

24 February 2015

**Proposal to launch new RTÉ Channel
on SAORVIEW - Oireachtas TV**

Information Request to RTÉ

- 1. The importance of the proposed new service in respect of the pursuance of RTÉ's public service objects?**

RTÉ Response:

RTÉ's public service objects are set out in Section 114 of the Broadcasting Act (the Act) 2009.

Section 114 (3) (b) states that RTÉ shall:

"Provide programmes of news and current affairs in the Irish and English languages, including programmes that provide coverage of proceedings in the Houses of the Oireachtas and the European Parliament"

RTÉ delivers on this duty everyday across its schedules on television and radio as well as online through RTÉ.ie and on its 24hr news channel, RTÉ News Now. The opportunity to offer extended coverage to live and recorded proceedings of the Dáil, Seanad and Oireachtas Committees on a free-to-air basis on SAORVIEW will further enhance access to and understanding of Ireland's national parliament.

Maintaining the viability of universal free-to-air television in the digital age is core to both RTÉ's public service objects (Section 114(1)(a)) and RTÉ strategy. RTÉ has a statutory responsibility to establish, operate and maintain the national television multiplex, known as SAORVIEW. Having launched in 2008, SAORVIEW is now the largest and fastest growing TV platform in the country. RTÉ is continuously looking to improve and expand the service offering of the platform; adding new channels and services is central to that strategy.

- 2. The compatibility of the proposed new service with the Council Directives and recommendations of the Council of Europe in respect of public service broadcasting?**

RTÉ Response:

The proposed new service is consistent with EU and Council of Europe regulatory frameworks and recommendations in respect of public service broadcasting.

3. The costs and revenues associated with the proposal and any impact on existing public service provision?

RTÉ Response:

The main incremental cost to RTÉ of the channel will be for provision of multiplexing, distribution and transmission services. As with all other RTÉ channels the Multiplex Operator must charge the broadcaster on the basis of the prevailing arm's length tariff as notified to ComReg and charged to all broadcasters. The tariff must meet the requirements of ComReg decision D11/13 particularly cost orientation and non discrimination. Tariffs are intended to cover the operational cost of DTT and provide a return (at a rate set by ComReg) on the investment (circa €70 million) in creating the network.

The tariff applicable is as detailed in the current published Reference Offer, €388.47 per kbps. The bit rate measured during a test for the channel over the period 16th January to 15th February was 1,386 kbps. The estimated tariff based on this level of utilisation will be [REDACTED] per year. The estimate does not include teletext, audio description, second language (other than the language of the transmission), Saturday or Sunday morning broadcasts. The addition of any of these would increase the charge. Over time the tariff may vary (up or down) depending on bit rate usage, other channels joining or leaving the platform, or other channels upgrading to HD.

In addition to the tariff RTÉ will incur other incremental costs in the provision of infrastructure. Capital expenditure of [REDACTED] will be incurred on connectivity and monitoring equipment. Incremental costs of operational support are estimated at c. [REDACTED] per year.

The Houses of the Oireachtas will make a contribution of [REDACTED] per year towards the costs incurred by RTÉ of the channel.

The estimated costs are based on the Oireachtas feed being transmitted as an RTÉ channel without additional branding, logos or other additional visual or audio and without any editing or additional commentary. There is no provision for promotion or audience monitoring.

Provision of the channel will not result in significant additional costs being incurred by RTÉ Group. Consequently it will not adversely impact on the delivery of existing services.

Given the channel will in effect be a partial channel, RTÉ may in the future seek to share the spectrum and add another partial channel to the SAORVIEW line up. Any such proposal would need Ministerial permission under a separate Section 103 application.

4. **The extent to which the proposed new service contributes to the democratic, cultural, linguistic, educational and social needs of Irish society, of individual groups within Irish society and of Irish communities outside of the Island of Ireland?**

RTÉ Response:

There are no comparable services to the Oireachtas channel for Irish audiences - which provide full and live coverage of important proceedings, involving elected representatives from throughout the country, about issues and laws that govern our society. This Oireachtas TV service, available free-to-air, is a distinctive proposition that serves to inform and include individuals and society as a whole as well as offer greater insight into and participation in Ireland's political process.

5. **The extent to which the proposed service will be accessible by the public and the extent to which it will reach underserved audiences?**

RTÉ Response:

The Houses of the Oireachtas has already entered into arrangements with other TV platforms in Ireland for the carriage of Oireachtas TV services. On SKY, Virgin Media and Eir Vision there is a 24hour, 7 days a week Oireachtas TV service of live and recorded programming. On Vodafone there are three Oireachtas related channels; Oireachtas TV, Dáil TV and Seanad TV.

Each of these are pay TV services and some require access to high speed broadband. RTÉ proposes to offer an 'Oireachtas TV' service on SAORVIEW on a free-to-air basis. SAORVIEW is accessible to 98% of Irish homes.

SAORVIEW is now Ireland's largest TV platform, available in some 675,000 households (Q4 2015). In 180,000 households SAORVIEW is the only means of accessing television services. Critically, the profile of SAORVIEW only households tends to be more rural, older and less well off. In many of these areas broadband coverage is also restricted and expensive, making access to the Oireachtas free web streams difficult.

6. **The contribution of the proposed service to raising the level of familiarity of the general public or of individual groups within Irish society with new forms of services and technologies?**

RTÉ Response:

This channel will be available in high quality digital broadcast format. As SAORVIEW advances with hybrid solutions in set top boxes bringing innovative functionality and interactivity, this Oireachtas TV service can be part of the content offering that will help bridge the digital divide.

7. The contribution of the proposed new service to media plurality?

RTÉ Response:

This channel will give Irish audiences the opportunity to watch (live and recorded) proceedings of the Houses of the Oireachtas on a free-to-air basis. This will add to the political news coverage that is already available to audiences/readers across other media.

8. The proposed lifetime of the new channel i.e. is the proposal for a permanent channel/service?

RTÉ Response:

The proposal is to introduce this new service as a permanent service. However in the first instance RTÉ and Oireachtas have entered into an agreement to transmit and supply (respectively) for an initial period of 5 years and then it will be subject to review.

9. Editorial control of the proposed service given the mandate envisaged for the hours of the Oireachtas Channel under section 125(5) of the Broadcasting Act 2009.

RTÉ Response:

This service is being delivered under agreement between RTÉ and the Houses of the Oireachtas. RTÉ shall ensure that all technical and quality standards are met in delivering the service on SAORVIEW. All of the Oireachtas content that will be supplied by the Houses of the Oireachtas will be strictly under their editorial control as per their editorial processes. RTÉ shall not interfere with or interpret the content feed in any way.

10. In view of the State Aid rules within which RTÉ must operate, is the proposal consistent with RTÉ's commercial obligations under state aid law as it applies to public service broadcasting?

RTÉ Response:

RTÉ is bound by clear obligations and commitments as regards its commercial operations, as set out in Sections 114 and 108 of the Act. This proposal is not a commercial service. There will be no commercial communications (advertising or otherwise on this service). The service is being provided in pursuance of RTÉ's public service objects.

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Broadcasting Act 2009

Principal
objects and
associated
powers of
RTÉ.

114.— (1) The objects of RTÉ are—

- (a) to establish, maintain and operate a national television and sound broadcasting service which shall have the character of a public service, be a free-to-air service and be made available, in so far as it is reasonably practicable, to the whole community on the island of Ireland,
- (b) to establish and maintain a website and teletext services in connection with the services of RTÉ under *paragraphs (a), (c), (d), (e), (f), (g), (h) and (i)*,
- (c) to establish and maintain orchestras, choirs and other cultural performing groups in connection with the services of RTÉ under *paragraphs (a), (f), (g) and (h)*,
- (d) to assist and co-operate with the relevant public bodies in preparation for, and execution of, the dissemination of relevant information to the public in the event of a major emergency,
- (e) to establish and maintain archives and libraries containing materials relevant to the objects of RTÉ under this subsection,
- (f) to establish, maintain and operate a television broadcasting service and a sound broadcasting service which shall have the character of a public service, which services shall be made available, in so far as RTÉ considers reasonably practicable, to Irish communities outside the island of Ireland,

- (a) provide a comprehensive range of programmes in the Irish and English languages that reflect the cultural diversity of the whole island of Ireland and include programmes that entertain, inform and educate, provide coverage of sporting, religious and cultural activities and cater for the expectations of the community generally as well as members of the community with special or minority interests and which, in every case, respect human dignity,
- (b) provide programmes of news and current affairs in the Irish and English languages, including programmes that provide coverage of proceedings in the Houses of the Oireachtas and the European Parliament, and
- (c) facilitate or assist contemporary cultural expression and encourage or promote innovation and experimentation in broadcasting.

(4) The principal express powers of RTÉ in pursuance of the objects outlined in *subsection (1)* are—

- (a) to establish, maintain and operate broadcasting stations and to acquire, install and operate apparatus for wireless telegraphy,
- (b) subject to any regulations under the Act of 1926, which are for the time being in force, to provide for the distribution by means of wired broadcast relay stations of programmes broadcast by RTÉ and such other programmes as RTÉ may decide,
- (c) to originate programmes and procure programmes from any source,
- (d) to make contracts, agreements and arrangements incidental or conducive to the objects of RTÉ,
- (e) to acquire and make use of copyrights, patents, licences, privileges and concessions,
- (f) to collect news and information and to subscribe to news services and such other services as may be conducive to the objects of RTÉ,