered is demonstrably in the public interest and the provider of the broadcasting service has evidence of matter that merits coverage;
- the co-operation of the subject is unlikely to be forthcoming; and

- there is reason to believe that coverage of the subject matter will be frustrated as the content cannot reasonably be obtained by other means.

13.11 Any person secretly filmed or recorded shall be afforded the opportunity to participate in the news or current affairs content that will include the recording if, in the opinion of the provider of the broadcasting service, not affording the opportunity to participate would be unfair to that person.

13.12 By its nature, a direct unarranged approach (“door-stepping”) to an interviewee may contravene fairness. However, in appropriate circumstances it may be justifiable to dispense with the normal practice of making arrangements for an interview directly with an interviewee, or with a representative, and with suitable notice.

“Door-stepping” may be appropriate in circumstances where:

- the item being covered is demonstrably in the public interest;
- the interviewee is unlikely to co-operate if approached in the normal way; and
- the approach to the individual(s) is necessary to the authenticity and credibility of the content in question.

13.13 A broadcaster shall have in place appropriate policies and procedures for handling contributions via social media.

13.14 Any undertaking given to a contributor relating to confidentiality or anonymity shall be clear and be honoured. Any associated audio-visual techniques utilised in both filming and editing shall be carefully applied to ensure complete confidentiality is achieved and commitments given are fully honoured.

## **14. Objectivity & Impartiality**

14.1 News and current affairs content shall be presented with due accuracy, having regard to the circumstances and the facts known at the time of preparing and broadcasting or making available the content.

14.2 Two, or more, related programmes may be considered as a whole if the programmes are transmitted or made available within a reasonable time period and reasonable efforts are made to inform audiences of the related programme.

14.3 Views and facts shall not be misrepresented or presented in such a way as to render them misleading. Presenters should be sensitive to the impact of their language and tone in reporting news and current affairs so as to avoid misunderstanding of the matters covered.

- 14.4 A significant mistake shall be acknowledged and rectified by a broadcaster as speedily as possible, in an appropriate and proportionate manner. A correction or clarification shall have regard to the time and circumstances of the original broadcast. In the case of a correction or clarification the broadcaster shall have regard to the prominence and level of original mistake.
- 14.5 A news presenter and/or a reporter in a news programme may not express his or her own view on matters that are either of public controversy or the subject of current public debate. However, a broadcaster may express its view on a proposal concerning a policy with regard to broadcasting which is of public controversy or the subject of current public debate and is being considered by the Government or the Minister.
- 14.6 It is an important part of the role of a presenter of a current affairs programme to ensure that the audience has access to a wide variety of views on the subject of the programme or item; to facilitate the expression of contributors' opinions – sometimes by forceful questioning; and to reflect the views of those who cannot, or choose not to, participate in content. This being so, a presenter and/or a reporter on a current affairs programme shall not express his or her own views on matters that are either of public controversy or the subject of current public debate such that a partisan position is advocated.
- 14.7 'Personal view' or 'authored' current affairs segments or programmes can be appropriate, subject to normal editorial controls. This does not exempt the segment or programme – or a series of related segments/programmes – from the broadcaster's statutory obligations to be impartial, objective and fair to all interests concerned. Similarly, an 'authored' item or programme may be permitted if part of a series of related segments/programmes which, taken together, will discharge the statutory obligations.
- 14.8 A 'personal view' or 'authored' programme or segment shall be clearly signalled to the audience at the outset, or, in the case of a series of segments or programmes, at the start of each one.
- 14.9 A broadcaster shall have and implement appropriate policies and procedures to address any conflicts of interests that may exist or arise in respect of anyone with an editorial involvement in any news or current affairs content, whether such person appears in the content or part of its production.
- 14.10 Any personal, professional, business or financial interest of anyone with an editorial involvement in news or current affairs content that calls into question (or that might reasonably be perceived as calling into question) the fairness, objectivity or impartiality of a programme or item, shall be brought to the attention of the audience. To this end, a broadcaster shall satisfy itself that it is in a position to be aware of the relevant

interests of the personnel concerned, and to determine whether the interest concerned is of such extent as would warrant the withdrawal of any person from further involvement in the item or programme.

## **15. Election & Referendum Coverage**

- 15.1 Coverage of any elections or referendums held within the State shall comply with guidelines or codes of practice issued from time to time by the Commission.

## **16. General**

- 16.1 A broadcaster shall take appropriate measures to ensure they adhere to all legislative requirements when sourcing, compiling, producing and presenting news and current affairs content.



## AN CÚIGIÚ SCEIDEAL

An Cód Seirbhíse Meán agus Rialacha maidir le Seirbhís na Meán  
(Soláthraithe na Seirbhíse Meán Closamhairc ar Éileamh)



Coimisiún  
na Meán

# Media Service Code and Media Service Rules

## Audiovisual On-demand Media Service Providers

Publication date: November 2024

# Contents

<b>1. Introduction</b>	<b>58</b>
<b>2. Scope and Jurisdiction</b>	<b>58</b>
<b>3. Purpose, Preparation, and Application of the Code and Rules</b>	<b>59</b>
Purpose	59
Preparation of the Code and Rules	59
<b>4. Regulatory Principles Relevant to the Code and Rules</b>	<b>60</b>
General Statutory Objectives and Functions	60
Specific Statutory Objectives	61
<b>5 Severability</b>	<b>61</b>
<b>6 Waiver</b>	<b>62</b>
<b>7 Compliance and Enforcement</b>	<b>62</b>
<b>8 Complaints and Information</b>	<b>63</b>
<b>9 Guidance</b>	<b>63</b>
<b>10 Definitions – Media Service Code &amp; Media Service Rules</b>	<b>64</b>
Media Service Code Provisions	66
<b>11 Harmful Content</b>	<b>66</b>
<b>12 Rights to Cinematographic Works</b>	<b>68</b>
<b>13 Audiovisual Commercial Communications</b>	<b>68</b>
<b>14 Sponsorship</b>	<b>70</b>
<b>15 Product Placement</b>	<b>71</b>
Media Service Rules Provisions	72
<b>16 Accessibility of audiovisual on-demand services</b>	<b>72</b>
Guidance	74

# 1. Introduction

- 1.1 Pursuant to Section 46N(1) and Section 46O(1) and (5) of the Broadcasting Act 2009, as amended by the Online Safety and Media Regulation Act 2022, (the “**Act**”) Coimisiún na Meán (the “**Commission**”) may make codes and rules (“**media service codes**” and “**media service rules**”) governing the standards and practices of broadcasters and providers of audiovisual on-demand media services.
- 1.2 Pursuant to Section 46N(5) of the Act, the Commission shall make media service codes providing for the matters required to be provided for by Articles 5, 6(1), 6a(1) to (3), 7b, 8, 9, 10 and 11 of Directive (EU) 2010/13 (as amended by Directive (EU) 2018/1808) (the “**Audiovisual Media Services Directive**”) (except in so far as provision is made by media service rules).
- 1.3 Pursuant to Section 46O(9) of the Act, media service rules shall provide for the matters required to be provided for by Articles 6(1), 6a(1), 7, 7b, 8, 9, 10, 11, Chapter VI and Articles 23(2), 24 and 25 of the Audiovisual Media Services Directive (except in so far as provision is made by media service codes).
- 1.4 In accordance with its statutory duties and obligations set out above, the Commission has prepared this media service code (the “**Code**”) and these media service rules (the “**Rules**”).<sup>1</sup> The Code and Rules shall take effect on the 5 November 2024.

# 2. Scope and Jurisdiction

- 2.1 The Code and Rules gives effect to Articles 5, 6(1), 6a(1) to (3), 7, 8, 9, 10, and 11 of the Audiovisual Media Services Directive in Ireland, in so far as they relate to audiovisual ondemand media services.
- 2.2 The Code and Rules apply, accordingly, to media service providers providing audiovisual on-demand media services.
- 2.3 The Code and Rules apply only to media service providers providing audiovisual ondemand media services that are under the jurisdiction of the State within the meaning of Section 2A of the Act.

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<sup>1</sup> Coimisiún na Meán recognises the role of the On-Demand Audiovisual Services Group (“ODAS”) and their Code of Conduct in providing a regulatory framework for media service providers of on-demand services prior to the introduction of the Code and Rules. Following publication of the Code and Rules, the statutory basis for the ODAS Code of Conduct will be revoked via a Statutory Instrument. Coimisiún na Meán will continue its ongoing engagement with members of the ODAS group as part of its regulatory engagement with the wider on-demand sector.

### 3. Purpose, Preparation, and Application of the Code and Rules

#### *Purpose*

- 3.1 The purpose of the Code and Rules is to ensure that media service providers providing audiovisual on-demand media services that are under the jurisdiction of the State comply with the requirements of Articles 5, 6(1), 6a(1) to (3), 7,8, 9, 10, and 11 of the Audiovisual Media Services Directive.

#### *Preparation of the Code and Rules*

- 3.2 Pursuant to Section 46N(6) of the Act, the Commission has had regard to the following matters when preparing the Code: -

- the degree of harm or offence likely to be caused by the inclusion of a particular matter in programme material.
- the likely size and composition of the potential audience for programme material.
- the likely expectation of the audience as to the nature of programme material, and the extent to which the nature of the programme material can be brought to the attention of potential members of the audience.
- the likelihood of persons who are unaware of the nature of programme material being unintentionally exposed to it by their own actions.
- the desirability of securing that the provider of a broadcasting service or an audiovisual on-demand media service informs the Commission of any change affecting the nature of the service and, in particular, of any change relevant to the application of media service codes.
- the desirability of maintaining the independence of editorial control over programmes.

- 3.3 The Code and Rules have been prepared in accordance with the procedures provided for by Section 46Q of the Act.

## 4. Regulatory Principles Relevant to the Code and Rules

- 4.1 In its interpretation, application and enforcement of the Code and Rules, the Commission must, in accordance with its public law duties, act lawfully, rationally and fairly.
- 4.2 More particularly, the Commission must act in accordance with:
- its general statutory objectives and functions under the Act.
  - the specific statutory objectives underpinning the Code and Rules.
  - the rights conferred by the Constitution, the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights insofar as applicable under the European Convention on Human Rights Act 2003 and the EU Treaties.
- 4.3 In its interpretation and application of the Code and Rules, the Commission will have due regard to:
- the State’s ratification of the United Nations Convention on the Rights of Persons with Disabilities, in particular Articles 9 (Accessibility), Article 21 (Freedom of expression), and Article 30 (Participation in cultural life, recreation, leisure, and sport).
  - the provisions of the European Accessibility Act and S.I. No. 636/2023 – European Union (Accessibility Requirements of Products and Services) Regulations 2023 (scheduled to come into operation on 28 June 2025).

### ***General Statutory Objectives and Functions***

- 4.4 Section 7(2) of the Act provides that, in performing its functions, the Commission shall endeavour to ensure that the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld, and that the interests of the public, including the interests of children, are protected, with particular commitment to the safety of children. The Commission shall also endeavour to ensure the Commission’s policies in relation to audiovisual on-demand media services best serve the needs of the people of the island of Ireland as regards people with disabilities, and their requirements for accessibility to those services.

4.5 In addition, the Commission must endeavour to ensure that its regulatory arrangements (i) address programme material and other content which are harmful or illegal; (ii) take account of technological and societal change; and (iii) operate proportionately, consistently and fairly.

4.6 Section 7(3) of the Act provides that, in addition, the Commission shall, inter alia:

- stimulate the provision of high quality, diverse, and innovative programmes by providers of audiovisual on-demand media services.
- promote and encourage environmental sustainability in the policies and practices of providers of audiovisual on-demand media services.
- engage in evidence-based decision-making in the exercise of its functions, and promote evidence-based decision-making by those with which it consults.
- encourage compliance with the provisions of the Act, and the provisions of any code, rule or other statutory instrument made under it, in any manner the Commission considers appropriate, including by the publication of guidance as to how those provisions may be complied with.

4.7 Pursuant to Section 7(4) of the Act, in performing its functions, the Commission shall have regard to: the safety of children, and published policies of the Minister for Children, Equality, Disability, Integration and Youth in respect of that matter; the regulation of gambling, and published policies of the Minister for Justice in respect of that matter; climate change and environmental sustainability, and published policies of the Minister for the Environment, Climate and Communications in respect of that matter; and published policies of the Government in respect of any of those matters.

### ***Specific Statutory Objectives***

4.8 Pursuant to Section 46N(5) and Section 46O(9) of the Act it is the objective of the Code and the Rules to ensure that media service providers that provide audiovisual on-demand media services and are under the jurisdiction of the State comply with the requirements of Articles 5, 6(1), 6a(1) to (3), 7, 8, 9, 10, and 11 of the Audiovisual Media Services Directive.

## **5. Severability**

5.1 If any provision of the Code and Rules is found to be unlawful, invalid, prohibited, unenforceable or inapplicable (either generally or with respect to a particular media service provider(s)) in any respect, on the basis of any law (including the Constitution

and European law), such finding shall not affect the lawfulness, validity, enforceability or applicability of any other provision of the Code and Rules or part thereof, unless the finding is declared to be applicable to such other provision or part thereof, or the same is the subject of the relief granted by a court.

- 5.2 Without prejudice to the foregoing, all of the other provisions and/or parts of the Code and Rules shall remain fully effective, applicable and enforceable. To the extent necessary any provision or part of the Code and Rules, found to be unlawful, invalid, prohibited, unenforceable or inapplicable, shall be severed from the Code and Rules.

## **6. Waiver**

- 6.1 The fact that the Commission does not respond to or comment upon any submission, assessment, proposal, report, compatibility statement or any analogous document submitted to it by an on-demand audiovisual media service provider, included on the register of on-demand audiovisual media service providers created by the Commission in accordance with the Act, shall not be deemed to be an acceptance or approval of the contents of any part of the same and shall not imply that the media service provider has complied with its obligations under the Act and/or the Code and Rules.
- 6.2 Without prejudice to the foregoing, the fact that the Commission does not respond or comment on any such document shall not create an estoppel against, or constitute a waiver by, the Commission of any of its powers or rights pursuant to the Act and/or the Code and Rules.

## **7. Compliance and Enforcement**

- 7.1 Pursuant to Sections 46N(10) and 46O(11) of the Act, a failure by an audiovisual media service provider to comply with the Code or Rules shall be a contravention for the purposes of Part 8B of the Act.
- 7.2 An audiovisual media service provider shall ensure that they have systems and controls in place to demonstrate compliance with the obligations contained in the Code and Rules.
- 7.3 Pursuant to Section 47(3) of the Act, media service providers providing an audiovisual ondemand media service are required to prepare and implement a code of practice for the handling of complaints relating to the failure of the media service provider to comply with a media service code or media service rules.

## 8. Complaints and Information

- 8.1 A person may make a complaint if they believe that a media service provider of on-demand services has not complied with this Code and Rules.

In this respect and having regard to the obligation under Article 7 of the Audiovisual Media Services Directive for each Member of the European Union to designate a singly, easily accessible, including by persons with disabilities, and publicly available online point of contact for providing information and receiving complaints regarding any accessibility issues, the Commission has established a Contact Centre for handling queries, and receiving complaints regarding any accessibility issues.

Information on the complaints handling process is available on our website ([www.cnam.ie](http://www.cnam.ie)) or you can contact Coimisiún na Meán's Contact Centre on + 353 1 963 7755 or at [usersupport@cnam.ie](mailto:usersupport@cnam.ie).

- 8.2 The Commission advises complainants to make their complaint to the media service provider of on-demand services in the first instance as this is the quickest way to have a complaint considered and responded to.<sup>2</sup>

## 9. Guidance

- 9.1 The Commission may provide general non-binding guidance regarding the provisions of the Code and Rules on request or as and when it is deemed necessary. The Commission reserves the right to publish and amend guidance from time to time as it sees fit.
- 9.2 Requests for guidance must include the relevant material linked to the request for guidance. The request should clearly state the sections(s) of the Code and Rules, which the requestor believes are relevant, and set out the specific question about which the requestor would like a view.
- 9.3 The Commission accepts no liability for any decision (or consequences arising therefrom) made following receipt of non-binding guidance from the Commission.

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<sup>2</sup> In the case of commercial communications, a non-statutory complaints process is operated by the Advertising Standards Authority (ASA). The ASA assesses complaints against its Code of Standards for Advertising and Marketing Communications in Ireland – see <https://adstandards.ie> for more information. Similar complaint processes are operated in other European Member states by other members of the European Advertising Standards Alliance (see <https://www.easa-alliance.org/>).



## 10. Definitions – Media Service Code & Media Service Rules

**“access services”** means subtitling, captioning, sign language (including Irish Sign Language in the case of services targeting Irish audiences) and audio description as defined in this Code and Rules.

**“audio description”** means a commentary that gives audiences who are visionimpaired a verbal description of what is happening on the screen at any given moment. It is provided as an aid to the understanding and enjoyment of the programme. The technique uses a second sound track that gives a description of the programme content and the on-screen action.

**“audiovisual commercial communication”** means a commercial communication consisting of images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal person pursuing an economic activity; such images accompany, or are included in, a programme or usergenerated video in return for payment or for similar consideration or for selfpromotional purposes. Forms of audiovisual commercial communication include, inter alia, television advertising, sponsorship, teleshopping and product placement.

**“audiovisual media service”** means:

- (a) a service, within the meaning of Articles 56 and 57 of the Treaty on the Functioning of the European Union, where -
  - (i) the principal purpose of the service is devoted to, or
  - (ii) the principal purpose of a dissociable section of the service is devoted to, providing audiovisual programmes, by electronic communications networks, to the general public, under the editorial responsibility of the provider of the service, in order to inform, entertain or educate, or
- (b) an audiovisual commercial communication.

**“audiovisual on-demand media service (on-demand service)”** means an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider.

**“captioning”** means on-screen text that represents what is being said on the screen. However, while similar to subtitling, it is not as sophisticated and entails a more basic representation of what is being said on screen, sometimes having only one colour, verbatim and can have the text only in upper case.

**“child or children”** means a person or persons under the age of 18 years.

**“editorial responsibility”** means the exercise of effective control both over the selection of the programmes and over their organisation either in a chronological schedule, in the case of television broadcasts, or in a catalogue, in the case of ondemand audiovisual media services.

Editorial responsibility does not necessarily imply any legal liability under national law for the content or the services provided.

**“electronic communications network”** means transmission systems, whether or not based on a permanent infrastructure or centralised administration capacity, and, where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including internet) and mobile networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed.

**“Irish Sign Language”** means the indigenous natural language of the Deaf community in Ireland. It is a visual, spatial language of the hands but also of the face and the body. Irish Sign Language has its own complex linguistic structures, rules and features.

**“media service provider”** means the natural or legal person who has editorial responsibility for the choice of the audiovisual content of the audiovisual media service and determines the manner in which it is organised.

**“product placement”** means any form of audiovisual commercial communication consisting of the inclusion of, or reference to, a product, a service or the trade mark thereof so that it is featured within a programme or a user-generated video in return for payment or for similar consideration.

**“programme”** means a set of moving images with or without sound constituting an individual item, irrespective of its length, within a schedule or a catalogue established by a media service provider, including feature-length films, video clips, sports events, situation comedies, documentaries, children's programmes and original drama.

**“Sign Language”** is the indigenous natural language of a Deaf community. It is a visual, spatial language of the hands but also of the face and the body. Sign Language has its own complex linguistic structures, rules and features.

**“sponsorship”** means any contribution made by public or private undertakings or natural persons not engaged in providing audiovisual media services or video-sharing platform services or in producing audiovisual works to the financing of audiovisual media services, video-sharing platform services, user-generated videos or programmes with a view to promoting their name, trade mark, image, activities or products.

**“surreptitious audiovisual commercial communications”** means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the media service provider to serve as advertising and might mislead the public as to its nature. Such representation shall, in particular, be considered as intentional if it is done in return for payment or for similar consideration.

**“subliminal techniques”** means commercial communications that include any technical device, which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of, members of an audience without their being aware or fully aware of what has been done.

**“subtitling”** means on-screen text that represents what is being said on the screen. Subtitling can be open or closed. Open subtitling is subtitling that remains on the screen at all times. Closed subtitling can be made visible or not visible as audiences wish, using, for example, a remote control. Subtitling is formatted so as to assist interpretation and understanding of the text and link it more accurately to the onscreen action.

## Media Service Code Provisions

The following provisions are made pursuant to Section 46N(1) and Section 46N(5) of the Act.

### 11. Harmful Content

11.1 Pursuant to Section 46J(1)(c) and (d) of the Act, media service providers of ondemand services shall not make available in a catalogue of the service:

- (a) anything which may reasonably be regarded as conduct falling within the concept of public provocation to commit a terrorist offence as set out in Article 5 of Directive (EU) 2017/541;
- (b) anything which may reasonably be regarded as likely to incite to violence or hatred directed against a group of persons, or a member of a group, based on any of the grounds referred to in Article 21 of the Charter, namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation. Nationality constitutes such a ground without prejudice to the special provisions of the Treaty establishing the European Community and of the Treaty on European Union.

11.2 Without prejudice to Section 11.1, media service providers of on-demand services shall provide sufficient information to audiences about content which may impair the physical, mental or moral development of children. The media service provider

shall use a system describing the potentially harmful nature of the content of its audiovisual on-demand media service.

11.3 Media service providers of on-demand services shall take appropriate measures to ensure that programmes containing content which may impair the physical, mental or moral development of children, including, but not limited to:

- (a) content consisting of pornography,
- (b) content consisting of gratuitous violence, are only made available in such a way as to ensure that children will not normally hear or see them.

11.4 Appropriate measures for the purpose of Section 11.3 may entail the use by audiovisual on-demand media service providers of some or all of the following protection mechanisms:

- the use of prior content warnings.
- the provision of parental controls, including restricted modes and PIN Access.
- age assurance tools.<sup>4</sup>
- account access systems e.g. where content is accessible only via credit card or other sign-up mechanisms.
- other technical measures that achieve an equivalent outcome of the foregoing.

11.5 Appropriate measures for the purpose of Section 11.3 shall be proportionate to the potential harm of the programme for children. In this respect, media service providers of on-demand services shall have regard to the potential of the material to harm children when determining the proportionate approach to be taken.

Factors to consider include: -

- i. The likely degree of harm potentially caused by the programme content.
- ii. The likelihood of children accessing the content.
- iii. The nature of the on-demand service and its likely audience.

11.6 Without prejudice to the generality of Sections 11.3, 11.4 and 11.5, the most harmful content, namely gratuitous violence and pornography, shall be subject to the strictest measures.

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<sup>4</sup> An age assurance measure based solely on self-declaration of age by users of the service shall not be an effective form of age assurance for the purpose of this Code and Rules.

- 11.7 Personal data of children collected or otherwise generated by media service providers pursuant to sections 11.3, 11.4 or 11.6 shall not be processed for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising.

## 12. Rights to Cinematographic Works

- 12.1 Media service providers of on-demand services shall not transmit cinematographic works outside periods agreed with the rights holders.

## 13. Audiovisual Commercial Communications

- 13.1 Media service providers of on-demand services shall ensure that audiovisual commercial communications they provide shall be readily recognisable as such.

- 13.2 Media service providers of on-demand services shall not include in or alongside programmes any surreptitious audiovisual commercial communications or audiovisual commercial communications that use subliminal techniques.

- 13.3 Media service providers of on-demand services shall not provide audiovisual commercial communications that are harmful to the general public, namely: -

- i. audiovisual commercial communications which prejudice respect for human dignity.
- ii. audiovisual commercial communications which include or promote any

discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age, or sexual orientation.

- iii. audiovisual commercial communications which encourage behaviour prejudicial to health or safety.
- iv. audiovisual commercial communications which encourage behaviour grossly prejudicial to the protection of the environment.
- v. audiovisual commercial communications for cigarettes and other tobacco products, as well as for electronic cigarettes and refill containers.
- vi. audiovisual commercial communications which encourage immoderate consumption of alcoholic beverages.
- vii. audiovisual commercial communication for medicinal products and medical treatment available only on prescription in the State.

13.4 Media service providers of on-demand services shall not provide audiovisual commercial communications harmful to children, namely:

- i. audiovisual commercial communications that directly exhort children to buy or hire a product or service by exploiting their inexperience or credulity.
- ii. audiovisual commercial communications that directly encourage children to persuade their parents or others to purchase the goods or services being advertised.
- iii. audiovisual commercial communications which exploit the special trust children place in parents, teachers or other persons.
- iv. audiovisual commercial communications which unreasonably show children in dangerous situations.
- v. audiovisual commercial communications for alcoholic beverages aimed specifically at children.

13.5 Media service providers of on-demand services shall ensure that audiovisual commercial communications for alcoholic beverages they provide, with the exception of sponsorship and product placement, comply with the following requirements:

- i. audiovisual commercial communications shall not be aimed specifically at minors or, in particular, depict minors consuming these beverages.
- ii. audiovisual commercial communications shall not link the consumption of alcohol to enhanced physical performance or to driving.
- iii. audiovisual commercial communications shall not create the impression that the consumption of alcohol contributes towards social or sexual success.
- iv. audiovisual commercial communications shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts.
- v. audiovisual commercial communications shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light.

- vi. audiovisual commercial communications shall not place emphasis on high alcoholic content as being a positive quality of the beverages.

## 14. Sponsorship

14.1 Media service providers of on-demand services or programmes that are sponsored shall comply with the following requirements:

- i. the content of the on-demand services or programmes they provide shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider.
- ii. the on-demand services or programmes they provide shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services.
- iii. audiences shall be clearly informed of the existence of a sponsorship agreement.
- iv. sponsored programmes shall be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in an appropriate way for programmes at the beginning, during and/or at the end of the programmes.

14.2 Media service providers of on-demand services shall not permit on-demand services or programmes they provide to be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products, as well as electronic cigarettes and refill containers.

14.3 Media service providers of on-demand services shall not permit on-demand services or programmes they provide to promote specific medicinal products or medical treatments available only on prescription in the State.

14.4 Without prejudice to Section 14.3, media service providers of on-demand services may permit on-demand services or programmes they provide to be promoted by the name or image of undertakings whose activities include the manufacture or sale of medicinal products and medical treatment.

14.5 Media service providers of on-demand services shall not permit news and current affairs programmes they provide to be sponsored.

- 14.6 Media service providers of on-demand services shall not permit the showing of a sponsorship logo during documentaries or religious programmes they provide.

## 15. Product Placement

- 15.1 Media service providers of on-demand services shall permit product placement in on-demand services they provide, except on news and current affairs programmes, consumer affairs programmes, religious programmes and children's programmes.

- 15.2 Media service providers of on-demand services shall ensure that programmes containing product placement comply with the following requirements:

- i. the content and organisation of such programmes within a catalogue shall under no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider.
- ii. they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services.
- iii. they shall not give undue prominence to the product in question.
- iv. audiences shall be clearly informed of the existence of product placement by an appropriate identification at the start and at the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer.

Section 15.2. iv. above shall only apply to programmes that have been produced or commissioned by the media service provider of on-demand services or a company affiliated to them.

- 15.3 Without prejudice to Sections 15.1 and 15.2, programmes shall not contain product placement of: -

- i. cigarettes and other tobacco products, as well as electronic cigarettes and refill containers, or product placement from undertakings whose principal activity is the manufacture or sale of those products.
- ii. specific medicinal products or medical treatments available only on prescription in the State.

- 15.4 Sections 15.1, 15.2, and 15.3 shall apply only to programmes produced after 19 December 2009.



## Media Service Rules Provisions

The following provisions are made pursuant to Section 46O(1)(5)(6)(7) and (9) of the Act.

### 16. Accessibility of audiovisual on-demand services

16.1 Media service providers of on-demand services shall take proportionate measures to ensure that programmes made available on their on-demand services are made continuously and progressively more accessible to persons with disabilities through the provision of access services as defined in this Code and Rules.

#### Accessibility Action Plan

16.2 Media service providers of on-demand services shall develop an accessibility action plan, to be agreed with the Commission, in respect of the obligation set out under Section 16.1.

16.3 Media service providers of on-demand services shall make available to the Commission their first accessibility action plan within six months from the date of publication of this Code and Rules and annually thereafter.

16.4 Media service providers of on-demand services shall, in developing their first and subsequent accessibility action plan demonstrate that they have had due regard to the influencing factors set out under Section 16.6.

16.5 The accessibility action plan to be developed and agreed with the Commission in respect of the obligation set out under Section 16.1 shall address the following: -

- i. The proportion of access services that the media service provider of on-demand services proposes to make available each year on the on-demand service(s) that it provides.
- ii. The measures to be taken to adhere to the quality standards developed by the Commission further to Section 16.7.
- iii. Proposals with respect to the provision of emergency information further to Section 16.8.
- iv. The manner in which the media service provider of on-demand services will promote access services made available on the on-demand service(s) that it provides.

- v. Proposals to consult with users of access services, including Disabled Persons Representative Organisations, on the provision by the media services provide of access services on the on-demand media service(s) that it provides.
- vi. Proposals with respect to ensuring that there is an accessible mechanism for dealing with complaints and queries from audiences with respect to the provision of access services.
- vii. Proposals by the media service provider of on-demand services to improve the quality of their access services and monitor their service to ensure quality standards are consistently met.

Media service providers of on-demand services shall provide the Commission with their annual accessibility action plan in an accessible format and suitable for publication on the Commission's website.

### **Influencing Factors**

16.6 In determining the proportionate measures to be taken further to Section 16.1 and specified in their annual accessibility action plan, media service providers of on-demand services shall demonstrate that due regard was had to the following influencing factors, namely: -

- i. The nature of the audiovisual on-demand media service provider and the services provided.
- ii. The stage of development of the audiovisual on-demand media service provider and its capacity to provide accessible programmes.
- iii. The level of current provision of access services made available by the media service provider on the on-demand services that it provided.
- iv. The type of programmes provided in the catalogue of the on-demand services provided by the media service provider.
- v. The technical and human resource cost for the media services provider of providing access services.
- vi. The technical capacity of the media services provider to provide access services on the on-demand services it provides.

## Quality Standards

- 16.7 Media service providers of on-demand services shall adhere to quality standards, insofar as it is practicable to do so, for the provision of access services applied by the Commission and developed following consultation with the public and media service providers of on-demand services.

## Emergency Information

- 16.8 Where an on-demand service transmits emergency information, including public communications and announcements in natural disaster situations, the provider of that service shall ensure that this information is provided in a manner which is accessible to persons with disabilities.

## Reporting

- 16.9 Pursuant to enabling the Commission to meet its reporting obligation set out under Article 7(2) of the Audiovisual Media Services Directive, media service providers of on-demand services shall provide a report to the Commission, in a manner to be further specified, on the implementation of the first and subsequent annual accessibility action plans agreed with the Commission.

## Guidance Influencing Factors

Section 16 of Coimisiún na Meán's 'Media Service Code and Media Service Rules - Audiovisual On-demand Media Service Providers' states that in determining the proportionate measures to be taken to ensure that programmes made available on their on-demand services are made continuously and progressively more accessible to persons with disabilities, media service providers of on-demand service shall in the development of their first and subsequent accessibility action plan demonstrate that they had due regard to the influencing factors set out under Section 16.6 of the Rules. This document provides further guidance in this respect.

**i. The nature of the audiovisual on-demand media service provider and the services provided.**

**Guidance:** Does the service(s) have a public or private service character? Is the service in receipt of public monies and as a result may have greater public service duties? Does the service have specific aims, cultural, social or linguistic, which might impact on its ability to provide accessible services?

**ii. The stage of development of the audiovisual on-demand media service provider and its capacity to provide accessible programmes.**

**Guidance:** How long has the service(s) been in operation? How much experience does the media service provider have of providing access services? Is there already a level of expertise within or available to the media service provider in the provision of access services? What is their share of the market?

**iii. The level of current provision of access services.**

**Guidance:** What is their starting point? How much subtitling, captioning, sign language or audio description is current available on the on-demand services(s) that they provide?

**iv. The type of programmes provided in the catalogue of the audiovisual on-demand media service(s).**

**Guidance:** Does the service(s) acquire a lot of content from third parties? How much homeproduced programming does the service provide? Is programming independently produced? These questions are relevant, as the type of programming in the catalogue has an influence on the cost, technical facilities, personnel and ability to provide access services.

**v. The technical and human resource cost for the audiovisual ondemand media service provider of access services.**

**Guidance:** What is the financial capacity of the media service provider and the likely financial impacts of providing access services?

**vi. The technical capacity of the audiovisual on-demand media service provider.**

**Guidance:** What facilities and expertise currently exist within the service to provide access services? Does the service have the technical capacity to provide access services? What level and type of technical facilities and expertise would be required?