An Roinn Turasóireachta, Cultúir,
Ealaíon, Gaeltachta, Spóirt agus Meán
Department of Tourism, Culture,
Arts, Gaeltacht, Sport and Media

National Counter Disinformation Strategy Subgroup 3 Report

Independent Journalism and Protecting Public Interest Information
September 2023

Contents

Introduction

Purpose

To inform the development of the whole of Government national strategy for countering disinformation by suggesting mechanisms and methods of supporting the provision of free, independent, high-quality journalism and protecting the supply of public interest information.

Background

In a crowded media landscape often littered with unsubstantiated claims and agenda driven opinions often presented as facts, independent, verifiable journalism is vital for a healthy democracy. According to the last Eurobarometers[1], 71% of Europeans encounter 'fake news' online several times a month. It is the function of free independent high-quality journalism to present facts and to facilitate an informed debate based on facts and a diversity of opinions and perspectives. Media organisations faced with financial challenges and diminishing market share must invest in editorial resources and in training staff to identify disinformation and manipulation and how to use the tools to combat it.

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[1] Shaping Europe's digital future (europa.eu)

Major contexts

Legal/regulatory

(Please note that this section is also included in the report of Subgroup 2.)

The regulation of disinformation in Ireland is a complex matter. Currently there are a number of legislative frameworks in place at EU and national level, which aims to counter disinformation indirectly, by ensuring a pluralistic and impartial media environment and an empowered and media literate public. As also referenced in Subgroups One and Two, these legislative frameworks include:

EU - AUDIO VISUAL MEDIA SERVICES DIRECTIVE

The Audiovisual Media Services Directive (AVMSD)[2], which has been partially transposed as part of the Online Safety and Media Regulation (OSMR) Act 2022, aims to govern EU-wide coordination of national legislation on all audiovisual media, which include traditional TV broadcasts and on-demand services. The safeguarding of media pluralism is central to the AVMSD and the directive includes provisions with regard to the prominence of audiovisual services of general interest (Article 7a)[3] as well a requirement for on demand services to ensure prominence of European works (Article 13)[4] and requirements for the broadcast of Independent European works (Article 17)[5]. The AVMSD also includes provisions for media literacy, with requirements for the regulator to ensure video service providers (VSPs) include effective media literacy measures at Article 28b(3)(j)[6] and again at Article 33a which has requirements for the promotion and the development of media literacy skills as well as reporting requirements for Member States. Finally, Article 30b of the AVMSD provides for the formal recognition and reinforcement of ERGA's role, including in terms of providing technical

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[2] [Audiovisual and Media Services | Shaping Europe's digital future (europa.eu)](#)
[3] AVMSD Article 7a – Member States may take measures to ensure the appropriate prominence of audiovisual media services of general interest.
[4] AVMSD Article 13 – Member States shall ensure that media service providers of on-demand audiovisual media services under their jurisdiction secure at least a 30% share of European works in their catalogues and ensure prominence of those works.
[5] AVMSD Article 17 – Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10% of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, at least 10% of their programming budget, for European works created by producers who are independent of broadcasters.
[6] AVMSD Article 28b (3)(j) – Providing for effective media literacy measures and tools and raising users' awareness of those measures and tools.

advice to the EU Commission. This has been particularly evident in the work ERGA has undertaken in monitoring the EU Code of Practice on Disinformation.

EU - DIGITAL SERVICES PACKAGE I.E., DIGITAL SERVICES ACT AND DIGITAL MARKETS ACT

The Digital Services Act (DSA)[7] is an EU regulation which came into force in EU law in November 2022 and will be directly applicable across the EU with effect from 17 February 2024. This new regulation aims to contribute to the proper functioning of the EU's internal market for online intermediary services by setting out harmonised rules for a safe, predictable and trusted online environment that facilitates innovation, and in which fundamental rights enshrined in the EU Charter of Fundamental Rights[8], including the principle of consumer protection, are effectively protected. Under Article 45 of the DSA, it is intended to transform the current EU Code of Practice on Disinformation into a co-regulatory Code of Conduct. As agreed by Government, Coimisiún na Meán will be formally designated the Digital Services Coordinator for Ireland and accordingly will be the competent authority responsible for the application and enforcement of this EU regulation.

Under Article 34 of the regulation, risk assessment obligations for very large online platforms are outlined to ensure any systemic risks are identified and analysed. Such risk assessments should analyse whether risks identified are influenced by intentional manipulation of the service, along with the amplification and potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions. In addition, there are also obligations for recommender system transparency, including the provision under Article 38 of the regulation, that very large online platforms must provide at least one recommender system option that is not based on profiling.

The regulation is designed to provide greater online safety. Coimisiún na Meán has been designated the Digital Services Coordinator for Ireland and accordingly will be the competent authority responsible for the application and enforcement of this EU regulation.

The Digital Markets Act (DMA)[9] is an EU regulation intended to foster fair competition, which came into force in November 2022 and is directly applicable across the EU with effect from May 2023. This new regulation is set to address "the negative consequences arising from

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[7] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R2065&qid=1670837883291
[8] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012P%2FTXT
[9] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32022R1925

certain behaviours by online platforms acting as digital gatekeepers to the EU single market" in order to ensure fair and open digital markets for all users by establishing obligations that "gatekeepers" must comply with in their daily operations.

EU - PROPOSED EUROPEAN MEDIA FREEDOM ACT

The proposed European Media Freedom Act is intended to protect media pluralism and independence in the EU. It includes provisions designed to strengthen the editorial independence of media, to ensure transparency of media ownership and to protect the content of media service providers online. The proposal also envisages the establishment of a new European Board for Media Services to replace the existing ERGA. Negotiations on the proposal are ongoing and are expected to conclude in early 2024.

NATIONAL - ONLINE SAFETY AND MEDIA REGULATION ACT 2022

The Online Safety and Media Regulation (OSMR)[10] Act 2022 was signed into law on 10 December 2022. The Act dissolved the Broadcasting Authority of Ireland (BAI) and established Coimisiún na Meán as the body responsible for overseeing the regulation of broadcasting and video-on-demand services and introducing the new regulatory framework for online safety, implementing the revised Audiovisual Media Services Directive into Irish law and for supporting the development of the wider media sector in Ireland. It should be noted that disinformation is not a category of harm under the Online Safety and Media Regulation Act 2022. However, disinformation may be used in online campaigns promoting hate crimes, terrorism content and other forms of illegal content. In addition, disinformation can promote other forms of harmful online content noted in the Act (the promotion of suicide/self-harm, the promotion of feeding/eating disorders and the promotion of cyberbullying), it is expected that it will also be an area of concern for Coimisiún na Meán and the Online Safety Commissioner.

Plurality and media literacy continue to be central themes with Coimisiún na Meán (as it was with its predecessor the Broadcasting Authority of Ireland[11]) and the responsibilities of the BAI (including all its policies) were transferred to An Coimisiún on establishment day in March 2023. Therefore, Coimisiún na Meán continues to have a role in promoting and supporting media plurality and media literacy. These roles are undertaken in the context of the Broadcasting and Other Media Regulation Acts 2009 and 2022 as amended by the Online

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[10] https://www.irishstatutebook.ie/eli/2022/act/41/enacted/en/html
[11] Further to the provisions of the Online Safety and Coimisiún na Meán was established on the 15th of March 2023 and the staff and responsibilities of the Broadcasting Authority of Ireland (BAI) were transferred to An Coimisiún.

Safety and Media Regulation Act 2022 (OSMR) and Part 3A of the Competition Act 2002[12] (as inserted by the Competition and Consumer Protection Act 2014[13]). An Coimisiún's role with regards to media plurality and media literacy is as follows:

MEDIA PLURALITY - STATUTORY DUTIES

Under Section 7(2)(c) of the OSMR, Coimisiún na Meán is charged with endeavouring to ensure the provision of open and pluralistic broadcasting and on-demand services. An Coimisiún, like its predecessor the BAI, endorses the statutory premise that a free and pluralistic media is an essential component of a modern representative democracy, and continues to uphold the BAI's Media Plurality Policy[14] in order to promote and support media plurality in Ireland. The primary purpose of the Media Plurality Policy is to set out how Coimisiún na Meán will support and promote media plurality. The policy provides context for An Coimisiún's role in respect of media plurality; provides a definition for media plurality; outlines why media plurality is important; details policy objectives; and outlines the measures the Coimisiún na Meán takes – and will continue to take – to promote and support media plurality in Ireland.

Coimisiún na Meán continues to uphold the BAI's Ownership and Control Policy[15]. This policy gives practical effect to the obligations set out in the Broadcasting and Other Media Regulation Acts 2009 and 2022, which An Coimisiún must consider when deciding on the most suitable applicant for the award of a radio or television service contract. It is also used by Coimisiún na Meán to assess requests for changes to the ownership and control of existing broadcasting services, for example, changes in shareholdings and directors. The policy provides guidance and rules for An Coimisiún when considering the desirability of allowing any person, or group of persons, to have control of, or substantial interests in, an undue number of media services in the Irish State.

Part 3A of the Competition Act 2002 sets out the statutory process for assessment of media mergers in Ireland, providing important protections for media plurality and diversity. Under this framework, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media may request that Coimisiún na Meán undertake a full examination of a media merger where there is a

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[12] https://revisedacts.lawreform.ie/eli/2002/act/14/revised/en/html -
[13] http://www.irishstatutebook.ie/eli/2014/act/29/section/74/enacted/en/index.html
[14] https://www.bai.ie/download/128743/
[15] https://www.bai.ie/download/128746/

concern that a media merger may be contrary to the public interest in protecting the plurality of media in the State.

MEDIA PLURALITY - CURRENT ACTIVITY/FUTURE PLANS

The Media Ownership Ireland website[16] is a database designed and maintained by staff at the DCU School of Communications. It was an initiative of the BAI and continues to be funded by Coimisiún na Meán.

The database is publically accessible and has been designed to be a useful reference point for the implementation of the Media Mergers section of the Competition and Consumer Protection Act 2014. In particular, it contributes toward Coimisiún na Meán's requirement to produce a report every three years that provides an analysis of the impact of relevant ownership and control changes on the plurality of media in the State. Two such reports have been published to date (2012-2014[17]and 2015-2017[18]) and a third report (2018-2020) is due for publication in 2023.

The annual Digital News Report by the Reuters Institute for the Study of Journalism at the University of Oxford is the largest ongoing study of news consumption trends in the world. The global report covers 46 countries, and since 2015 the BAI has sponsored the inclusion of Ireland in this international research project as part of its work on media plurality in Ireland. To maximise the use of the data, the BAI has partnered with the DCU Institute of Future Media, Democracy and Society (FuJo)[19] to produce a more detailed Irish specific report, with the most recent report (2022) published in June 2022[20].

Coimisiún na Meán has provided information to the European Commission's DG Justice and Consumers team, who have prepared the EU Rule of Law Report in recent years. The report provides an assessment of both the rule of law situation across the EU and in each Member

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[16] http://www.mediaownership.ie/
[17] https://www.bai.ie/download/128749/
[18] https://www.bai.ie/en/download/133642/
[19] https://fujomedia.eu/
[20] https://www.bai.ie/en/download/137249/

State. Rule of Law reports for 2023[21], 2022[22] and 2021[23] have been contributed to by Coimisiún na Meán/the BAI.

The Media Pluralism Monitor[24] published by the Centre for Media Pluralism[25] in Florence, Italy is a key information source for the Rule of Law Report. Coimisiún na Meán continue to act as an expert reviewer of the application of this monitor in Ireland and contributes to discussions about how the tool should evolve to reflect the evolving media landscape.

MEDIA LITERACY - STATUTORY DUTIES

Under Section 7(3)(g) of the Broadcasting and Other Media Regulation Acts 2009 and 2022, similar to its predecessor the BAI, Coimisiún na Meán has a commitment to encourage research, promote or endorse educational and training initiatives and activities, including in media literacy. As part of this remit, the BAI developed and launched the BAI Media Literacy Policy in 2016, which articulates a set of key principles flowing from which are three competencies and a set of desired outcomes and potential metrics which enable the policy to be grounded in practice. This also acts as both a guide to the development of the media literacy work plan of the BAI and as a means for ensuring transparency. Additionally, the outcomes and metrics provide external stakeholders with useful parameters when developing their own media literacy approaches.

MEDIA LITERACY - CURRENT ACTIVITIES/FUTURE PLANS

In 2017, following a commitment given by the Authority at the launch of the Media Literacy Policy, the BAI convened a number of key stakeholders to set up a volunteer multi-stakeholder alliance to promote the aims of the Policy: Media Literacy Ireland (MLI). MLI currently has over 250 members nationwide with also a European appeal and the National Coordinator of MLI is a member of the European Commission's Media Literacy Expert Group. MLI's work focusses on the coordination and innovation of media literacy initiatives and also the communication and promotion of media literacy initiatives on a nationwide basis. MLI is supported financially by Coimisiún na Meán.

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[21] https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism/2023-rule-law-report_en

[22] https://ec.europa.eu/info/publications/2022-rule-law-report-communication-and-country-chapters_en

[23] https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism/2021-rule-law-report/2021-rule-law-report-communication-and-country-chapters_en

[24] https://cmpf.eui.eu/mpm2021-results/

[25] https://cmpf.eui.eu/

Key areas of activities include the Be Media Smart public awareness campaign initially launched in 2019 and re-packaged during the pandemic, the MLI awards, along with conferences and webinars on a broad range of topics aiming to encompass the breadth of media literacy activities.

MIS/DISINFORMATION AND IMPARTIALITY - STATUTORY DUTIES

In accordance with Sections 42(1), 42(2)(a) and 42(2)(b) & (e) of the Broadcasting Act 2009 (prior to the enactment and commencement of the Online Safety and Media Regulation Act 2022), the BAI prepared a Code of Fairness, Objectivity and Impartiality[26], which applies to sound and audiovisual services licensed by the Broadcasting Authority of Ireland. In accordance with section 46N(11) of the Broadcasting and Other Media Regulation Acts 2009 and 2022, Coimisiún na Meán continues to uphold this Code which deals with matters of fairness, objectivity and impartiality in news and current affairs content. The BAI has also prepared Guidance Notes[27] for this Code and mandatory guidelines in respect of the coverage of elections[28] and another in respect of the coverage of referenda[29]. The BAI completed a statutory review[30] of its codes, including the Code of Fairness, Objectivity and Impartiality, prior to its dissolution. This will inform the work of Coimisiún na Meán in developing and implementing media service codes, which will apply to both broadcasting and video-on-demand services, under section 46N of the Broadcasting and Other Media Regulation Acts 2009 and 2022.

MIS/DISINFORMATION AND IMPARTIALITY - CURRENT ACTIVITY/FUTURE PLANS

Since 2019, the BAI has played a leadership role in the European Regulators Group for Audiovisual Media Services (ERGA) subgroup on Disinformation. The Subgroup assisted the EU Commission with assessing the implementation of the first iteration of the Code of Practice on Disinformation. In support of this activity, the BAI commissioned the Institute of Future Media, Democracy and Society (FuJo) at Dublin City University (DCU) to examine and report on how the Code signatories implemented their commitments under this voluntary Code of Practice. In this regard the BAI published three reports.

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[26] https://www.bai.ie/en/download/129469/
[27] https://www.bai.ie/en/download/128534/
[28] https://www.bai.ie/en/download/133142/
[29] https://www.bai.ie/en/download/132680/
[30] https://www.bai.ie/en/media/sites/2/dlm_uploads/2023/04/20230306_CodesRules_Statutory-Review_vFinal-1.pdf

ElectCheck 2019[31] examined how Facebook, Twitter and Google implemented their commitments in relation to transparency of political advertising during the 2019 European Election campaign. A second report, CodeCheck[32], was published in April 2020 and looked at how Facebook, Twitter, Microsoft and Google implemented their commitments under all five Pillars of the Code of Practice during 2019. This has a particular focus on activities to empower consumers and the research community. A third report, CovidCheck[33] was published in September 2021 and focused on the platforms transparency reports regarding COVID 19. All three reports recommend that more robust procedures for reporting and monitoring online disinformation need to be developed for the EU Code of Practice on Disinformation to become a more effective tool in fighting disinformation. DCU FuJo is continuing to monitor the code through its work with EDMO Ireland.

Coimisiún na Meán remains a member of the ERGA subgroup on Countering Disinformation and Strengthening Democracy. This subgroup continues to advise and provide assistance to the European Commission in the effective implementation of the strengthened Code of Practice on Disinformation[34]. Members from this ERGA subgroup are also engaged in the Code of Practice Taskforce which is dedicated to keeping the Code future-proof and fit for purpose. The Taskforce meets as necessary and at least every six months and is monitoring and adapting the commitments in view of technological, societal, market and legislative developments. ERGA members involved provide updates on a regular basis. There are a number of subgroups within the Taskforce and they include:

- Scrutiny of advertising placement
- Integrity of services
- Empowerment of fact checkers
- Monitoring and reporting (led by ERGA)
- Crisis Response
- Transparency Centre
- Outreach & Integration of new signatories

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[31] https://www.bai.ie/en/new-report-on-political-social-media-ads-identifies-inconsistencies-in-datasets-and-definitions/
[32] https://www.bai.ie/en/new-report-highlights-inconsistencies-across-digital-platforms-in-tackling-disinformation/
[33] https://www.bai.ie/en/new-report-recommends-development-of-robust-procedures-for-reporting-and-monitoring-online-disinformation/
[34] https://digital-strategy.ec.europa.eu/news-redirect/749495

Other areas being examined include political advertising, user empowerment and research empowerment.

ELECTORAL REFORM ACT

The Electoral Reform Act 2022 provided for the establishment of An Coimisiún Toghcháin (the Electoral Commission) on 9 February 2023, an independent statutory body with responsibility for a broad range of electoral functions set out in the Act. This includes responsibility of the regulation of online paid-for political advertising and for investigation and monitoring of online disinformation and misinformation during an election or referendum campaign. Part five of the Electoral Reform Act provides An Coimisiún Toghcháin (the Electoral Commission) with extensive powers to combat disinformation, and inauthentic and manipulative online behaviour during an election campaign period (although, as of September 2023 this Part of the Act has not yet commenced).

National/International Cooperation context

Countering disinformation at national and international levels will require cooperation from a broad and diverse range of stakeholders. See the report of Subgroup 2 for a non-exhaustive list of relevant national stakeholders. There are both national and international opportunities for collaboration available, such as those facilitated by the European Digital Media Observatory[35], Media Literacy Ireland[36] and the DCU FuJo Institute[37]. International organisations working in this area include:

- **European Platform of Regulatory Authorities** (EPRA)[38]: was set up in 1995 in response to the need for increased co-operation between European regulatory authorities. With its 25 years of experience and a robust network of working-level contacts, EPRA is the oldest and largest network of broadcasting regulators and is a key setting for the exchange of information, cases and best practices between media regulators in Europe. 55 regulatory authorities from 47 countries are members of EPRA[39]. The European Commission, the

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[35] https://edmo.eu/
[36] https://www.medialiteracyireland.ie/
[37] https://www.dcu.ie/communications/fujo-institute-future-media-democracy-and-society
[38] https://www.epra.org/
[39] http://www.epra.org/organisations

Council of Europe, the European Audiovisual Observatory and the Office of the OSCE Representative on Freedom of the Media are permanent Observers of the Platform.[40]

- **European Regulators Group for Audio-Visual Media Services** (ERGA)[41]: gathers the audiovisual media regulators of the EU-27 and is working to provide expert advice to the European Commission including on issues of the protection of Freedom & Democracy. The network runs a number of working/action groups addressing these very matters including Disinformation and Media Literacy. ERGA was the key driver on the work of the Code of Practice on Disinformation, 2021 (2nd iteration). The proposed EMFA legislation envisages the establishment of a European Board for Media Services and Cooperation to replace and develop the work of ERGA.

- **Global Online Safety Network** (GOSRN)[42]: This network (currently made up of Members from Australia, Fiji, the UK and Ireland) aims to make sure the approach to online safety between countries is as consistent and coherent as possible. The Network will share information, best practice, expertise and experience, to support harmonised or coordinated approaches to online safety issues. Members share a commitment to human rights, democracy and the rule of law, and to acting independently of commercial and political influence.

- **European Advertising Standards Alliance** (EASA)[43]: EASA has a network of 42 organisations representing 28 advertising self-regulatory organisations (also referred to as "standards bodies") from Europe and 13 organisations representing the advertising ecosystem (the advertisers, agencies, and the media) and one digital pure-play company. The ASAI is a member.

Funding Business Models

The developments in legislation and policy in Ireland and in the EU aim to ensure a proportionate regulatory framework for providers of content across all platforms (broadcast, print and online / digital) thereby providing a fairer marketplace and protecting audiences and users. These new laws and policies will ordinarily require a period of time to fully embed and make impacts. In the meantime, it is important that the content providers that are critical to,

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[40] http://www.epra.org/articles/permanent-observers
[41] https://erga-online.eu/
[42] https://www.esafety.gov.au/about-us/who-we-are/international-engagement/global-online-safety-regulators-network
[43] https://www.easa-alliance.org/

and viewed as trusted sources of, trustworthy public service content are supported. In this context, a number of funding initiatives are being explored. Government accepted in principle the FOMC's recommendation to replace the Broadcasting Fund with a Media Fund which will be much broader in scope. The Media Fund has been established on an administrative basis with initial funding for two schemes and will be established on a statutory basis subject to the passage of legislation. Two priority schemes, the Local Democracy Scheme and the Courts Reporting Scheme are scheduled for rollout in 2024, subject to State Aid approval. Under the FOMC report, a technical working group was also established to reform and enhance the TV licence funding system for public service media. This group reported to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media in March 2023 and its findings are currently being considered.

These new laws and policies ultimately aim to serve the public good in safeguarding plurality and freedom of expression; supporting public service media and public service content; counteracting disinformation and misinformation; and sustaining and nurturing a healthy democracy in the state and in other EU member states.

In common with global experience and trends over the last couple of decades, the Irish media landscape has been, and continues to be, subject to a set of structural challenges that have led, and continue to lead, to increasing complexity and competition in the provision of media services. Readers, viewers, and listeners are increasingly able to access content from new providers across a range of networks and connected devices where traditional (Irish) content may not be as prominently displayed. The pace of this digital transformation and connectivity continues to significantly disrupt the media environment, including its impact on traditional media, both print and broadcast, both public service media and commercial services[44]. Advertising expenditure continue to migrate away from this traditional media over to digital and social media platforms, and the hardest hit is currently the print media sector.

Technology does not stand still and having seen the penetration of fixed and 4G broadcast in Ireland soar to around 90%, we are set to see 5G mobile broadband expand and replace 4G in the coming years, bringing further possibilities for accessing content on the go and in rural areas. Hand in hand with these increased possibilities has been the increase in the penetration of connected devices; smartphone penetration is currently around 82% and

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[44] https://www.bai.ie/en/media/sites/2/dlm_uploads/2018/04/180410-Mediatique-Report.pdf

continues to grow, while the penetration of connected TVs is increasing rapidly. These developments, both in the underlying technology and consumers' willingness to embrace it, mean we can be confident that the digitisation of media content and services in Ireland, as in other countries, will be a continuing trend[45].

Ultimately, digitisation has driven considerable change in the media sector which has presented challenges and opportunities, enabling the emergence of a range of digital services. In the context of the global digital transformation, the key challenge facing the Irish market is one of sufficient revenue to allow media players to invest in and produce Irish content. The key revenue streams that continue to fund Irish content have all been under significant and, in some cases severe, threat. Without commercially viable models (and/or increased public funding), the ability of the domestic market to sustainably fund Irish content of various kinds may be challenged[46].

It is notable that the Future of Media Commission (FOMC) report states that many media organisations in Ireland are still at an early stage in their digital transformation and highlights that a greater sense of urgency is needed in order to exploit digital opportunities. They also stated that advertising revenue for national and regional press fell by half from 2017 to 2021. While digital subscriptions have increased, these subscriptions only supplied 5% of revenue in 2020. The FOMC note that even a 20% year-on-year increase in digital subscriptions from 2020-2025 would only partially offset losses from traditional revenue sources.

The Irish and EU regulatory developments referenced above should enhance the ability of the Irish media sector to develop and fund public service content that meets public service objectives around plurality, diversity and citizenship values.

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[45] https://static1.squarespace.com/static/5cacbb42a568278dd5430feb/t/64e5059b9805482aee962b98/1692730780890/2023+-+Oliver+and+Ohlbaum+-+Understanding+the+UK%27s+TV+production+sector.pdf
[46] https://www.bai.ie/en/media/sites/2/dlm_uploads/2018/04/180410-Mediatique-Report.pdf

Free, independent, high quality journalism

Free, independent, high-quality journalism and fact-checking plays a critical role in providing accurate information, debunking false information, promoting critical thinking, and building trust with the public as a reliable and accountable space in which diverse ideas can be exchanged and debated.

The Irish population has traditionally recorded a high level of trust in mainstream news sources to provide it with contextualised and objective information. The Reuters Digital News Report 2022 shows trust levels in news provision higher in Ireland than in the UK, the EU or US, with over half of those surveyed here agreeing or strongly agreeing that they can trust news most of the time. In research cited by the FOMC report, more than half of respondents to a survey said they had turned to the news at least once a day from March 2020 to May 2021, at the height of the coronavirus pandemic, at a time when the grip of dis- and misinformation tightened on various social media platforms.

Shared facts are important in creating an environment where evidence-based information underpins democratic discourse. Strengthening a free and fair media means making it sustainable for media organisations to produce objective, relevant, quality journalism that is accessible and engages a diverse audience. Adherence to ethical standards could be promoted as a mark of quality, such as membership of Press Council of Ireland.

Funding

The FOMC highlighted sustainability challenges that face public service content providers including professional journalists, due to falling circulation numbers and the migration of advertising to online platforms.

It identified that public service media and public service content produced by other organisations needs to be adequately resourced across platforms. The FOMC defined public service content as

> *"media content (digital, print or broadcast) that has a distinct public value, is produced to clearly-defined professional and ethical standards, is an important public source of truthful and accurate information and diverse opinions".*

FOMC funding proposals included changes to the public funding model for public service media, and for the wider media sector producing public service content. Government accepted

in principle the FOMC's recommended transformation of the existing statutory Broadcasting Fund into a Media Fund with a much wider scope and a platform neutral approach.

The FOMC recommended that the Sound and Vision scheme (which currently receives approximately 7% of net TV Licence receipts) will be expanded to permit funding of news and current affairs programming. The Archiving Scheme will also be enhanced.

Government also accepted in principle the FOMC's recommendations to create 6 new schemes under the Media Fund to promote and support public service content provision:

- Local Democracy Reporting Scheme — to better enable local media to keep the public informed in areas such as Regional Health Forums, Joint Policing Committees and Local Authorities.
- Courts Reporting Schemes — to provide contestable funds to report news from local, regional and national courts, including coroner's courts
- Support for Digital Transformation — to assist public service content providers (i.e. print and broadcasting organisations) with digital transformation
- News Reporting Schemes — to support the provision of news which has high public interest but is in danger of being under-reported (e.g. EU and international affairs, environmental issues, equality and diversity issues etc.)
- Access and Training Scheme — to develop bursaries, internships and diversity training opportunities for new and existing staff
- Community Media Scheme — to provide contestable funds for training, media literacy and community projects

The Media Fund has been established on an administrative basis and Minister Catherine Martin provided an additional €6m in Budget 2023 to assist in the setting up of the Court Reporting and Local Democracy Reporting schemes. Both schemes are scheduled for rollout in 2024 and are being led by Coimisiún na Meán, with the rollout of the two schemes expected to commence in 2024, subject to State Aid clearance. These Schemes will support local, regional and national media and be platform neutral. Accurate reporting of courts and local democracy are considered a vital part of keeping the people of Ireland informed.

Following publication of the Future of Media Commission Report, Government created an Implementation Strategy and Action Plan[47], which sets outs how it intends to implement the

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[47] https://www.gov.ie/en/publication/e2cbb-tuarascail-an-choimisiuin-um-thodhchai-na-mean-straiteis-feidhmithe-agus-plean-gniomhaithe/

Report's recommendations. It is envisaged that the other new schemes (News Reporting, Support for Digital Transformation, Access and Training, Community Media) will be implemented subsequently, with the precise timeline for implementation by Coimisiún na Meán to be informed by the availability of funds and resources.

Engaging audiences in news content requires a more diverse profile of media practitioners to build trust that this is a media landscape for all, and that the public can trust it to be a space that is safe for a diversity of opinions and questions.

Investigative journalism is a powerful tool in cementing public trust in the media's ability to pose truth to power, can spend time deconstructing false narratives and delve into sources of disinformation. It also encourages vital fact-checking skillsets in journalists and editors.

There are no specific recommendations made in the FOMC report on how to fund investigative journalism, one of the most resource-intensive and frequent casualties of cost-cutting, as the members differed on how to do so via public funding while retaining editorial independence and integrity. The FOMC did not note any consensus in the submissions it received regarding how investigative journalism should be supported financially but many submissions underlined the importance of preserving the editorial independence of media.

It is intended the Local Democracy Reporting Scheme and Courts Reporting Scheme, will provide for the establishment of schemes focused on the support of public interest journalism and permit funding to be used for the purposes of investigative journalism.

Furthermore, the News Reporting Schemes will support public interest journalism reporting on matters of public interest which are less reported, or at risk of under provision, such as EU and international affairs, environmental issues, social affairs, health, transport, agriculture, rural affairs, economics, culture, and sport.

Some possible solutions include schemes to support the exploration of new business models working towards sustainability, similar to the Google Digital News Initiative[48], which funded a number of Irish news media projects,[49] including providing set-up funding for the investigative site, Noteworthy.ie. Favourable tax incentives for reader- or subscriber-supported publications or projects, with consideration towards encouraging free access to investigative work of public

[48] https://newsinitiative.withgoogle.com/dnifund/
[49] https://newsinitiative.withgoogle.com/dnifund/dni-projects/?country=IRL

interest are another route, while a small number of EU cross-border investigative funds are available (e.g., IJ4EU) to provide mentoring, funding and networking opportunities for Irish journalists and their European counterparts. These tend to be on a project-by-project basis and require an investment by media organisations in application, administration and management of individual projects.

Furthermore, the Department of Foreign Affairs has been operating a pilot Global Ireland Media Challenge Fund to enable media to engage the Irish public on the global geopolitical landscape and Ireland's place in it.

Research cited in the report of Subgroup One of the NCDS has outlined the value of fact-checking and related work, such as prebunking of rising false narratives, as content-based countermeasures against disinformation.

The State of the Fact-Checkers 2022 report,[50] published by the International Fact-Checking Network (IFCN), noted that fact-checkers were addressing misinformation across a breadth of public interest topics, "demonstrating" a "versatility and wide-ranging approach" to the issue.

Counter to the depth of this contribution is the level of resources available to fact-checkers. The report found that most of the fact-checking outlets surveyed were running with relatively small teams, with 1-5 full-time employees the most common staffing level (37.6% of organisations). Teams of 6-10 employees were found at 25.8% of outlets, and 11-20 employees at another 25.8%. The overall landscape is one with modestly-sized teams dealing with outsized levels of dis- and misinformation, a situation which the IFCN warns "may impact their capacities to cover a wide range of information and respond quickly to emerging claims or misinformation".

Sources of funding across the surveyed organisations also flagged a reliance on tech platform programmes, chiefly Meta's Third-Party Fact-Checking Partnership on Facebook and Instagram, which provided 45.2% of the total funding of outlets. Grants were the second largest source of funding to fact-checkers (29%), with smaller sources of funding coming from public donations/memberships (6.5%), a small number of outlets in fact-checking partnerships with TikTok (2.2%), partnerships with academic institutions (2.2%), advertising revenue from website traffic (1.1%) and training (1.1%).

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[50] https://www.poynter.org/wp-content/uploads/2023/04/IFCN_2023_StateFactCheckers2022_v7a-1.pdf

While the partnership with Meta has held stable for a number of years, and the partnerships with TikTok a relatively new arrival, recent budget cuts at tech platforms are noted in the report. The Poynter Institute, the base for the IFCN, commented:

> *"The report emphasizes the need to diversify funding sources for fact-checking organizations to reduce dependence on major technology grants and foster community-driven support. It suggests broadening partnerships with more tech companies, platforms, stakeholders, and academic institutions and media organizations to secure additional resources while leveraging collective expertise."*[51]

Add to that the relative scarcity of disinformation experts on the Irish landscape, and the ask for them to contribute guidance, insights, participation, network with international colleagues in order to progress and grow partnerships and knowledge; all of this requires a layer of organisational depth that must also be resourced beyond the core fact-checking work (of research, monitoring and publication).

Skillset Challenges

A positive vista for fact-checking and quality journalism in Ireland could include providing incentives and support for more organisations to avail of continual training in this area, both to add to the fact-checking toolbox of general reporters, and upskill editors and journalists who wish to work specifically in this area.

Resources - through tech platforms, employment schemes, etc. - for this kind of training as well as R&D and access to online tools that assist in monitoring, surfacing and analysing mis- and disinformation would be a useful development. Consideration should be given to the establishment of a pilot training programme on fact checking in conjunction with industry stakeholders and Coimisiún na Meán.

New technological advances in content creation pose both opportunities and risks to journalists' roles and their ability to filter and verify online information, e.g., AI-produced text, photo and video creating persuasive but ultimately manipulative or false content. To recognise, debunk and stay ahead of such advances is beyond the scope of the average media organisation without deep support for such media literacy training.

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[51] https://www.poynter.org/ifcn/2023/2022-state-fact-checkers-report-international-fact-checking-network/

Conversely, journalists can be a valuable consultation source for media literacy efforts for the wider public, since critical thinking, fact-checking and information literacy are central to their roles. Exchange of information and knowledge between media organisations and other stakeholders in this area should be incentivised and promoted.

Security

Journalist safety is a priority in a democratic society which values protection of a free press. Disinformation and attacks from online antagonists which portray the media in general and individual journalists as enemies of the citizen are a huge concern.

A report published by DCU's School of Communications details 15 different types of online hostility faced by Irish female journalists. That Experiences of Irish Women in Journalism Report[52] notes that of its interviews with journalists:

> *"Social media companies were highlighted as the institutions with the most power to improve the landscape for journalists, with calls for them to act more responsibly and efficiently in preventing and removing offensive, misleading or defamatory content. Legislators were encouraged to apply more pressure on these organisations, especially given the companies' strong presence in Dublin."*

There has been closer engagement between An Garda Síochána (AGS) and media organisations in the past two years to improve reporting procedures for journalists under threat covering disinformation, protests and other now high-risk areas. In particular, in 2022, a Media Engagement Group chaired by an Assistant Commissioner in AGS was established to protect media freedom by ensuring media personnel operating in Ireland are as safe as possible and feel safe in their employment.

It is notable that Ireland is ranked number 2 on the Press Freedom Index, with Reporters Without Borders concluding that the overall climate for press freedom in Ireland is positive, with journalists able to work freely and without interference. There should be reflection about how the State views the role of journalists and supports protection against all measures to obstruct their work. The impact of such obstruction for whatever reasons is to chill

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[52] https://www.dcu.ie/commsteam/policy/social-media-and-online-hostility-experiences-women-irish-journalism

investigation and reduce debate around public interest matters, a vital element in keeping shared information in a public and accountable domain.

The government has committed to tackling Strategic Lawsuits against Public Participation (SLAPPs), supporting EC anti-SLAPPs proposals. The publication of draft defamation legislation[53] here in March this year has been welcomed by the media, Press Council and other representatives. This, including a proposal to seek dismissal of groundless claims which sometimes pre-empt a journalist's publication of work, must be enacted as soon as possible, in terms robust enough to continue to protect the public but also the freedom of the press.

Media and Big Tech

The focus of the forthcoming Digital Services Act is to create a single set of rules for the EU to keep users safe online, protect their freedom of expression, help combat disinformation and help in holding tech companies to account.

In addition to regulatory requirements, key ways in which the tech sector can step up to promote quality information (including quality news and fact-checked work) include:

- Compliance by tech platform with commitments made in the Code of Practice – and engagement by those missing who are not signatories;
- Higher levels of resourcing for the monitoring and labelling of misinformation online;
- Labelling fact-checked content promotes user choice while enabling freedom of expression;
- Social media companies taking a stronger role in liaising with on-the-ground fact-checkers and other stakeholders to identify and pre-empt likely hotspots of disinformation;
- Tech assets used by academics, researchers, fact-checkers and others in the fight against disinformation to be kept open-source and free. The DSA will, in part help to address this through a new transparency regime that will enable vetted public interest researchers to access the data of very large online platforms with more than 45 million active users in the EU (Article 40); recent changes to X's free-to-access API, for example, reduced access to many tools utilised to combat harmful content.

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[53] https://www.gov.ie/pdf/?file=https://assets.gov.ie/251457/c05b57f5-8ad7-4a5f-872b-ede710368183.pdf - page=null

Public Interest Information

The FOMC references the Australian Competition and Consumer Commission definition of Public Interest Information:

> *"Journalism with the primary purpose of recording, investigating and explaining issues of public significance in order to engage citizens in public debate and inform democratic decision making at all levels of government"*

It is important that members of the public continue to have access to data as appropriate through subject access requests (SARs) and freedom of information requests (FOIs) and can make protected disclosures.

Disinformation and public services

In recent years, the impact of disinformation on the provision of State services has become more evident.

Ireland is currently experiencing very rapid social change in terms of the high numbers of refugees and applicants for international protection entering the country seeking protection. Different groups express concern about the scarcity and allocation of resources and in some cases, groups have spread disinformation relating to migrants, such as a story debunked by the Journal FactCheck, in relation to busloads of migrants arriving in Santry[54]. Such disinformation can have tangible impacts, including attacks on asylum accommodation and targeted discrimination. There is a need to address disinformation in order to stem the violence and discrimination that can result.

To counter the spread of disinformation around issues of immigration, the Department of Children, Equality, Disability, Integration and Youth (D/CEDIY) proactively engaged with media throughout the course of the humanitarian response. This has included supplying factual information and data on a regular basis via traditional media as well as publishing information on D/CEDIY's website. Social media has been a key driver for D/CEDIY of factual information and this has been supported by an increase in followers. This shows the impact that well-

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[54] https://www.thejournal.ie/were-busses-in-santry-a-migrant-convoy-or-children-attending-a-competition-5992422-Feb2023/

communicated public interest information can have on public discourse around a topic where disinformation is being circulated.

In the first 3 months of 2020, nearly 6,000 people were hospitalised and at least 800 people may have died globally due to misinformation related to COVID-19[55]. Though they are not a new phenomenon, in the digital age infodemics (where there is too much information including false or misleading information in digital and physical environments during a disease outbreak) can cause confusion and risk-taking behaviours that can harm health.[56] Protecting public health and wellbeing through the provision of evidence based health information to enable the public to make informed decisions about their health should be the priority.

Through social listening - listening to and understanding what people are saying about a specific product, industry, or topic, including through social media – health services can help identify instances where misinformation is being shared and allow the provision of accurate information in response, including the sharing of fact checked information with the public

Social media platforms, fact-checking organisations, and governments have taken steps to address disinformation through fact-checking labels, reduced algorithmic amplification of potentially false content, and partnering with external organisations to verify information. Through collaboration, it is possible to maximise the impact and reach of the social networks to provide for accurate and trustworthy information.

When it comes to health information, it is important that people seek their information from reputable sources, and it is important to note that people report that the sources of health information they most trust include their GP, their pharmacist, nurses and other health professionals, the Department of Health, the HSE and health experts.

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[55] https://www.ajtmh.org/view/journals/tpmd/103/4/article-p1621.xml
[56] https://www.who.int/health-topics/infodemic