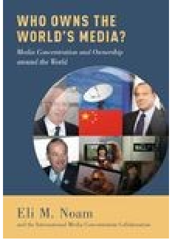

Who Owns the World's Media? Media Concentration and Ownership around the World

Eli M. Noam and The International Media Concentration Collaboration

https://doi.org/10.1093/acprof:oso/9780199987238.001.0001

Published: 2016 **Online ISBN:** 9780190210182 **Print ISBN:** 9780199987238

CHAPTER

7 Media Ownership and Concentration in Ireland

Roddy Flynn, Paschal Preston, Eli Noam, Paul Mutter

https://doi.org/10.1093/acprof:oso/9780199987238.003.0007 Pages 143–182

Published: January 2016

Abstract

This chapter focuses on media ownership and concentration in Ireland. Following a summary of the Irish media landscape, the rest of the chapter considers print media (newspapers, magazine publishing), audiovisual media (radio, broadcast television, video channels, multichannel TV platforms), telecommunications media (wireline and wireless telecom), and Internet media (Internet Service Providers, search engines). Overseas involvement in Irish media, information, and communications industries has intensified over the past two decades. These changes are associated with shifts in the ownership structure of Irish media and changing regulatory practices and structures. Irish media are strongly influenced from the outside, by ownerships from the UK and the US, and by UK media such as BBC and BSkyB being widely available in the Irish market. The major telecom providers are Eircom, Vodafone, Telefonica. The largest print publishers are INM, Thomas Crosbie, and the Murdoch group. In audiovisual media, the largest participants are the public RTE, the Murdoch group, and Liberty Media.

Keywords: Irish media market, print media, audiovisual media, telecommunications, Internet, foreign ownership, BBC, BSkyB, Vodafone, RTE, Eircom, Murdoch, Liberty Media, INM Irish media market, print media, audiovisual media, telecommunications, Internet, foreign ownership, BBC, BSkyB, Vodafone, RTE, Eircom, Murdoch, Liberty Media, INM

Subject: Economic Sociology, Social Research and Statistics

Introduction

Irish media markets are dominated by either a handful of relatively large players (e.g., wireline and mobile telephony) or are de facto monopolies (e.g., satellite broadcasting and cable television). This owes much to the small scale of the Irish market and the economies of scale and scope (encouraging the creation of larger media enterprises) that characterize all media industries.

This is not the case in all industries (e.g., broadcast television and print media) because of the presence of international players in Ireland. Political, geographical, and linguistic factors have made it relatively easy to access the Irish media market. This presents difficulties in conducting Irish media market analyses because it is often impossible to identify the "Irish media market" as a discrete entity. Financial reports from Irish media groups do not clearly delineate between domestic and foreign activities. Similarly, the international media groups that often play dominant roles in Irish media sectors rarely present separate accounts of their Irish activities. In film distribution, for example, the Hollywood majors treat the United Kingdom and Ireland as a single market and report combined revenues figures. As a consequence, it is not always possible to produce reliable revenue figures for market shares of individual media firms. In this study we address questions of media concentration in terms of share of circulation, readership, and household penetration.

The openness of the Irish market derives in part from Ireland's former status as a colony of the United Kingdom until it gained independence in 1922. As a consequence, UK-published newspapers competed with
p. 144 indigenous titles from the foundation of the state. In broadcasting, BBC radio broadcasts in Ireland began in ↳ 1922 whereas the first Irish radio broadcaster, 2RN, wasn't created until 1926. Irish television began in 1961, although viewers in parts of the eastern seaboard could receive BBC television signals as early as 1936.

In the 1980s and 1990s, competition from UK terrestrial broadcasters was augmented by the arrival of other players, facilitated by new broadcasting technologies (cable, satellite, and their more recent digital variants) and a general European trend toward the liberalization and deregulation of broadcasting markets. Despite this, those Irish media outlets producing content primarily for the local market were largely Irish owned until the close of the 20th century. When private commercial broadcasting was legalized in 1988, the newly established radio and television stations were generally Irish-owned. However, from the late 1990s (and especially between 2000 and 2006) the arrival of foreign capital intensified merger and acquisition activity in the Irish print and broadcast sectors. As a result, an increasing number of Irish media outlets were acquired by international companies.

The presence of overseas players in telecommunications markets such as ISPs and mobile telephony is a more recent phenomenon. In 1998, both players in the Irish mobile phone market were owned by domestic firms but, as of 2011, the sector was dominated by firms headquartered in the United Kingdom, Spain, Singapore, and Hong Kong.

The arrival of privately owned firms into Ireland's media markets led to a reregulation of Irish media markets. Regulation of the various media sectors is spread between a number of institutions. Television and radio stations are licensed by the Broadcasting Authority of Ireland. Fixed and mobile telecommunications services (including cable and satellite television operators) are licensed by the Commission for Communications Regulation (COMREG). There is no specific body for licensing newspapers. However, since 2006 Ireland has had a press council that offers a means of redress for unfair press coverage.

All media outlets in Ireland are also subject to the oversight of the Competition Authority. Until 2002, the Authority treated all business enterprises alike: the approval of the minister for industry and commerce was required whenever one enterprise proposed acquiring 30% or more of another organization. However, the Competition Act of 2002 included a new section dedicated to media ownership that enjoined the minister to consider the impact on plurality and diversity of permitting a media merger to proceed. Thus, the 2002 Act took the ultimate authority for media mergers out of the hands of the Competition Authority and placed it with the minister for enterprise and employment.

The 2002 Competition Act placed the Competition Authority at the center of decisions on corporate mergers (including media mergers). Mergers worth €40m or more must be notified to the Competition Authority for approval. However, if both companies involved in the merger are media companies and at least one operates in Ireland, the Competition Authority must be notified regardless of the merger value.

Once notified of a merger, the Competition Authority decides whether a merger or acquisition will substantially lessen competition. It may to approve a merger (possibly with conditions) or prohibit it. However, in the case of media mergers, even if the Authority decides that a merger raises no competition concerns, Section 23 of the Competition Act empowers the minister for enterprise and employment to block the merger on the basis of what the Competition Act terms "relevant criteria" (Competition Act, 2002, 25).

Between the introduction of the 2002 Competition Act and the spring of 2008 (i.e., the most active period of media mergers and acquisitions for decades), some 89 media mergers were reported to the Competition Authority; 86 of these were cleared after a short (one month) "first phase" review. The Authority has
p. 145 cleared 97% of all mergers notified to it by this process.[1] The remaining three mergers were cleared at ↳ phase two (a longer process taking up to three months) with some conditions attached.[2] In sum, despite a remarkably active period of media mergers in the first half of the 2000s, the state has rarely thoroughly investigated the implications of any of these mergers.

To the extent that it is a public issue in Ireland, debates on media concentration focus on the perception that a small number of companies dominate one or more media markets. "Official" debates around such concentration rarely refer to the potentially negative impact on media pluralism. Such concerns are primarily voiced by Irish academics. For example, from the late 1980s to the late 1990s, "official" discussions of media mergers and concentration in Ireland were dominated by two issues:

2. In the print media sector, a concern with a perceived threat to "indigenous" newspapers from external (UK-based) competition[3]

Such debates were informed by economic conceptions of diversity (i.e., competition) as opposed to more political and cultural concerns about plurality. This perspective is still evident in the Competition Authority's approach to evaluating media mergers. The primary concern is "whether or not it will substantially lessen competition in markets for goods or services in the State."[4]

Thus, media sectors in Ireland have been treated more or less identically to less politically sensitive sectors such as manufacturing, despite occasional outbursts of political rhetoric on the subject of media pluralism. In 2009, the state-appointed Advisory Committee on Media Mergers noted this failure to acknowledge the media's political role in the Competition Authority's deliberations: "It is widely recognised that this test while sufficient to protect the public interest in competition, is not in itself always sufficient to protect the public interest in media plurality and diversity."[5]

In the meantime, public concern relating to media mergers and concentration of ownership has focused on the possibility that such media companies may abuse their market dominance for selfish ends. This reflects the perception that the "'amenity potential,' also known as the 'private benefits of control,' arising from owning media outlets is extremely high. In other words, the nonfinancial benefits, such as fame and *influence*, that are obtained by controlling a newspaper or a television station must be considerably higher than those that come from controlling a firm of comparable size in, say, the bottling industry"[6] (italics added).

In Ireland, the perception that media ownership is driven by the desire for influence finds expression in the personification of dominant businesses in their chairmen or chief executives. Two names stand out in this regard. The first is Tony O'Reilly, best known outside Ireland as the former chair of US-based H.J. Heinz, the food and beverages conglomerate and for several decades the richest man in Ireland.

Within Ireland, he is best known as the former chief executive of Independent News and Media (INM), a corporation built around the acquisition of the Independent Group in 1973. INM is the largest print media group in Ireland and has been since the early 1970s.

INM is also one of the largest print media owners in Australia and, until 2012, had significant holdings in India and South Africa. It also owned the London Independent Group for nearly a decade until 2010.
p. 146 O'Reilly's media ↳ interests extend beyond print: INM was a partner in the second largest cable television operator in Ireland from 1992 to 2004, and from 2000 to 2004, O'Reilly was chairman of the Valentia consortium, owner of the former state postal and telecom monopolist, Eircom.

It has been asserted that O'Reilly's strong influence in Irish print media and his cross-media holdings has shaped the editorial content of the INM newspapers. On the day of the 1997 general election, the INM-owned *Irish Independent* called for a vote against the incumbent Fine Gael administration, which *The Independent* had traditionally supported. *The Independent*'s about-face was ascribed to INM dissatisfaction with the failure of the outgoing Fine Gael–led administration to adequately regulate the activities of rural community groups who were piggybacking television distribution systems on the back of legal cable operators. These cable operators included the INM-owned Princes Holdings. Many viewed the editorial as O'Reilly using his media holdings to promote his own interests and those of his corporate empire.

The second figure who exemplifies this focus on the individual is Denis O'Brien. O'Brien secured his first Dublin radio station license in 1989. He subsequently established Esat Telecom as a landline phone provider. In 1995, Esat won the first private mobile phone license in Ireland. In 2000, O'Brien sold his stake in Esat to British Telecom for approximately €320m. His Communicorp investment vehicle subsequently acquired extensive interests in Eastern Europe radio and owns Digicel, now the largest mobile phone operator in the Caribbean. In 2008, he acquired the two Irish national commercial radio stations—Newstalk 106 and Today FM. At around the same time, he began to build a stake in Independent News and Media.

It was not immediately clear why O'Brien would seek to acquire a stake in a newspaper group, at a time when newspapers globally were experiencing falling circulations and ad revenues. In Spring 2011, a state tribunal investigating the circumstances under which Esat Digifone had originally secured its mobile phone license suggested that O'Brien had effectively bribed the Minister for Communications to secure the license. O'Brien denied these assertions. However, different media outlets reported this story in ways that appeared to be influenced by ownership. For example, INM titles, of which O'Brien was the largest shareholder, devoted less space to the story relative to other Irish papers. Furthermore, INM papers focused on the role of the corrupt politician, downplaying O'Brien's involvement. Both the national commercial broadcasters (which are also owned by O'Brien) also adopted a more skeptical attitude to the tribunal's findings than the public service broadcaster.

Consequently, the public formed the opinion that O'Brien's acquisition of dominant stakes in the largest commercial radio stations and print media had been conducted in anticipation of a negative finding from the tribunal. These public perceptions have had a political impact. In October 2011, the Minister for Communications announced new draft legislation exclusively focused on media mergers, stressing "the undesirability of allowing any one individual or undertaking to hold significant interests within a sector or across different sectors of media businesses" (Rabbitte, 2012). However, the Minister also acknowledged the inadequacy of conventional micro-economic competition analysis metrics for assessing media mergers, promising to include criteria relating to pluralism for such mergers.

Both O'Reilly and O'Brien have some involvement in another narrative around Irish media ownership that engendered public skepticism. This involved the 1999 privatization of Eircom, then a state-owned telecommunications operator. In 1996, Eircom (then called Telecom Eireann) was partially privatized when the state sold a 20% share in the company to the Dutch/Swedish KPN/Telia consortium. This initial sell-off was understood to be the first phase of a process that would leave the state with a majority share of 50.1% of the company. However, in 1999, the Minister for Public Service announced that the state would sell its entire stake in Eircom.

The privatization was not a success. By 2001, the market value of Eircom had fallen to €3bn from a peak
p. 147 market capitalization of €10.25bn in 1999. This left Eircom vulnerable to a takeover. ↳ In 2001 Anthony O'Reilly and Denis O'Brien competed to acquire Eircom. O'Reilly's Valentia consortium won the deal. Despite acting as chairman of Valentia, O'Reilly himself owned just 4% of Eircom after 2001, for which he paid €25m. The key institutions behind Valentia then were Providence Equity, a media/entertainment-focused venture capital firm that held a 46.4% stake, the Soros Fund that held a 18.5% stake, and Goldman Sachs, which took a 1.2% holding.[7]

Valentia's acquisition of Eircom was largely funded through debt. In the two years following the acquisition, the consortium asset-stripped Eircom, taking large dividends, selling off existing assets, sweating those that remained, and cutting back on new infrastructure investment. In April 2004, Valentia brought Eircom back to the stock market via a second IPO, making capital gains that nearly doubled their initial investment. However, this came at a cost to the operations of the company: investment in DSL infrastructure was severely curtailed in 2002 and 2003, at precisely the moment that technology was becoming a consumption norm in other OECD countries.

This reluctance to invest in key telecom infrastructures at a time when Ireland sought to brand itself as an information or knowledge economy was compounded in 2006 when Australian venture capitalists Babcock and Brown took over the company, and again concentrated on increasing shareholder value to the detriment of infrastructure investment. Babcock and Brown sold off their shares in September 2009. In 2010 SingTel, a subsidiary of Temasek, the Singaporese government's state holding company, purchased 65% of the company. SingTel inherited a huge debt of €3.8bn that they could not refinance or sell. In March 2012, the company was declared to be legally insolvent. Having previously been the largest privatization in Irish corporate history, the company established a new landmark when it entered the biggest examinership in Irish corporate history. The repeated flipping of Eircom's ownership has undermined public confidence in the virtues or privatization and in the value of free-market competition.

Newspapers

The domestic press in Ireland consists of three or four national dailies, one national evening newspaper, five or six Sunday newspapers and approximately 40 regional/local or "provincial" newspapers. With the exception of the Cork-based *Irish Examiner*, all have a discernible orientation toward Dublin. The has left space for a relatively large number of local and regional papers. There has been a general decline in readership over the past four decades. Between 1971 and 2006, the population increased by 40% while total daily, Sunday, and evening sales declined by 10%. Mirroring international trends, sales have fallen calamitously since 2008. From 2008 to 2011, daily sales fell by 18% and Sunday sales fell by 26%.

UK-based titles are also major players, doubling their share of the Irish daily market since 1970. Their presence creates some ambiguity regarding the number of "Irish" titles. In both the daily and Sunday markets, at least one major "Irish" title is owned or co-owned by a British press group. In the early 1990s, concerns around concentration focused on the dominant position of IMN. The increasing penetration of UK-based media groups has complicated these issues.

INM remains the dominant media group in Ireland. It owns the best-selling daily newspaper—the *Irish Independent*—and has a 50% share (with the UK's Express Group) in the *Irish Daily Star*. It also owns the only truly national evening paper, the *Herald,* and both the best-selling and second best-selling Sunday papers, the *Sunday World* and *Sunday Independent*. INM has also been a major international player with media operations in Australia, New Zealand, South Africa, the United Kingdom, and India. Since 2008, the ownership of Independent News and Media itself has been in flux as cross-media owner Denis O'Brien, whose Communicorp investment vehicle has substantial holdings in the Irish broadcast field (see later in the chapter), increased his personal stake in INM. In 2008, p. 148 ↳ O'Brien's stake in INM stake surpassed 25%, thus allowing him to block special resolutions from the INM board. O'Brien's presence was not welcomed by INM. When O'Brien acquired several national and local radio stations in a 2007 deal, INM made submissions to both the Competition Authority and the Irish Government objecting to the deal on the grounds of cross-media ownership. Hostilities between O'Brien and INM persisted. In 2012, O'Brien effectively had INM Chief Executive Gavin O'Reilly removed and replaced by an O'Brien candidate.

Thomas Crosbie Holdings is the second largest newspaper group in Ireland by number of titles (three), but it is significantly smaller than INM.[8] In 2010 the turnover for TCH was €72 million as compared to €630 million for INM. Indeed in 2010, the Irish Times Limited, which only publishes one national daily (albeit with the second largest circulation), recorded higher revenue (€86 million) than TCH. *The Irish Times* is unusual in that it is owned by a trust, a legal status established in 1974 to defend the paper against corporate takeovers. Any profits must be reinvested into the paper. That said, in practice the corporate strategy of the Irish Times Limited differs little from its purely market-driven competitors.

The domestic newspaper market is entirely commercial in its organization. The kind of state subsidies found in Scandinavian countries are unheard of in Ireland: if a newspaper runs into financial difficulties, the state has historically permitted it to collapse. The Irish Press Group, which had successfully operated daily, Sunday, and evening papers since the 1930s went bankrupt in 1995. The Competition Authority prevented Independent News and Media from investing in the ailing Irish Press Group because it gave INM an unacceptably dominant market position.

The position of Independent News and Media appears remarkably dominant, in the domestic market, accounting for nearly 85% of all Sunday paper sales and nearly 50% of daily sales. However, this fails to take account of sales for Irish editions of UK newspapers. The local content of these editions varies. Some publish eight pages of local content around a core that is identical to the UK editions. Others produce editions that would be entirely unrecognizable to UK readers. The "localization" strategy has been very successful. News International's *Irish Sun* and *Irish Sunday Times* both rank fourth (by circulation) in their respective daily and Sunday markets. Before its 2011 closure in the wake of a phone-hacking scandal surrounding the UK edition, the *Irish News of the World* was the third best-selling Sunday edition in Ireland. Similarly, the Daily Mail and General Trust's two Irish titles—the *Irish Mail on Sunday* and the *Irish Daily Mail*—are the third and sixth best-selling papers in the daily and Sunday markets, respectively. As a consequence, News International and the Daily Mail and General Trust have the second and third largest newspaper circulations in Ireland, respectively. As of 2011 the fourth position is occupied by Thomas Crosbie Holdings; this is hotly contested by another a UK-based group, Trinity Mirror, which holds 6.6% of the markets to TCH's 6.7%.

UK-based players are also prominent in the regional press sector. Until the mid-1990s, the regional press was in the hands of myriad small Irish firms save for the 10 titles owned by INM. However, since 1995 there has been a flurry of take-over activity, and since 2010 every regional newspaper with a circulation in excess of 20,000 per week is now in the hands of a media group, the majority of which are UK based. The key groups are the Alpha Newspaper Group (UK), Andersonstown News Group (UK), Dunfermline Press (UK), Independent News and Media, Johnston Press (UK),[9] and Thomas Crosbie Holdings.

When considering concentration number, this study's calculations focus on market reach. Revenue numbers are not reliable. However, there remain questions as to how to define the market for the Irish press sector.

p. 149 Broadly speaking the Irish press can be divided into national, regional, and local papers. ↳ We must also take into account the three categories of daily paper in Ireland: Irish owned and published, British owned and Irish published, and British owned and British published. These arguably constitute different markets. For the calculation of the HHI index we have measured concentration at two levels:

1. Irish owned national titles only
2. Irish and British titles available in the Irish market

Were we to exclusively focus on Irish-owned titles, INM appears dominant with its daily, evening, and Sunday papers accounting for 80% of the total national newspaper market. This produces an HHI index of 6,603 for 2010 (Table 7.1).

Table 7-1. Irish-Based Newspaper Groups—%Market Shares by Circulation

Media Group	Market Share 2010
Independent News and Media	80
Thomas Crosbie Holdings	10.6
Irish Times Trust	9.5

Source: Authors' extrapolations from Audit Bureau of Circulation figures.

However, this fails to reflect how UK titles constitute a significant proportion of the Irish press market. For every two copies of domestic papers sold, Irish readers buy one "Irish" edition of a UK-published paper. News International publications are particularly prominent in this regard. For a period in 2005, the Irish edition of T*he Sun* was second only to the *Irish Independent* in terms of daily sales. In addition, UK groups also sell UK editions of their papers directly into the Irish market. Including all of these categories of newspapers offers the most comprehensive basis for calculating market share within the national newspaper market in Ireland. On this basis the HHI indices for Irish and British newspapers sold in the Irish market in 2000 and 2008 are 3,381 and 3,235, respectively (Table 7.2).

Table 7-2. Irish and UK-Based Newspaper Groups—Irish Market Shares by Circulation (%) 2000–2008

	2000	2004	2008
Independent News and Media	53.3	50.5	52.0
News International (UK)	17.9	18.7	17.9
Daily Mail and General Trust (UK)	1.1	8.4	9.3
Thomas Crosbie Holdings	4.5	6.5	6.7
Trinity Mirror (UK)	12.3	8.6	6.6
Irish Times Trust	5.8	5.5	5.9
Guardian Media Group (UK)	0.6	0.8	0.8
Express Group (UK)	0.5	0.7	0.4
Telegraph Group (UK)	0.4	0.3	0.3
Independent Print Ltd. (UK)	0.7	0.3	0.3
Pearson (UK)	0.3	0.2	0.2
Ireland on Sunday			
Scottish Radio Holdings (UK)	2.8		
Sunday Business Post			
Total Rev (mil €)	1,000	1,600	1,500
Total Rev (mil $US)	930	2,100	2,140
C4	89.3	86.2	85.9
N (>1%)	7	6	6
HHI	3,381	3,118	3,235
Noam Index	1,278	1,273	1,321

Source: Authors' extrapolations from Audit Bureau of Circulation figures.

The period from 1995 to 2005 (and especially from 2000 to 2005) saw an extraordinary increase in merger and acquisition activity within the regional press sector. Despite small circulations, such titles were desirable because they attracted reliable advertising revenues. As a consequence the sums offered for small (2–3 title) groups or even individual titles began to soar, peaking between 2003 and 2005 at valuations up to 50 times their pretax earnings. This was largely driven by the arrival of UK-based players with deep pockets like Trinity Mirror, the Dunfermline Press (now the Celtic Media Group), the Johnston Press, and Scottish Radio Holdings. This led "independent" regional papers to become the exception rather than the norm.

Furthermore, the 14-title Johnston Group replaced INM as the largest player by title in the regional market. Despite the increased concentration of ownership, however, the regional press is still relatively competitive. No group in the regional market has a market share in excess of 20%. Thus, this HHI is 938, based on the nine groups singled out in Table 7.2 plus 17 other regional papers.

Although the regional papers are often discussed as a single market, most operate in discrete geographical territories and there is little direct competition between them. This is reflected in Competition Authority policy regarding acquisitions of regional papers. In 2005 the Competition Authority approved Johnston Press's acquisition of the seven-title Leinster Leader Group in 2005. They justified this decision by pointing to the "minimal overlap in circulation" and the "lack of overlap in advertising" between the Irish regional papers Johnston already held and those it was acquiring. Even in those geographical areas where the Authority found there was some circulation overlap between the Johnston Group papers and those of the Leinster Leader group, the Authority found at least three other alternative sources of press advertising.[10]

p. 150 These figures for market share create a somewhat misleading impression of the Irish regional press sector. When combined with the figures for national press sales, they offer a fuller picture of the role played by particular media groups in the Irish press sector, especially given that two of national press players, INM and TCH, are also active in the regional market (Table 7.3).

Table 7-3. Irish and UK-based Newspaper Groups—National and Regional Circulation

Group	Group Circulation 2010	Group Market Share 2010 (%)
INM	1,049,641	43.5
News International (UK)	331,462	13.7
TCH	199,856	8.3
10 Family-owned regional titles (aggregate)	126,807	5.3
Johnston Press (UK)	120,126	5.0
Trinity Mirror	118,037	4.9
Daily Mirror and General Trust (UK)	118,037	4.9
Irish Times Trust	105,742	4.4
7 Privately owned regional titles (aggregate)	63,505	2.6
Celtic Media Group (UK)	51,400	2.1
Alpha Newspaper Group (UK)	31,310	1.3
Connacht Tribune	27,447	1.1
Vale/Mallow Star	16,500	0.7
Topic	14,500	0.6
Guardian Media Group (UK)	11,963	0.5
River Media	9,321	0.4
Express Group (UK)	6,921	0.3
Pearson (UK)	3,680	0.2
Telegraph Group (UK)	5,324	0.2
Independent Print Ltd. (UK)	2,725	0.1
Total National and Regional Press Circulation	2,414,304	

Source: Authors' extrapolations from Audit Bureau of Circulation figures into larger media groups.

Taking the national and regional markets together, the HHI for 2010 is 2,285, significantly lower than the 3,235 recorded for the national market alone in 2008. Although reliable comparable figures for earlier years are unavailable, the market is unquestionably more concentrated in 2010 than ten years earlier, driven by the increasing market share of UK-based titles and the wave of regional title acquisitions. Again, this is largely driven by UK-based groups. In 2000, the 90 or so titles in the regional market were spread across 75 companies. This was reduced to fewer than 30 by 2010. Despite the more prominent position of overseas parents in the regional market, little concern has been expressed about the potential erosion of local content. This is in large part due to the nature of regional papers: their primary appeal lies in their local-nature. Thus there is little incentive for international parent companies to repackage content produced for other geographical markets and include it in their regional press holdings.

The national market is different. When Daily Mail and General Trust acquired *Ireland on Sunday* it was relaunched as the *Irish Daily Mail,* replacing Irish content with material from the UK paper. However, the extent of this type of p. 151 practice has been limited thus far and even *Irish Daily Mail* runs a significant Irish operation in Dublin. The issue is further complicated by the fact that domestic titles have long relied on material sourced from (non-Irish) press agencies and partnerships with UK titles[11] from outside Ireland. In other words, it is not possible to assert that the internationalization of ownership has substantially diluted the domestic content of Irish regional or national papers. Certainly Trinity Mirror's 1997–2002 ownership of *The Sunday Business Post* (before it was acquired by Thomas Crosbie Holdings) did not appear to alter the content of the paper.

The timing of the international and domestic companies who moved into the regional press market in the early 2000s proved to be unfortunate. Though not as badly affected as the national sector in terms of declining circulation and advertising, the local sector has still faced difficulties. The high values placed upon the regional titles at the time of acquisition assumed that conglomeration of production would lead to economies of scale. In practice, many of the regional titles have continued to operate as stand-alone entities and the theoretical benefits of mergers have not been felt. In some cases, most notably with Johnston Press, p. 152 the new owners sought to divest their Irish holdings as the economy slid into recession in 2008 and 2009. For the most part, finding buyers has been exceptionally difficult, and Johnston and other groups that expanded their holdings just before the crash seem resigned to retaining their titles until/if the economy rebounds.

Magazine Publishing

Ireland's print media also includes a periodicals sector, although given the national commitment of the Irish to newspapers (the National Newspapers of Ireland lobby group asserts that 19 out of 20 Irish adults read a paper every day), there are relatively few indigenous magazines. This is largely due to the overwhelming presence in the Irish market of UK-published periodicals. What indigenous titles do exist mirror the categories found in other countries: women's magazines, business journals, and current affairs loom large. Although the Periodical Publishers Association of Ireland lists 59 members, most of these are either very small or engaged in contract publishing (i.e., producing material for corporate clients). Only a handful own more than one "off-the-shelf" title. The largest of these is Harmonia, a company formed in 2004 as a result of a management buy-out of the former Smurfit Publications operation. Harmonia publishes three of the four best-selling women's magazine in Ireland. Others with multiple publicly available titles include Business and Finance, Page 7 Media Limited, and Mediateam, which concentrates on publishing IT-related journals.

Audiovisual Media

Radio

For most of the 20th century in Ireland, radio (and television) broadcasting was the exclusive preserve of state-run or state-owned broadcasters. The Wireless Telegraphy Act of 1926 conferred sole authority to license broadcast operators, private or public, upon the minister for communications. State-run radio broadcasting began in 1926 (although the BBC Belfast transmissions were available in parts of southern Ireland from 1922). In 1988, the Radio and Television Act established an Independent Radio and Television Commission (IRTC) to license and regulate the activities of new privately owned commercial broadcasters. The IRTC subsequently became the Broadcasting Commission of Ireland (BCI) and is now the Broadcasting Authority of Ireland (BAI). As the licensing body, the BAI can determine which individuals and institutions should be permitted to own radio and television stations. The exercise of this power is not limited to new licensees. If an individual/corporation licensed to operate a broadcaster by the BAI seeks to sell that broadcaster to another individual/corporation, the BAI may withhold approval for the transfer of the license. The 2009 Broadcasting Act requires the BAI to have regard for the undesirability of allowing any person/group of persons to have control of/substantial interest in "an undue number" of radio, television, or other communications media when considering awards or transfers of licenses. Since 2001, the BAI has outlined a set of principles on ownership designed to "facilitate the continued development of a viable and diverse broadcasting sector that is characterized by a plurality of ownership."[12]

The dominant player in Irish radio broadcasting is the state-owned broadcaster, RTE, although that dominance has been severely curtailed since the introduction of privately owned competition in 1989. Thus from "officially"[13] holding 100% of the market in 1988, the combined listenership of RTE Radio 1, 2FM and
p. 153 RTE Lyric FM is now 32%.[14] In addition ↳ to RTE there are currently 57 licensed independent "sound broadcasting services" (radio stations) operating in Ireland. These consist of two national independent commercial radio stations, Today FM and Newstalk 106,[15] six regional music stations, 27 local independent commercial stations, and 20 community/community-of-interest stations. The remainder are "institutional" stations often run by hospitals. Local radio usually means a county radio station whose market roughly coincides with county boundaries. Community and community-of-interest stations generally attract small audiences and as a consequence carry little advertising (indeed they are usually expressly prohibited from doing so). In contrast to television broadcasting, UK stations play a minor role in the Irish radio market.

When local radio licenses were initially offered in 1988, the consortia behind individual stations were local in nature, driven by local business people, lawyers, accountants, and so forth. However, after 2001, the BCI relaxed the local radio ownership rules "in the light of the changing broadcasting environment," permitting 100% ownership of broadcasters and more multiple station ownership.[16] This led to a flurry of acquisitions/mergers between 2001 and 2007: by March 2011, only eight of the 35 BAI-licensed commercial radio stations had not been subsumed (Table 7.4).

Table 7-4. Radio Station Ownership and Market Share (by Audience) 2008–2011

Name of Group/Station	Name of Station	% Share of National Audience by Group 2008	% Share of National Audience by Group 2011
RTE (Public)	Radio 1	35.9	32.0
	2FM		
	Lyric FM		
Thomas Crosbie Holdings	4FM	4.6	6.0
	Beat FM		
	Red FM		
	WLR		
Communicorp	Newstalk	26.4	25.0
	Today FM		
	98FM		
	Spin 103.8		
	Spin Southwest		
UTV (UK)	Cork 96/103FM	15.5	15.0
	FM104		
	Limerick Live		
	LMFM		
	Q102		
Vienna Investments	Radio Nova		1.0
Wilton Radio	i102–104		4.0
	i103–105		
Clare FM	KFM	1.7	2.0
	Clare FM		
Radio Kerry Group	Northern Sound/ Shannonside FM	3.5	3.0
	Radio Kerry		
Connaught Tribune	Galway Bay FM	1.7	2.0
Irish Press	Tipp FM	1.4	1.0
Orangold Ltd.	Highland Radio	1.5	1.0
Tindle Group	Midlands 103	1.4	2.0
River Media	Ocean FM	0.9	1.0
KCLR	KCLR	0.9	1.0
Midwest Radio	Midwest Radio	1.2	1.0
South East Radio	South East Radio	1	1.0
Sunshine 106.8	Sunshine 106.8	0.8	1.0
East Coast FM	East Coast FM	0.8	1.0

Phantom	Phantom	0.8	0.0
C4		82.4	78.0
HHI		2,277	1,956
N (>1%)		12	18
Noam Index		657	461

Source: Author extrapolations based on JNLR figures.

Within the purely commercial sector, Communicorp dominates. Owned by Denis O'Brien, the businessman who made his fortune in mobile telephony, Communicorp was established with the launch of 98FM in 1989. The group subsequently expanded overseas. By 2012 it owned 42 radio stations in Ireland and Eastern Europe. In July 2007, Communicorp acquired three Irish stations—national broadcaster Today FM, Dublin station FM104, and the Donegal local station Highland Radio from British media group Emap.[17] Since this placed both national commercial broadcasters (Today FM and Newstalk 106) and the two leading Dublin stations in Communicorp's hands, the deal was subject to Competition Authority approval. However, before the Competition Authority could make a recommendation, the Broadcasting Commission of Ireland became involved. Under the BCI's ownership guidelines, any proposal that a single entity own "a number" of radio stations equivalent to more than 15% of the total of those operating in the Irish market requires "careful consideration." Ownership of anything over 25% of all stations is considered completely unacceptable. Consequently the BCI stated that it would not approve a transfer of FM104's license to Communicorp.[18]

This influenced the Competition Authority's assessment of the deal. Although it was ultimately approved, it was subject to the condition that Communicorp divest itself of FM104. Thus in February 2008, Communicorp resold FM104 to UTV, another player actively seeking to acquire more radio stations. UTV grew out of the commercial television franchise for Northern Ireland and, as such, is presently the only "foreign" company to own Irish radio broadcasters. In addition to 12 stations in the United Kingdom, UTV now owns five stations in the Republic of Ireland.

The Communicorp deal prompted questions about the Competition Authority's competence to deal with the media plurality issues thrown up by cross-media ownership. As a result, in March 2008 the minister for enterprise and employment appointed a committee to examine whether competition legislation should take account of diversity of opinion when adjudicating on mergers in the media sector. In April 2008, the Broadcasting Commission of Ireland initiated an investigation into the implications of Denis O'Brien's
p. 154 increased holding in ↳

p. 155 ↳
Independent News and Media for his broadcast radio holdings. That investigation, published in July 2008, concluded that the businessman's increased press holdings should not impact on his right to retain his broadcast interests.

Outside RTE, Communicorp, and UTV, the market shares held by the other radio groups tend to be small; mainly they do not own or operate either national stations or stations aimed at the key Dublin market. Thomas Crosbie Holdings owns four stations but its national market share is only 6% because it only owns non-Dublin local or regional stations. However, the influence of the smaller groups is often greater than their share of the radio market suggests because of their cross-media holdings. Thomas Crosbie Holdings for example owns two national newspaper titles, the *Examiner* and *The Sunday Business Post*. Galway Bay FM is also owned by the Galway-based *Connaught Tribune* newspaper, while River Media, which owns the local Donegal station, also runs several local newspapers in the same market. Perhaps the oddest of these cross-media groups is the Irish Press Ltd., which owns Tipp FM. Established in 1931 the Press group's newspapers entered terminal decline in the late 1980s and were closed in 1995. However, in 1999 the company purchased a stake in the Tipp FM radio station and it remains its main trading activity.

The combined local/national nature of the Irish market makes it difficult to arrive at an objective basis for calculating degrees of concentration. Because the franchise areas of local stations are geographically distinct, competing for different audiences and advertisers, they effectively constitute different markets. To capture overall market share in the various, national, regional, multi-city, and local radio markets we have calculated the market share of individual stations on the basis of absolute numbers of listeners rather than relative share of their respective markets. This allows us to control for the different population sizes within these different markets. On this basis, the HHI figures for 2008 and 2011 (the only years for which nationally comparable figures are available) dropped from 2,277 to 1,956.

As is the case with television, RTE's share of total broadcasting revenues in Ireland includes broadcasting license fees. Thus although RTE only commands 32% of the national radio audience, it takes 53.5% of all broadcasting revenues (Table 7.5).

Table 7-5. Radio Market Shares (By Revenue) 2008–2011

	2008	2011
Radio Telifis Eireann (Public)	52.0	53.5
Communicorp	19.8	17.3
UTV (UK)	11.6	10.0
Thomas Crosbie Holdings	3.5	3.9
Wilton Radio		2.6
Radio Kerry Group	2.6	2.3
Clare FM	1.3	1.2
Vienna Investments		0.9
Connaught Tribune	1.6	1.1
Irish Press	1.1	0.8
Orangold Ltd.	1.1	1.0
Tindle Media	0.7	1.1
River Media	0.7	0.6
KCLR	0.7	0.7
Midwest Radio	0.9	1.0
South East Radio	0.8	0.6
Sunshine Radio 106.8	0.6	0.5
East Coast FM	0.6	0.4
Phantom	0.6	0.3
Total Rev (mil €)	199.9	154.9
Total Rev (mil $US)	277.8	200.6
C4	86.9	84.7
HHI	3,261	3,297
N (>1%)	17	19
Noam	791	756

Source: Author estimates based on Ipsos/MRBI Joint National Listernship survey and Institute of Advertising Practitioners of Ireland figures.

Again, as is the case with regard to television, the significant discrepancy in the HHI figures based on audience share and revenue share raises doubts about the appropriateness of using the index as a basis for calculating media influence.

Broadcast Television

The first television broadcasts received in Ireland were spillovers from the United Kingdom, where the BBC and ITV began television broadcasts in 1936 and 1954, respectively. Thus when RTE (the state-owned national broadcaster) began a television service in 1961, it immediately faced external competition. Audience competition did not mean competition for advertising revenues, since neither the BBC nor ITV sold advertising space to Irish advertisers. In one sense then, RTE was not directly competing with either the BBC or ITV. Not until the Radio and Television Act of 1988 was provision made for a purely commercial, privately owned, domestic television broadcaster. Since 1988, the subsequent arrival of cable, satellite, and digital has also hugely expanded the number of international channels available to Irish audiences.

Although the majority of Irish households augment terrestrial channels with cable and satellite channels, 209,000 Irish homes (out of a total of 1.5 million) exclusively rely on terrestrial broadcasts.[19] These homes are effectively limited to five domestic channels—RTE 1, RTE 2, TG4, TV3, and E3. We treat these homes as a separate market. This is a somewhat artificial construction and does not reflect the manner in which either the broadcasters or AGB Nielsen (which audits market share in Ireland) treat the market.

p. 156 The two state-owned public service broadcasters—RTE and TG4—currently dominate the over-the-air ("terrestrial") market. RTE 1 Television was the sole television broadcaster from 1961 until 1978 when a second state-owned television channel, RTE 2, began operating. RTE is funded by a combination of advertising and license fees.[20] In addition to the new commercial entrants, the 1990s saw the arrival of a third public service television channel, Teilifís na Gaelige (subsequently renamed TG4), an Irish-language channel. TG4 was originally a wholly owned subsidiary of RTE but in April 2007 was reconstituted as an independent statutory corporation. TG4 also sells advertising, and is subsidized to the tune of €8–10 million per year through RTE's provision of 2–3 hours of daily of Irish-language programming at no cost. However, the bulk of TG4's revenues derive from a direct grant from the Irish parliament.

p. 157 In the private sector, there are two television stations with a substantial market presence, meaning they are available in 80% or more of Irish homes. Though licensed in 1988, TV3 did not go on-air until 1998 when CanWest Global, the Canadian multimedia giant, took a 45% stake in the company. CanWest was joined by British media group ITV, which took a 45% share in September 2000. The remaining 10% rested with the original Irish investors. The CanWest/ITV investment brought more than foreign capital to TV3. It also brought substantial quantities of (foreign) content to the nascent Irish operation. In 1998, CanWest was the largest non-US buyer of US audiovisual material, while ITV was also a major content producer, second only to the BBC in the United Kingdom. This access to low-cost programming proved crucial to the subsequent success of TV3, which turned a profit with a 10–15% market share. However, the channel also abandoned the programming commitments, specifically with regard to the commissioning of indigenous material, included in its original license bid in 1988. This financial success was reflected in the €265 million price tag attaching to the station when the British private equity group Doughty Hanson bought out the entire company from CanWest, ITV, and the private investors in 2006.

TV3 also owns a second channel, 3E, which began broadcasting in 2006 as Channel 6. Initially supported by private Irish investors through the Kish Media vehicle, the channel struggled for market share from its inception, recording a €10.5 million deficit in 2007. In July 2008, TV3 acquired the channel for approximately €2–3 million. Approving the takeover, the Competition Authority found minimal overlap in the activities of TV3 and Channel 6 and that the newly merged entity would face significant competition for audiences and advertising from other market players.[21] Given that both channels are broad-format entertainment channels, the notion that their activities did not overlap seems perplexing. It is therefore likely that the Authority concluded that Channel 6's small market share meant the merger would not create a significantly larger player.

Treating the terrestrial market as a discrete market one finds there are just three players: RTE, TV3, and TV4, who, as of 2008, split the market 71%, 24%, and 5%, respectively. This translates to a high HHI of 5,642 for 2008, although this is markedly less concentrated than in 1996 (when RTE had a terrestrial monopoly) (Table 7.6).

Table 7-6. TV Broadcasting Audience Market Shares (%) 1996—2008

	1996	2003	2004	2008
RTE (Public)	100	75	75	71
TV3 (UK)		25	25	24
TG4 (Public)				5
C4	100	100	100	100
HHI	10,000	6,250	6,250	5,642
N (>1%)	1	2	2	3
Noam Index	10,000	4,419	4,419	3,257

Source: Author extrapolations from Ipsos/MRBI JNLR figures.

As the public service broadcaster, RTE receives the lion's share of the broadcasting license fee. Thus RTE's audience share does not reflect its share of broadcasting revenues (i.e., revenues from advertising and the license fee). To calculate overall shares of the terrestrial p. 158 ↳ market in revenue terms we must translate audience share into advertising revenue and then factor in RTE's license fee revenues. In addition, we must take into account the revenues voted directly to TG4. This gives RTE a significantly greater share of the market and, at least until 2007, when TG4 became a separate entity, raised the HHI concomitantly (Table 7.7.).

Table 7-7. TV Broadcasting Market Revenue Shares (%) 2003—2010

	2003	2004	2008	2010
RTE (Public)	85	86	76	74
TV3 (UK)	15	14	15	15
TG4 (Public)			9	10
Revenues €m (US$)	281.3 (354.4)	307.6 (415.3)	413.2 (574.3)	349 (467.7)
C4	100	100	100	100
HHI	7,450	7,592	6,001	5,701
N (>1%)	2	2	3	3
Noam	5,268	5,368	3,465	3,291

Source: Author estimates based on Ipsos/MRBI Joint National Listernship survey, Institute of Advertising Practitioners of Ireland figures and RTE Annual Report 2003–2010.

In theory the level of competition in the terrestrial market was to be augmented by the arrival of digital terrestrial television (DTT). In May 2011, this was launched under the "Saorview" (Freeview) brand, a state-owned service (delivered by RTE), which was immediately available to some 97% of the population. In August 2011, the Broadcasting Authority of Ireland published a report outlining recommendations on new channels to be carried on DTT. For the most part the "new" channels were offered by existing players and offered little prospect of increasing the amount of competition in the Irish market. The only new channels were those jointly proposed by community stations DCTV and NvTv and two other separate proposals to create two new music channels. However, the impact of the 2008 global recession on all the broadcastersconnected with these proposals has led to their indefinite deferral. Only the new deferred viewing channels were up and running by October 2012, when the analog signal was switched off permanently.

Video Channels and Multichannel TV Platforms

The nature of the Irish market renders the introduction of a distinction between the terrestrial market and the "multichannel" market somewhat artificial. Of the 1.5 million Irish homes with television, 1.3 million receive their television via cable or satellite providers. And since the various RTE and TV3 channels have "must carry" status, the vast majority of audiences watch "terrestrial" broadcasters via nonterrestrial means.

The basic packages offered by both the cable monopolist UPC and the satellite monopolist Sky include approximately 200 channels. Their offerings largely overlap, especially with regard to the top 20 channels[22] that constitute the bulk of the competition for the domestic terrestrial broadcasters. The most successful of
p. 159
these come ↳ from the United Kingdom and Northern Ireland. The BBC, UTV, Channel 4, and British Sky Broadcasting cumulatively captured about 19% of viewers as of 2011. More recently, US broadcasters have introduced channels repackaging US content: NBC Universal, Viacom, and Discovery treat the United Kingdom and Ireland as a single market in terms of programming, although their cumulative 2011 market share was only 3.1% (Table 7.8).

Table 7-8. TV Channels (By Audience Market Shares (%)) 2003–2011

	2003	2004	2006	2008	2011
RTE (public)	41	42.2	42.8	40.1	35.7
TV3 (UK)	13.4	14	12.8	12.7	14.2
BBC (UK)	12.1	10.9	9.9	8.8	7
SKY (UK)	7.3	6.3	4.9	5.3	5.1
UTV (UK)	7.7	6.7	5.6	4.5	3.5
Channel 4 (UK)	6.1	5.8	5.6	5.2	3.3
NBC Universal (E! Entertainment) (US)					0.7
Setanta Ireland	–	–	0.5	0.8	0.4
Viacom (Comedy Central, MTV, Nickelodeon, Nick Jr.) (US)	1.6	1.8	2	3	2
Discovery (US)					0.4
Virgin Media Group (Living TV) (UK)			0.3	1.5	
Channel 6			0.4		
Other	10.6	12.3	14.9	17.9	27.5
C4					
HHI	2,159	2,217	2,185	1,934	1,579
N (>1%)	7	7	7	8	7
Noam Index	816	838	826	684	597

Source: Author extrapolations from AC Nielsen data.

As most channels have recorded falling market share, especially between 2008 and 2011, the HHI should be falling. That this has not occurred is due to the huge (and increasing) number of channels in the "other" category. Although their average market share is less than 0.2%, these "other" channels now capture one in four viewers (having accounted for just over 10% of the audience in 2003). Those channels that have retained market share or limited the scale of losses have done so through consolidation, for example TV3's 2008 acquisition of Channel 6 or British Sky Broadcasting's acquisition of the Virgin Media Group's Living TV channels in 2010.

Most of the channels with micro-audience shares are UK- and US-based. They often consist of repackaged "classic" television and include a smattering of movie, religious, and sporting content. That said, there are some new domestic cable and satellite-based stations. 3e, in its original incarnation of Channel 6, for example, was limited to cable and satellite distribution. Following its acquisition by TV3 it now has must carry status on the new DTT platform.

Setanta Television, a sports subscription broadcaster, which offers one "free" channel via cable and satellite, also numbers among the new domestic cable channels. Launched in 1990 to acquire pay-per-view rights for Irish sports events marketed to diasporic audiences overseas, it made an aggressive move into the p. 160 subscription market in mid-2000s, competing with BSkyB for English Premiership soccer ↳ rights. This led the company to the international financial markets, where it raised €400 million between 2005 and 2007. As a result, Benchmark Capital and Goldman Sachs became substantial shareholders, and Doughty Hanson, owners of TV3, paid €100 million for a 20% stake in the company. This valued Setanta at €500 million.

However, in early 2009 the UK arm of the company went bust, owing several hundred million euros. The company was restructured and since July 2009, Setanta has been 40% owned by the holding company of original founders Michael O'Rourke and Leonard Ryan and former Setanta executive Mark O'Meara. The other 60% is owned by Gaiety Investments, the company of Irish concert promoter Denis Desmond.

Another recent—though short-lived—development was the emergence of local, cable-based broadcasters. From 2005 onward, City Channel operated television channels serving three Irish cities. In August 2007, Liberty Global, the US company that also owns the only cable company in Ireland (UPC—formerly NTL and Chorus Communications) took a minority stake in City Channel with a view to acquiring full control. However, City never attracted significant audiences and could not survive the economic downturn leading to its closure in September 2011.

The HHI calculated in the table above is based on audience share. However, because of the specific characteristics of the Irish market, this does not reflect market dominance in terms of revenues. As already noted, the two public service broadcasters receive substantial license fee and state-derived subsidies in excess of their advertising revenues. RTE has only faced competition for advertising revenues since the late 1990s, as UK-based broadcasters such as MTV, Sky, and Nickleodeon began offering Irish advertisers local "opt-out" spots and established sales offices within the Republic of Ireland.[23] As a consequence, audience share again fails to reflect shares of advertising revenues: as Table 7.9 indicates, RTE's 35.7% audience share in 2011 translates into a 55% share of advertising revenue.

Table 7-9. Share of Television Advertising Revenues[1] 2003–2008

	2003	2004	2008	2011
RTE	56	58	56	55
TG4			4	4
TV3	18	19	19	22
Setanta			1	1
UTV	11	9	7	6
Channel 4	2	2	2	1
Sky	10	9	8	8
Viacom	2	2	4	3
Discovery				1

Source: Author extrapolations from AC Nielsen and Institute of Advertising Practitioners of Ireland data.

1 This is an extrapolation calculated by dividing total expenditure on television advertising by the audience share of those channels selling advertising space in Ireland. Given the different audience profiles of different channels this almost certainly overstates the revenues of some channels and understates those of others. However, it is the only consistent basis for making this calculation.

 We have not calculated an HHI for the multichannel market based on advertising revenues because, as with the terrestrial market, to gain a true understanding of the disposition of all broadcasting revenues we must include license fee revenues (90% plus of which goes straight to RTE) and the revenues voted directly to TG4 by the Irish parliament. As Table 7.10 suggests, this points to a significantly greater degree of concentration in the market than is suggested by calculating the degree of concentration on the basis of audience share alone.

Table 7-10. Share of All Television Revenues[1]

	2003	2004	2008	2011
RTE (Public)	75	75	64	64
TG4	0	0	9	9
TV3 (UK)	11	12	12	14
Setanta	0	0	1	1
UTV	6	5	5	4
Channel 4 (UK)	1	1	1	1
Sky (News Corp, UK/US)	6	5	5	5
Viacom (US)	1	1	3	2
Discovery (US)	0	0	0	1
HHI	5,788	5,787	4,376	4,464

Source: Author extrapolations from AC Nielsen and Institute of Advertising Practitioners of Ireland data.

1 This is an extrapolation calculated by dividing total expenditure on television advertising by the audience share of those channels selling advertising space in Ireland. Given the different audience profiles of different channels this almost certainly overstates the revenues of some channels and understates those of others. However, it is the only consistent basis for making this calculation.

The difference in the two HHI figures for multichannel broadcasting (one based on audience share, the other based on share of revenues) highlights the distinction between two very different approaches to concentration that we might term “competitive” and “pluralistic,” respectively. The HHI is primarily an index of the degree of competitiveness or otherwise of a market. However, the competitiveness of a market doesn’t necessarily reflect the extent to which it can be regarded as pluralistic. In particular markets it may be the case that the degree of competitiveness in the market mirrors the diversity of content available in that market. That RTE enjoys a position of financial dominance which is significantly greater than its share of the audience reach demonstrates that this is by no means universally true.

The Irish multichannel platform market is based around three different distribution technologies: satellite (DTH), coax cable, and microwave MMDS. It is a highly concentrated market. In 2004, before the NTL/Chorus merger discussed later in the chapter, the HHI for the multichannel sector was 3,643. By 2008, this had risen to 5,008. Furthermore there has been a consistent increase in BSkyB’s market share from 28% of all multichannel subscribers in 2002 to 52% in 2008 (Table 7.11).

Table 7-11. Multichannel Platform Market Shares by Subscriber (%) 2002–2008

	2004	2008
UPC (Liberty, US)[1]		48
Chorus (US)	21	
NTL (UK)	41	
BSkyB (NewsCorp, US/UK)	39	52
Total Revenues (€m)	467	598
Total Revenues ($USm)	630	831
C4	100	100
HHI	3,643	5,008
N (>1%)	3	2
Noam Index	2,103	3,541

1 BSkyB is 36% owned by News Corporation. UPC is 100% owned by Liberty Global as of 2005.

Historically, there has only been one player in the Irish satellite market, BSkyB. By contrast, the older cable and MMDS markets were initially constituted by a myriad of small-scale players. When MMDS began to emerge as distribution technology in the 1980s, many of the established cable companies, moved into that market too. From a regulatory perspective, however, the satellite and cable/MMDS markets are effectively regarded as one. This found overt expression in 2004 when the Competition Authority considered the merger of cable companies NTL and Chorus, which effectively p. 162 created an Irish cable monopoly. In giving its approval, the Authority argued that cable and satellite content offerings were substitutable and that the availability of satellite television packages via BSkyB permitted competition in the multichannel market even if there was only one cable/MMDs operator.

As of 2011, the cable market in Ireland is effectively a monopoly controlled by UPC, a subsidiary of Liberty Global. This completes a concentration process that began in the 1970s when the state began to license private cable operators, first in Dublin then in other urban areas, reaching Waterford, Cork, Limerick, and Galway by the mid-1980s. As a consequence cable systems remained geographically concentrated in urban areas, owned by a patchwork of dozens of small-scale operators.

However, in the 1980s and 1990s, two operators began to scale up. RTE Relays, a subsidiary of the broadcaster, had been acquiring operators in the Dublin area since the 1970s. In 1984, it won approval to acquire Dublin Cable Systems from Canadian operator Rogers Cable. The merger attracted the attention of the Restrictive Practices Commission (a precursor of the Competition Authority), but the Commission argued that the availability of programs via terrestrial signals and the emergence of a market in direct-to-home satellite broadcasting constituted sufficient competition in the content delivery market. Two years later in 1986, RTE merged all of its cable subsidiaries into a new company named Cablelink, which, though largely limited to operating in the Greater Dublin area, Galway, and Waterford, was by far the largest operator in terms of subscriber numbers. In 1990, RTE was instructed by the minister for communications to sell its entire stake in Cablelink. The instruction was understood as designed to weaken RTE at a point when the state was seeking to promote competition in all aspects of the Irish broadcasting. However, the RTE Authority refused to make a complete sale and sold only 60% of the company to the successful bidder, Telecom Eireann (later Eircom).

In 1999, the state effectively instructed RTE and Eircom to sell off their respective 40% and 60% stakes in Cablelink. It was suggested that Eircom's stake represented a conflict of interest in that it was not in Eircom's interest as a provider of voice phone services to encourage their cable subsidiary to explore the technical possibilities of offering similar and potentially competitive services over cable. The sale attracted enormous interest from bidders, including Denis O'Brien's Esat Telecom and INM subsidiary Princes Holdings, the other major cable operator in the country. Ultimately, however, the UK-based NTL was successful paying out €680 million to acquire the company.

p. 163 A second cable company, Princes Holdings, was established in 1992 by Independent News and Media (INM) as a joint venture with John Malone's Tele-Communications International (TCI) and United International Holdings, with the latter two each taking 25% of the stock and INM the remaining 50%. In 1998, TCI bought out UIH's share. Over the course of the 1990s, Princes Holdings acquired a number of cable and MMDS operators outside Dublin before rebranding as Chorus Communications in 2000. The acquisition of Suir-Nore Relays in 2004 was the final major acquisition. In 2004, INM sold its entire stake in Chorus to Liberty Global.

By the start of 2005 there were two cable companies operating in Ireland, but in November 2005 the Competition Authority approved a Liberty Global takeover of NTL. Despite the fact that this created a de facto cable monopoly, the Competition Authority concluded that competition was unaffected because Chorus and NTL had hitherto served distinct geographical markets and were already monopolists within those markets. Furthermore, the satellite packages offered by BSkyB meant Irish consumers retained some choice over their multichannel operator.

However, the Competition Authority did express concern about the degree of cross-ownership between Liberty Global and News Corporation and BSkyB. By 2005, Liberty Global was the largest single shareholder in News Corporation, although the Murdoch family retained a larger number of voting shares. As a consequence the Authority insisted on a management structure designed to maintain a "Chinese wall" between Chorus/NTL (the company was later rebranded as UPC) and BSkyB, especially in negotiations between the two entities for channel space allocation on the UPC cable platform. The cross-ownership issue has arguably become less significant since 2008 when News Corporation and Liberty Global agreed to an asset swap in which Liberty swapped its 16.4% News Corp holding for 38% of DirecTV's shares, held by News Corporation.

Telecommunications Media

Wireline Telecom

Eircom, the former state-owned PTT, is the largest player in the Irish wireline market. However, with the arrival of local loop unbundling and competing infrastructures for voice phone service (most notably cable), the market has become significantly more competitive since 2008.

As in broadcasting, wired telecommunications was directly controlled by the Irish state for most of the 20th century. From 1922 until 1984, phone and mail service were run directly by the Department of Posts and Telegraphs. In 1984, there was a substantial reorganization of the administration of both postal and telecommunications sectors. Two semi-state bodies—An Post and Telecom Eireann—were established to take over day-to-day responsibility for the operation of the postal service and the telephone and telegraph service, respectively. Although telecoms remained a state monopoly, Telecom Eireann immediately adopted a more commercial outlook, anticipating European Commission pressure to end the protected position of European PTTs and to apply a more commercial approach in general.

Ireland's increasingly neoliberal political economic environment combined with Telecom's improving financial fortunes through the 1980s and early 1990s triggered some public debate around the possible privatization of the company. Much of the impetus to privatize derived from the perception that Telecom Eireann would need more flexibility to meet competition down the line. In 1988 chairman Michael Smurfit argued that "new technologies, international trends and European Community requirements" made the liberalization of the Irish market inevitable.[24] Limited competition in terminal equipment provision had
p. 164 been a fact of the Irish market since the 1983 Postal and ↳ Telecommunication Act. To that extent then, Irish telecommunications policy was ahead of the game when the EU's critical Green Paper on Telecommunications Policy appeared in May 1987, stressing the virtues of "liberalizing" European telecommunications markets.

By the early 1990s, competition was in any case increasingly the norm on international routes as Irish companies bypassed Telecom Eireann's network for international calls using sophisticated call-back technologies. By 1992, international competition seriously threatened Telecom Eireann's revenues as the volume of international calls originating in Ireland dropped calamitously. Competition was not limited to foreign companies. In December 1992, the Department of Communications licensed Denis O'Brien's Esat Telecom to lease lines from Telecom Eireann with a view to competing in the long distance business market. Following protracted negotiations on the cost of leasing lines from Telecom, ESAT secured its first customer in October 1993.

Telecom's monopoly of the Irish voice telephony market ended in May 1993 when the EC Council of Telecommunications Ministers approved plans to liberalize the key voice phone market by 1998. In part as a consequence, in 1998 it had become clear that the state intended to privatize Telecom Eireann. Initially it was assumed that the state would retain a "golden share" (i.e., a majority stake) in the company, but it was later decided to privatize the entire company. The 1999 Eircom flotation was (and remains) the largest privatization in Irish corporate history.

Although the launch onto the stock exchange was initially successful (in that the share price grew about 20%), within 12 months the value of the shares had fallen to half their initial value. This led to a 2001 bidding war between two consortia, one led by Denis O'Brien, the other by Tony O'Reilly, to acquire majority shares in the company. The O'Reilly-led Valentia consortium proved successful, and the company was taken private with O'Reilly as executive chairman. Eircom's ownership would shift twice more. In 2006 Australian investment firm Babcock and Brown acquired the company from the Valentia Group. Then in 2009, after Babcock and Brown effectively collapsed, the Singaporean telco SingTel acquired Eircom for €140 million, becoming the fifth owner in a decade. The catastrophic results of this repeated flipping for investment in Irish telecommunications infrastructure and for Eircom itself have already been demonstrated in the earlier discussion.

In the meantime, Esat Telecom had quickly moved into the consumer market, and from 1998 it constituted the first direct competition for Telecom Eireann's domestic consumers. Within three years, however, Esat was purchased by British Telecom, which rebranded the company as BT Ireland. Business and domestic customers were initially slow to switch from Eircom as their fixed line provider. As late as 2006, Eircom accounted for 86% of the domestic landline market. However, this situation has changed rapidly since 2008. As of 2011, Eircom's overall share of the fixed telecom market has fallen to 61.3%, and even among domestic customers it only holds 64% of the market. This is reflected in changes in the HHI index between 2008 and 2011, which fell from 4,775 to (a still concentrated) 4,099 (Table 7.12).

Table 7-12. Wireline Market Shares 2008–2011

	2008	2011
Eircom (Singapore—Singtel)	67.4	61.3
UPC (US—Liberty Global)		5.4
Vodafone (inc. BT since 2009) (UK)		17.4
BT (UK)	14.6	
Access/Imagine (Irl)	2	2.3
Cable and Wireless (UK)		2
Verizon (US)	3.3	
Colt (UK)	2.1	
Others	10.6	11.5
Total Revenues (bil €)	2.244	2
Total Revenues (bil $US)	3.12	2.59
HHI	4,775	4,099

Source: Commission for Communications Regulation (COMREG).

The increased competition is partially due to the exploitation of cable infrastructures to offer voice phone service. After merging Chorus and NTL to create NTL, Liberty Global invested significant capital in upgrading the cable network to facilitate two-way communications. This has allowed UPC to become a significant player in the ISP market (see later in the chapter) and to gain a foothold in the home phone market. This remains small for now, although some surveys suggest that in Dublin up to a third of all home phone subscriptions are now with UPC. There is reason to think that UPC's market share will increase precisely because it can offer voice phone service as part of a bundle of telecom services including broadband Internet and television.

Bundling has also facilitated Vodafone's winning of nearly 20% of the fixed line market. (Vodafone, the largest mobile phone operator in Ireland, offers home phone and broadband Internet bundles.) Vodafone's ascent has also led to acquisitions of smaller fixed lines companies, including Perlico in 2007 and elements of BT's consumer telecom business (as opposed to network/infrastructure) in 2009.

p. 165 However, the economic recession has also overcome consumer reluctance to abandon the incumbent operator (Eircom), as subscribers have experienced rapid declines in real incomes. The last quarter of 2010 in particular saw more switching from one fixed line provider to another than in any three-month period since the Irish market was liberalized in December 1998. As the incumbent operator, this disproportionately affected Eircom, which had more customers to lose than any of its competitors.

Wireless Telecom

There are three dominant players in the Irish mobile phone market: Vodafone Ireland, owned by UK-based Vodafone; O2 Ireland, owned by the Spanish firm Telefonica; and Meteor, owned by Eircom (SingTel). There is also a fourth, smaller player, 3 Ireland, a UMTS-based network owned by Hong Kong-based Hutchinson Whampoa.[25] The mobile phone market was originally a monopoly. The first mobile phone company, Eircell, began operations in 1986 as a wholly owned subsidiary of Eircom (then Telecom Eireann), the state-owned PTT.

In 1995, the state put together an RFP for a second mobile phone license. Several private consortia submitted bids but Esat Digifone, a joint venture between Norwegian PTT Telenor and Irish entrepreneur Denis O'Brien (whose Esat Telecommunications already offered limited fixed line telecom services to the corporate market) won the license and in 1997 started operations. It has subsequently been alleged that the success of the Esat bid was influenced by payments made to then minister for communications, Michael Lowry. The allegation was investigated by public tribunal. The interim findings suggest that payments were made by O'Brien to Lowry and that these materially influenced the decision to award the second telephone license.

Within three years Esat Digifone had established a 40% market share and the HHI fell from 10,000 in 1996 to 5,200 by 2000. By 1999, O'Brien was competing with Telenor to acquire outright ownership of Digifone. The Esat Board treated a Telenor bid for a majority stake as hostile before accepting a friendly bid from British Telecom in 2000. At this point Esat became a wholly owned subsidiary of BT. The following year BT
p. 166 spun off its wireless division (including Digifone) to create an independent company ↳ mmO2 plc. This company traded as a stand-alone operation until its 2005 acquisition by Spanish telecom company Telefonica.

In meantime, the late 1990s saw Eircom, owner of Eircell, begin a move to sell off the mobile subsidiary. This seemed counterintuitive, since it was the most profitable element of Eircom. However, the context for the decision was the fallout following the privatization of Eircom in 1999. The Eircell sale was an attempt to boost the share price after its postprivatization plummet. In May 2001 the Eircom board (including strategic partners telcom firms Telia and KPN) approved a Vodafone offer of £IR3.2 billion for the company.

The final major player in the Irish mobile market, Meteor, began operations in 2000 after securing the third mobile license in 1998. Meteor, owned by a consortium made up of Western Wireless, RF Communications, and TWG Ireland, was not initially successful. By 2004 its market share was just 7% and the HHI fell only marginally between 2000 and 2004 from 5,200 to 4,458. However, in 2005, Eircom reentered the mobile market by acquiring Meteor for €410 million. Eircom's heavy investment in the branding and marketing of Meteor drove market share to nearly 20% by 2008, causing the HHI to drop to 3,274 the same year.

As of 2011, then, the Irish mobile market was dominated by international players headquartered in the United Kingdom, Spain, Singapore, and Hong Kong. There is evidence that this oligopolistic structure has resulted in unusually high (by international standards) per customer revenues for these operators. In Spring 2005, the Irish telecoms regulator COMREG issued a statement arguing that O2 and Vodafone were at least tacitly colluding in price setting, noting that Vodafone and O2 were “aware of their common interests in ways which are conducive to the creation and maintenance of a position of collective dominance on the market for wholesale mobile access and call origination in Ireland, without the need for the parties to enter into an agreement or to resort to a concerted practice in order to cause prices to align or to deny access.”[26] This finding was subsequently upheld by the European Commission, who threatened sanctions if such behavior continued (Table 7.13).

Table 7-13. Wireless Telecoms Market shares (By Subscriber) 1984–2008

	1984	1988	1992	1996	2000	2004	2008
Vodafone (formerly Eircom) (UK)	100	100	100	100	60	53	42.5
O02 (formerly Esat Digifone) (Telefonica, Spain)[1]					40	40	32.7
Meteor (Eircom subsidiary) (Singapore)						7	19.1
3 Ireland (Hong Kong)							5.8
Total Revenues (mil €)					812	1,565	1,936
Total Revenues (mil $US)					763	2,110	2,690
HHI	10,000	10,000	10,000	10,000	5,200	4,458	3,274

Source: Commission for Communications Regulation (COMREG).

1 O2 is 100% owned by Telefonica since 2005. In its previous guise as Esat, the company was owned by Denis’O’Brien and Telenor (1997—2000), BT (2000—2001), independent (2001—2005). Meteor is 100% owned by Eircom since its acquisition in 2004, and 3 Ireland is owned by Hutchinson Whampoa.

Internet Media

Internet Service Providers (ISPs)

Relative to other media sectors, the ISP segment has witnessed a significant decline in concentration over the past decade. Although initially the internet service provision market was largely owned by domestic companies, this has changed dramatically in the past decade through the arrival of new ISPs using cable delivery systems and offering mobile broadband.

In the early 1990s, the sector was constituted by a handful of small companies including Ireland On-Line (which was owned by the An Post, the postal operator), Indigo, Internet Ireland, Club Internet, Internet Exchange, and Business Network Ireland. Telecom Eireann (Eircom) also entered the market, establishing TINET as a subsidiary. In 1999, Esat purchased EUnet and Indigo, briefly becoming the largest ISP in the state. Esat would sell its Internet business along with the rest of the company to BT in 2001. As the 2000s progressed, Eircom leapt ahead, accounting for 87% of all subscriptions by 2004. As a consequence the market was highly concentrated with an HHI of 7,642 at this point.

From 2008 onward, UPC began to offer broadband Internet access via their cable network. This coincided with mobile broadband offerings from Vodafone, 02 and later from Meteor. By the end of 2008, although more than the half the 1.2 million broadband connections in Ireland were offered via DSL (a sector dominated by Eircom), a further 104,000 broadband connections (8% of the total) were offered via cable and 309,000 were offered via mobile broadband (i.e. Vodafone and O2).[27] Furthermore a number of new market entrants offering wireless broadband connections also began to emerge from 2005. As a consequence between 2004 and 2008, the number of companies with a 1% or higher market share increased from 4 to 14 and the HHI fell from 7,606 to 3,294.

Inevitably this affected Eircom's dominance. By 2008 Eircom's market share had fallen to 56%. The decline in concentration increased after 2008. As of 2010, Eircom's share of the ISP market was down to 41%, even if one includes the market share of Eircom subsidiary Meteor. Mobile phone companies have been the major beneficiaries of Eircom's decline: 3 Ireland saw its share rise from 1% to 8% in two years, while O2's share rose from 2% to 9%. The biggest single benefactor, however, was Vodafone, whose share of the ISP market leapt from 3% in 2008 to 22% in 2010. This was partly due to the increased take-up of the Vodafone mobile broadband offering. It was also driven by Vodafone's acquisition of two existing ISPs, Perlico, and BT Ireland. As a consequence, the HHI for the Irish ISP market fell to 2,460 in 2010 (Table 7.14).

Table 7-14. Internet Service Providers Market Share (%) by Subscriber (2004–2010)

	2004	2008	2010
Eircom (inc. Meteor) (Singatel, Singapore)	87	56	41
Esat BT (UK)	6	6	
UTVnet (UK)	1	1	
UPC (Liberty, US)		6	12
O2 (Telefonica, Spain)		2	9
Vodafone (inc. Perlico and BT Ireland from 2009) (UK)		3	22
3 (Hong Kong)		1	8
Access/Imagine/Irish Broadband		6	2
Smart			1
Digiweb		2	1
Last Mile		1	
Perlico		5	
Clearwire (US)		2	
Rapid Broadband		1	
Other			
Total Revenues (mil €)		403	472
Total Revenues (mil $US)		560	632
C4	100	74	84
HHI	7,606	3,294	2,460
N (>1%)	3	13	8

Noam Index	4,391	914	870

Source: Commission for Communications Regulation (COMREG).

Search Engines

Unsurprisingly, the Irish search engine market is dominated by Google, which accounted for 93–95% of all Irish Internet searches between 2008 and 2012 (Table 7.15). According to alexa.com, http://google.ie and http://google.com are the first and second most visited websites in Ireland, respectively. This represents a significant shift from the situation a decade ago when Altavista and Yahoo were the dominant players in the market. Although Yahoo subsequently absorbed Altavista, this did nothing to arrest the decline of Yahoo's Irish market share, which fell from 4% to 2% between 2008 and 2009. (http://Yahoo.com remains the fifth most visited Irish website.) Microsoft's Bing search engine is the only other to present measurable market share figures (typically 2%). The Irish search engine market is highly concentrated with an HHI that consistently approaches 9,000.

Table 7-15. Search Engines Market Share (%) 2008–2012

	2008	2010	2012
Google (US)	93	95	94
Bing (Microsoft, US)	0	2	2
Yahoo (US)	4	2	2
Ask Jeeves (US)	0	1	0
AVG Search (Czech Republic)	0	0	0
Other	3	0	1
C4	100	100	100
HHI	8,665	9,034	8,844
N (>1%)	3	4	4
Noam Index	5,003	4,517	4,423

Source: http://Alexa.com

Like a number of global tech companies (Facebook, Ebay, etc.), Google has established its European
p. 168 Headquarters in Ireland, where ↳

p. 169 ↳
it employs 2,000 people. Ireland is an attractive location because of the combination of a low corporation tax rate and ability to engage in transfer pricing (allocating income between units in different countries to avoid taxes). The latter practice on the part of Google attracted the attention of *Bloomberg* in 2010, which suggested that Google had avoided US$3.1 million in taxes between 2007 and 2010. More recently, the Irish economic recession has driven down commercial property rents and labor costs, making Ireland even more attractive for such foreign investors.

Google's dominance of the search engine market both reflects and is driven by the success of the Google Chrome browser. At the time of Chrome's launch in Fall 2008, Microsoft's Internet Explorer and Mozilla's Firefox dominated the market with shares of 63% and 32%, respectively. (Apple's Safari was a distant third with a share of 4%.) By May 2011, Chrome's 25% market share had surpassed that of Firefox (24%), and in April 2012, Chrome overtook Internet Explorer. As of August 2012, the respective market share of the three main browsers are Chrome at 38%, Internet Explorer at 29%, and Firefox at 20%. The increasing popularity of Apple's iPad has increased the share of Safari, which accounted for 10% of all installed browsers in Ireland as of August 2012.

Conclusion

As noted at the outset, the borders of the Irish media market have long been porous but overseas involvement in Irish media, information, and communications industries has intensified over the past two decades. These changes are associated with shifts in the ownership structure of Irish media and changing regulatory practices and structures.

In some media sectors (not discussed above), such as book publishing and film distribution, overseas players have dominated the "Irish" industry since before the foundation of the state. In both cases Ireland was scarcely considered as a market in its own right, and large-scale publishing and film distribution firms in the United Kingdom and United States have regarded Ireland as "icing on the cake," a market in which pricing strategies designed to undercut Irish media producers could be applied.

The same was not historically true of the sectors discussed in this study, such as the national and regional press and the broadcasting sector. Even if UK newspapers and programs were part of the Irish media landscape, they did not dominate it. Nor do they do now. Nonetheless, in the case of both broadcasting and newspapers, the market share enjoyed by overseas newspapers and broadcasters has increased—in some cases dramatically—since the 1980s. In television, for example, the combined market share of the five domestic national broadcasters was 49.9% as of 2011. For the first time since an Irish television service began in 1961, a majority of the audience watches channels originating outside Ireland.

However, not only have overseas channels increased their market share but now they also directly own and run domestic Irish television channels with concomitant implications for local content. Hargreaves Heap et al. note: "The propensity of foreign media business to concentrate more than home ones on foreign themes is a simple consequence of the low marginal costs associated with reusing material that has already been produced for foreign markets. Such material may not be intrinsically especially attractive for the indigenous audience . . . Nevertheless . . . the quality of such foreign outputs . . . can achieve significant audiences."[28]

This describes TV3 scheduling after it was acquired by two international broadcasting giants, CanWestGlobal and ITV. Initial commitments to domestic programming were replaced by wholesale reliance on material produced for the US and UK markets. Even if TV3 couldn't match RTE's audiences, the former p. 170 could contemplate a lower breakeven point than if it produced or commissioned more expensive domestic content. Although not conceived of as Irish channels, the channels broadcast into the Irish market by BSkyB, Viacom, and NBC Universal adhere to a similar economic logic by repackaging US and UK material for delivery to Irish audiences.

Although the Irish television market has become less concentrated, this has not resulted in the diversity of content boon generally associated with greater competition. The new channels that arrived on Irish screens over the past two decades frequently feature the same US and UK shows that were already available via the domestic broadcasters or those UK broadcasters with a longer history in Ireland. Many of TV3's top-rated shows (*Coronation Street*, *Emmerdale*, and *The X Factor*) are simulcast on TV3 and ITV in Ireland.

This is not just disappointing for viewers as consumers of television. To the extent that citizens use "media outputs to reflect upon the society in which they live,"[29] the increasing provision and consumption of foreign programming raises questions about the capacity of citizens to reflect upon the conditions of their own country.

As noted above, the same has not been true when UK firms such as the Johnston Press have moved in the regional press sector, where the local focus of the papers is perhaps their key selling point. Therefore there is little evidence of repackaging of material from UK papers belonging to the Johnston stable in Irish papers. Yet in the national market, the increasing market share enjoyed by UK newspaper groups in Ireland has similar implications for Irish citizens and consumers as the increasingly dominant position of international broadcasters in Ireland. The strength of these groups in the Irish market derives from the economies of scale (and scope) they enjoy relative to their Irish competitors. Even if the localization strategies pursued by News International, Trinity Mirror, and the Daily Mail and General Trust diminishes those economies somewhat, they are still able to produce their Irish papers for less than their Irish counterparts. Thus News International's *Irish Sun* retails for €1 while the closest Irish-owned competitor, the *Irish Daily Star* sells for €1.35. Similarly the *Irish Times* sells for €1.90 while the *Irish Daily Mail* also sells for €1. By exploiting economics of scope (re-using material primarily produced for the UK market), these papers become price competitive with Irish newspapers, a factor that contributes to their increasing market share even if the economic recession means that the absolute size of the market is contracting.

As of 2012, there are now a number international media conglomerates operating across a range of media in Ireland. Many of these cross-media players operate "below the radar," working in sectors where the identity of the ultimate owner may not be obvious to the "lay" observer. Thus Viacom's Irish holdings during the 1990s included a film distributor (UIP), cinemas (UCI), and the largest Irish video chain (Xtravision), as well as billboard advertising sites. As of 2012, a variety of regulatory and corporate factors have seen Viacom exit most of these areas (with the exception of advertising). It is doubtful that Irish viewers of the Comedy Central channel will associate it with the billboard sites they pass on their commute home.

Some of these cross-media holdings may not even be that obvious to the parent companies themselves. Did Doughty Hanson, owner of TV3, see synergistic potential in their 2011 acquisition of the UK-based Vue cinema group, which included one Dublin cinema site?

The most visible cross-media players are those engaged in the production of print and broadcast content. News International stands out in this respect, publishing the *Irish Sun*, *The Times*, *The Sunday Times*, and the *News of The World* until its closure in 2011. It also owns 36% of BSkyB and thus part-owns a range of free-
p. 171 to-air and subscription channels available in Ireland. In addition to content production firms, ↳ it is also a dominant player in broadcasting platforms, effectively monopolizing the satellite television distribution sector in Ireland. Traditionally, this might not have been regarded as a media industry proper because such platform providers have been understood as offering connectivity rather than editorial content. However, that demarcation no longer holds and there is clearly the potential for a conflict between Sky's position as a broadcaster and broadcast platform operator. For example, as a platform operator, Sky's allocation of channels to slots in its electronic program guide (EPG) clearly offers the potential to promote its own channels further up the list than might be justified by audience share alone. However, it is also evident that it is acquiring programming with a view to promote subscriptions to its satellite platform. Sky's channels have been available both to subscribers to the Sky platform and to UPC's cable platform. In other words, there was a separation between Sky's operation as a delivery platform and as a broadcaster. In 2011, however, Sky introduced a new channel—Sky Atlantic—the schedule of which relied upon quality US television drama from HBO, AMC, and Showtime. This channel is offered "free" to any subscriber to the Sky delivery platform but is unavailable (even as a subscription service) to UPC customers.

With technological convergence it is also the case that individual firms are acquiring expanding market shares across a number of communications infrastructure industries. UPC grew out of the cable sector but is now a significant player in both wireline voice phone and Internet service provision. Mobile telecoms players offering mobile broadband—O2, Vodafone, and Meteor—have become Internet service providers.

The arrival of international, cross-media players into the Irish market raises questions about the local regulatory response. That there is a recognition of the special status of media industries—that is, that the commodities they trade in have a political significance—is evident from the special provision for media mergers made in the 2002 Competition Act. However, the efficacy of this regulation is undermined by a number of factors:

- Blurred responsibility for regulation of media ownership
- The overly economistic orientation of the Competition Authority as the body primarily charged with regulating media ownership in Ireland
- Poorly defined criteria for concepts like diversity and pluralism
- The difficulty in accommodating considerations of cross-media ownership
- Jurisdictional limits with regard to international media firms

In terms of blurred responsibility, it is striking that three bodies, the Competition Authority, the Broadcasting Authority of Ireland (BAI), and the Commission for Communications Regulation (Comreg), all have some say over who can own what in terms of the Irish media, information, and communication industries. In practice, Comreg, which licenses wireless, wireline, and broadcast service platform operators, has little engagement with questions of ownership, leaving these to the Competition Authority. In 2005, during a Broadcasting Commission of Ireland (the predecessor to the BAI) consultation on media ownership, Comreg expressed the view that ownership of broadcasting service platforms (such as UPC and Sky) should be excluded from any BCI consideration of mooted media mergers on the grounds that it would create "regulatory confusion" and that in any case Section 23 of the Competition Act already enjoined the Competition Authority to consider broadcasting services platforms in *their* deliberations.[30]

That the BAI sees itself as having a role in regulating ownership has been made clear by its publication of its p. 172 own ownership policy since 2001. The standard BAI contract with ↳ its licensees requires them to seek BAI consent prior to changing their ownership and control structures. During Communicorp's acquisition of Emap's radio holdings in 2007, both the BAI and the Competition Authority were involved in determining whether and under what conditions the acquisition could proceed. However, this sometimes brings quite different and possibly competing regulatory perspectives to bear on any given media merger or acquisition.

For its part, the Competition Act of 2002 enjoins the minister for enterprise and employment to apply the following "relevant criteria" to any decision relating to a potential media merger:

- The strength and competitiveness of media businesses indigenous to the State
- The extent to which ownership or control of media businesses in the State is spread among individuals and other undertakings
- The extent to which ownership and control of particular types of media business in the State is spread among individuals and other undertakings
- The extent to which the diversity of views prevalent in Irish society is reflected through the activities of the various media businesses in the State
- The share in the market in the State of one or more of the types of business activity falling within the definition of "media business" held by any of the undertakings involved in a given media merger, or by any individual or other undertaking who or which has an interest in such an undertaking[31]

Although ultimate authority as to how to apply these criteria lies with the minister for enterprise and employment, the Competition Act also requires that the Competition Authority form an opinion on how these criteria should be applied. This requires the Authority to make adjudications on matters (most notably the question of what constitutes "plurality") that it has acknowledged fall "outside its area of expertise."[32] The Competition Act assumes that the general orientation of the Competition Authority is to encourage as much competition as possible in all industry sectors because it is assumed that this will benefit consumers. The problem with this point of view was captured by the Report of the Advisory Committee on Media mergers in 2009. Noting that the Authority was "an independent body with expertise in competition matters and the economics of markets," the Group argued that this rendered it "ill-equipped to take ultimate custody of the important public interest issues involved. Its expertise lies in the economics of markets not in issues of plurality or diversity."[33]

In practice, faced with the difficulty of finding objective criteria for concepts like diversity, the Competition Authority has generally applied narrow, economically motivated criteria to determine whether to approve media mergers. This finds expression in a focus on the marketplace implications of a merger to the exclusion of more political considerations. Thus the Authority's discussion of the 2007 Communicorp acquisition of EMAP's radio holdings exclusively focused on the implications for the radio advertising market. So narrow was its focus that the Authority explicitly excluded any consideration of Communicorp owner Denis O'Brien's ownership of Independent News and Media shares on the grounds that the newspaper advertising market was entirely separate to the radio advertising market.

For its part the BAI's viewpoint on ownership derives from the statutory provisions in the various broadcasting acts since 1988. These include the following policy objectives:

p. 173

- ↳ To promote open and pluralistic broadcasting services, with particular reference to radio and television services
- To promote diversity in viewpoint, outlet and source, that is, diversity in the opinions expressed, in programming delivery and content, and in the sources of information available to the public
- To contribute to the promotion of diversity in control of the more influential commercial broadcasting services[34]

More political questions of the importance of diversity and pluralism are at the forefront of the BAI's deliberations on media mergers. That said, even the BAI adopts a "by the numbers" approach to regulation of ownership. The 2009 Broadcasting Act requires the BAI to consider the desirability of allowing any person, or group of persons, to have control of/substantial interests in, an "undue number" of radio and television stations. The BAI has interpreted "undue number" as meaning more than 25% of the total number of broadcasters licensed by it. Anything up to 15% is considered an "acceptable" level for any single entity. The BAI states ownership between 15% and 25% would require "careful consideration." What is striking about this is the focus on the *number of stations* rather than more nuanced considerations of market share. Given that there are 37 licensed commercial radio and television stations, a media company would need to own 10 stations before it definitively breached BAI guidelines. Yet, as of 2011, Communicorp holds a 25% combined national and regional audience share on the basis of owning just five stations, primarily because these include two national broadcasters and one Dublin-based station.

Given that Communicorp's Chairman, Denis O'Brien also holds more than 20% of the shares of INM, the question remains as to how the BAI deals with cross-media ownership. The Authority professes to take account of other media holdings when making licensing decisions but it might be argued that its approach to cross-media ownership is unnecessarily narrow. Section 66(2)(i) of the 2009 Broadcasting Act requires the BAI to not merely take account of a media company's ownership of other broadcast media but of "communications media" in general.[35] However the definition of "communications media" appears to exclude ownership and control of websites, film production, and wireless or wireline telecoms.

Furthermore, in assessing whether an individual or entity has more than a reasonable share of the communications media, it adopts a different approach to that used with regard to multiple ownership of radio and television stations. Abandoning the numeric approach the BAI states that it assesses a company's "ability to influence opinion-forming power" (i.e. dominance) by "applying the applicant's audience share of the communications media."[36] Since "communications media" include radio and television stations it is unclear as to which approach takes precedence in practice.

In any case, the focus on audience share alone does not offer a strong basis on which to assess opinion-forming power. This returns us to the thorny question of how more politicized questions relating to diversity and pluralism can be made amenable to even quasi-objective assessment. Ironically, one of the most comprehensive attempts to do this has emerged from the Competition Authority in a bid to address their obligation to offer the Minister for Enterprise and Employment guidance on applying media diversity criteria to the consideration of media mergers. Their 2006 Consultation on the Assessment of Media Mergers acknowledges that a purely numeric approach to diversity is problematic. It describes the "mere counting of numbers of voices" as flawed and "bound to produce anomalies"[37] and rejects the notion that
p. 174
economistic ↳ indices such as the HHI offer a reliable basis for judging diversity. "Contrary to the analysis that supports the use of the HHI, a rise or decrease in the HHI on side of the market does not necessarily indicate consumer or producers welfare will increase or decrease."[38]

As a consequence the Consultation argues that the Competition Authority and/or politicians will have to "exercise judgment when deciding whether any particular merger significantly affects the extent of diversity of view."[39] Crucially, the Consultation stresses that this does not necessarily imply an impossibly subjective approach: "These judgements need not be plucked from the air: they can be informed by relevant data."[40] According to the consultation that data could be captured in the construction of a "media map" combining quantitative and qualitative measures of media power. This would be "a description of the media landscape in Ireland that would minimally contain details of who owns what media businesses, who uses what media outputs, what degree of trust users accord to such outputs, and an understanding of the influence of regulation on these businesses. Ideally, the media map would also provide evidence on the practices of ownership and the orientation of particular media outlets with respect to major political, social and economic issues."[41]

However, the Competition Authority's Consultation fudged the question of who should apply this media map. For its part the Advisory Group on Media Mergers was clear that the role of protecting the public interest in promoting plurality and diversity in the media was an inherently political function. "The Group believes that the identity of the person who discharges the function should ultimately be determined by the nature of the function itself. In this case, the Group sees the function as one essentially of political judgment as to how the public interest is best protected as a result of a particular media merger. A Government Minister is democratically elected, his or her Department is responsible for the relevant functions of Government and he or she is answerable to the Oireachtas (Irish Parliament) for the way in which that statutory power is exercised."[42]

As of spring 2013, these deliberations have not found expression in legislation, although the minister for communications is currently preparing legislation for the Irish cabinet. In any case, it may be that the increasingly international nature of the Irish media landscape will defy local regulation. In 2004, when Ireland held the EU Presidency, the Irish government sought to amend the TV Without Frontiers directive to allow governments to regulate broadcasters providing television services specifically targeting viewers in their jurisdiction. This was resisted by both the European Commissioner Vivianne Reding and several member states. Reding commented that "The "originating country" was responsible for regulation and licensing. That is the general rule of the common market. It is not possible to change that."[43]

In short, supranational and international regulations may trump any national efforts to control the activities of international media players in Ireland.

Bibliography

Books and articles

Djankov, Simon et al. “Who Owns the Media?” *Journal of Law and Economics*. XLVI. 2(2003): 341–381.
Google Scholar WorldCat

“High stakes radio game.” *Sunday Business Post*, October 14, 2007, 15.
WorldCat

p. 175 Horgan, John. *Irish Media: A Critical History Since* 1922. London: Routledge, 2001.
Google Scholar Google Preview WorldCat COPAC

Kenny, Colum. “A double-edged sword: Irish media merger policy in transition.” *Journal of Media Business Studies*. 6, 3 (2009): 93–108.
Google Scholar WorldCat

Maguire, Conor. “Setting out new direction for broadcasters.” *Irish Times* October 19, 2001, 19.
WorldCat

Oliver, Emmet. “Battle for satellite TV control lost.” *Irish Times* March 3, 2004, 5.
WorldCat

Pat Rabbitte. *Speech to the Institute of International and European Affairs,* March 22, 2012. Government of Ireland Press Office.
Google Scholar Google Preview WorldCat COPAC

Reports

Advisory Group on Media Mergers. *Report to the Tanaiste and Minister for Enterprise, Trade and Employment*. Dublin: Government Publications, 2008, 53, 56, 59–60.
Google Scholar Google Preview WorldCat COPAC

Broadcasting Authority of Ireland. *Ownership and Control Policy 2010*. Dublin: Broadcasting Authority of Ireland, 2010, 2, 11.
Google Scholar Google Preview WorldCat COPAC

Competition Act 2002 (Dublin: Government Publications)
Google Scholar Google Preview WorldCat COPAC

Competition Authority. *Determination of Merger Notification M/05/065—Johnston*. Dublin: The Competition Authority, 2005.
Google Scholar Google Preview WorldCat COPAC

Competition Authority. *Determination of Merger Notification M/08/021—Tv3/Kish Media*. Dublin: The Competition Authority, 2008.
Google Scholar Google Preview WorldCat COPAC

Competition Authority. *Strategy Statement 2012–2014.* Dublin: The Competition Authority, 2011, 8.
Google Scholar Google Preview WorldCat COPAC

Comreg. *Irish Communications Market: Key Data Report—Q4 2008*. Dublin: Comreg, 2009, 31.
Google Scholar Google Preview WorldCat COPAC

Comreg. *Irish Communications Market Quarterly Key Data Report Q4 2011*. Dublin: Comreg, 2012, 68.
Google Scholar Google Preview WorldCat COPAC

Comreg. *Market Analysis—Wholesale Access and Call Origination on Public Mobile Telephony Networks*. Dublin: Comreg, 2005, 3.
Google Scholar Google Preview WorldCat COPAC

Hargreaves Heap, Shaun, et al. *Consultation on the Assessment of Media Mergers under the Competition Act 2002: Final Report*. Dublin: Competition Authority, 2006, 8–11, 50.
Google Scholar Google Preview WorldCat COPAC

Irish Congress of Trade Unions. *Privatisation: Learning from the Eircom Debacle*. Dublin: ICTU, 2011, 7.
Google Scholar Google Preview WorldCat COPAC

Telecom Eireann. *Report and Accounts for the Year Ended March 31, 1988*. Dublin: Telecom Eireann, 1988, 10.
Google Scholar Google Preview WorldCat COPAC

Ireland—Data Summaries

IRELAND HAS AMONG THE highest concentration of foreign media ownership of all 30 countries surveyed at 72.1%, (Table 7.16). It has a relatively small population (under 5 million) and it was part of the United Kingdom until 1922, which partly accounts for the high rate of foreign ownership by UK companies. Aside from British media groups, SingTel (Singapore), owner of Eircom, is the most significant firm present. It is Ireland's largest company in both platform and overall media, by share of the national market and by power index. Its ISP market share has been reduced in recent years, but this is not because of domestic competition: Vodafone (UK), which acquired its rival, UK-based company BT Ireland in 2009, is SingTel's primary competitor.

Table 7-16. National Media Industries Concentration in Ireland

	2004/5		2011 or Most Recent		% Change Annual Average	
	Company Power Index in Country	**Company Share of the Overall National Media Market (%)**	**Company Power Index in Country**	**Company Share of the Overall National Media Market (%)**	**Company Power Index in Country**	**Company Share of the Overall National Media Market (%)**
Eircom (SingTel, Singapore) (public)	1,896.5	28.125	1,148.1	23.0	–6.6	–0.852
Vodafone (UK)	713.2	17.241	580.0	16.9		–0.058
Independent News & Media (INM) (O'Reilly)	555.8	11.006	564.2	10.8		–0.026
RTE (Public)	456.3	6.617	360.0	5.9	–3.5	–0.113
Murdoch Group (US)	180.6	6.828	288.1	8.5	9.9	0.274
O2/Telefónica (Spain)	350.4	8.759	280.4	8.6	3.3	–0.031
Liberty Media (US) (Malone)	260.8	5.802	202.9	5.9	–3.7	0.032
Google (US)	18.9	0.203	127.5	1.356	96.1	0.192
TV3 (UK)	15.0	1.1	18.8	1.3	4.3	0.036
Thomas Crosbie Holdings	4.8	1.1	9.7	1.5	17.1	0.065
Trinity Mirror (UK)	16.1	1.9	9.1	1.4	–7.3	–0.83
Hutchison Whampoa (3G, Hong Kong)	0.0	0.0	8.8	1.5	N/A	0.254
Communicorp (O'Brien)	11.3	0.571	5.9	0.339	–8.0	–0.039
Irish Times Trust	6.6	1.2	7.3	1.2	1.7	0.005
ITV (UK)	5.4	0.559	2.5	0.344	–9.0	–0.036
BBC (UK) (Public)	4.0	0.364	2.1	0.297	–7.9	–0.011
Channel 4 (UK)	1.1	0.194	0.4	0.127	–11.0	–0.011

Media Concentration Index	**2004/5**	**2011 or Most Recent**	**% Change Annual Average**
Total Revenue: Nat'l Media Industry (mil US$)	9,635	10,257	1.1
Total Voices (*n*)	44	47	1.1
Net Voices (*n*)	35	38	1.4
Public Ownership (%)	6.6	6.4	–0.04
Foreign Ownership (%)	73.8	72.1	–0.43

C4 Average—Weighted	91	90	−0.16
HHI Average—Weighted	4,434	3,956	−1.8
C1 Average—Weighted	60.0	52.0	−0.01
Noam Index Average—Weighted	1,745	1,748	0.02
Pooled Overall Sector C4	65.1	59.3	−0.97
Pooled Overall Sector HHI	1,422	1,165	−3.01
Pooled Overall Sector Noam Index	260	231	−1.9
Market Share of Top Ten Companies: Nat'l Media Industry (%) (Pooled C10)	89.3	84.7	−0.8
National Power Index	4,529	3,650	−3.2

Though dominated by foreign entities, the market is highly saturated as a result of a high literacy rate and an economic boom in the late 1990s.

One of the most significant impacts on the national media market has been the business rivalry between two media groups controlled by two families. Independent News & Media (INM) is owned by the O'Reilly family, and Communicorp, held by Dennis O'Brien, compete for market share over both print and television properties, and their bidding war over privatization of the public monopolist Eircom saw that firm stripped of assets and resold to an Australian consortium, which went bankrupt after squeezing the firm still further. This then brought in Singapore's telecom incumbent, SingTel, which acquired Eircom in 2010.

Of the content companies, O'Reilly's Independent News & Media (INM) holds the largest share of the overall national market at 10.8%. Within content alone, INM holds a much larger at 29.4%. Liberty Global (Malone,
p. 177 US) has a strong presence in multichannel ↳

p. 178 ↳

p. 179 ↳

p. 180 ↳

p. 181 ↳

p. 182 ↳

platforms, but 21st Century Fox's (Murdoch's) share of multichannel platforms (as BSkyB) has risen at its expense. 21st Century Fox also has shares in video channels and film, amounting to a 15.3% of the content media market. RTÉ, Ireland's public broadcasting service, holds 74% of TV broadcasting, as well as 53.5% of radio. Its nearest competitor is TV3, which has only 3.5 % of the content market (Tables 7.17 and 7.18).

Table 7-17. Top Content Media Companies in Ireland

	2004/5		2011 or Most Recent		% Change Annual Average	
	Company Power Index in Country	Company Share of the National Content Media Market (%)	Company Power Index in Country	Company Share of the National Content Media Market (%)	Company Power Index in Country	Company Share of the National Content Media Market (%)
Independent News and Media	1,550.0	30.7	1,527.5	29.4	–0.24	–0.220
RTE (public)	1,272.5	18.5	974.7	16.1	–3.9	–0.396
Murdoch Interests (US)	317.7	14.3	382.6	15.3	3.4	0.170
Google (US)	52.6	0.565	345.2	3.7	92.8	0.518
Liberty Global (US) (Malone)	231.3	3.7	166.8	3.5	–4.7	–0.043
TV3 (UK)	41.8	3.0	51.0	3.5	3.6	0.083
Daily Mail & General Trust (UK)	42.9	5.1	48.9	5.3	2.3	0.025
Thomas Crosbie Holdings	13.3	3.0	26.2	4.0	16.1	0.163
Trinity Mirror (UK)	45.0	5.2	24.6	3.7	–7.5	–0.250
Communicorp (O'Brien)	31.5	1.6	15.9	0.918	–8.3	–0.113
Irish Times Trust	18.4	3.3	19.7	3.3	1.2	–0.002
ITV (UK)	15.0	1.6	6.7	0.932	–9.21	–0.104
BBC (UK) (public)	11.1	1.0	5.6	0.804	–8.20	–0.035
Channel 4 (UK)	3.1	0.541	1.0	0.344	–11.17	–0.033

Media Concentration Index	2004/5	2011 or Most Recent	% Change Annual Average
Public Ownership (%)	18.5	17.3	–0.19%
Foreign Ownership (%)	37.7	39.4	0.44
C4 Average—Weighted	87	86	–0.23%
HHI Average—Weighted	3,617	3,736	0.55%
C1 Average—Weighted	54	53	0.0%
National Power Index	3,694	3,642	–0.24%

Table 7-18. Top Platform Media Companies in Ireland

	2004/5		2009 or Most Recent		% Change Annual Average	
	Company Share of the Overall National Media Market (%)	**Company Power Index in Country**	**Company Share of the National Platform Media Market (%)**	**Company Share of the National Platform Media Market (%)**	**Company Power Index in Country**	**Company Share of the National Platform Media Market (%)**
Eircom (SingTel, Singapore) (public)	2,956.8	43.8	1,820.5	36.5	–6.4	–1.2
Vodafone (UK)	1,111.9	26.9	919.6	26.8	–2.9	–0.015
O2 (Telefónica, Spain)	546.3	13.7	444.7	13.6	–3.1	–0.010
Murdoch Group (US)	103.9	2.7	232.7	4.5	20.7	0.302
Liberty Global (US) (Malone)	277.3	7.0	224.1	7.5	–3.2	0.084

Media Concentration Index	2004/5	2011 or Most Recent	% Change Annual Average
Public Ownership (%)	0	0	0%
Foreign Ownership (%)	94.0	91.2	–0.69
C4 Average—Weighted	94	93	–0.11
HHI Average—Weighted	4,891	4,084	–2.75%
C1 Average—Weighted	64	51	–2%
National Power Index	4,996	3,656	–4.47

Notes

1. Competition Authority. *Strategy Statement 2012–2014*, Dublin: The Competition Authority, 2011, p. 8.
2. Advisory Group on Media Mergers. *Report to the Tanaiste and Minister for Enterprise, Trade and Employment*. Dublin: Government Publications, 2008, p. 56.
3. See Horgan, John. *Irish Media: A Critical History Since 1922*. London: Routledge, 2001; and Kenny, Colum." "A double-edged sword: Irish media merger policy in transition." *Journal of Media Business Studies*. 6, 3 (2009): 93–108.
4. Horgan, op.cit., p. 50.
5. Horgan, op.cit., p. 51.
6. Djankov, Simon et al. "Who Owns the Media?" *Journal of Law and Economics*. XLVI. 2 (2003): 341–381.
7. Irish Congress of Trade Unions. *Privatisation: Learning from the Eircom Debacle*. Dublin: ICTU, 2011, p. 7.
8. In 2014, Thomas Crosbie Holdings exited the market. Many of its former press titles and radio stations were acquired by a new company, Landmark Media.
9. Johnston Press, the largest regional press company at the start of 2014, sold off its Irish holdings to the UK-based Mediaforce.
10. Competition Authority. *Determination of Merger Notification M/05/065—Johnston*. Dublin: The Competition Authority, 2005.
11. Thus the *Irish Times* regularly uses material from *The Guardian* and the *Irish Independent* also uses articles from *The London Independent* of London and *The Daily Telegraph*.
12. Broadcasting Authority of Ireland. *Ownership and Control Policy 2010*. Dublin: Broadcasting Authority of Ireland, 2010, p. 2.
13. The presence of "pirate" stations in larger urban areas from the late 1970s until the 1988 enactment of legislation providing for private broadcaster meant that RTE *de facto* faced competition prior to 1989. However, such stations rarely published independently audited listenership figures and as a consequence it is not possible to estimate pre-1988 market shares with any confidence.
14. RTE also operates a fourth Irish-language stations called Raidio na Gaeltachta but it's market share is negligible (i.e., sub 1%) and it does not carry advertising.
15. Technically Newstalk is referred to as "quasi-national" since more remote areas of the western seaboard cannot receive its

signal.

16. Maguire, Conor. “Setting out new direction for broadcasters.” *Irish Times* October 19, 2001, p. 19.
17. Today FM was acquired from its original Irish owners by Scottish Radio Holdings in January 2002. In July 2005, EMAP purchased Scottish Radio Holdings including its Irish properties.
18. “High stakes radio game.” *Sunday Business Post,* October 14, 2007, p. 15.
19. Comreg. Irish Communications Market Quarterly Key Data Report Q4 2011. Dublin: Comreg, 2012, p. 68.
20. Since 2009, RTE only receives 93% of the license fee, although from 1926 through to 2002 it received all of it. The rest is made available to all broadcasters operating on the island of Ireland (including Northern Ireland) through the Broadcasting Authority of Ireland-administered Sound and Vision Fund.
21. Competition Authority. *Determination of Merger Notification M/08/021—Tv3/Kish Media.* Dublin: The Competition Authority, 2008.
22. This is not always the case, however. UTV, the long-established holder of the independent commercial television licence in Northern Ireland is not officially included on Sky’s EPG, apparently because UTV has not been willing to pay the carriage cost charged by Sky. In practice it is possible to manually tune UTV in through the Sky service. In a similar vein, Sky does not offer its Sky Atlantic channel (based on high cost US cable drama content—*Mad Men, Boardwalk Empire*, etc.) through the UPC platform, using it as an incentive for customers to subscribe to the Sky satellite service.
23. Such offices have not necessarily been maintained however. In an instance of market concentration that is hidden to most viewers, Sky Media, which primarily exists to sell advertising time on the various Sky channels to Irish advertisers, also agents (e.g., sales ad space on behalf of) for Viacom’s channels and the Discovery Channel. In a similar vein, TV3 agents for NBC Universal.
24. Telecom Eireann. *Report and Accounts for the year ended 31st March 1988*. Dublin: Telecom Eireann, 1988, p. 10.
25. In 2014, Three Ireland acquired O2 Ireland. There are now only three participants in the wireless market.
26. Comreg, Market Analysis—Wholesale Access and Call Origination on Public Mobile Telephony Networks. Dublin: Comreg, 2005, p. 3.
27. Comreg. Irish Communications Market: Key Data Report—Q4 2008. Dublin: Comreg, 2009, p. 31.
28. Hargreaves Heap, Shaun, et al. *Consultation on the Assessment of Media Mergers under the Competition Act 2002: Final Report.* Dublin: Competition Authority, 2006, p. 50.
29. Hargreaves Heap, Shaun, et al., p. 51.
30. Comreg. *Submission re BCI Ownership and control Policy Consultation*. Dublin: Comreg, 2005.
31. Competition Act 2002. Dublin: Government Publications.
32. Advisory Group on Media Mergers. *Report to the Tanaiste and Minister for Enterprise, Trade and Employment*. Dublin: Government Publications, 2008, p. 53.
33. Advisory Group on Media Mergers, p. 59.
34. Broadcasting Authority of Ireland. *Ownership and Control Policy 2010*. Dublin: Broadcasting Authority of Ireland, 2010, p. 11.
35. Broadcasting Act 2009. Dublin: Government Publications.
36. Broadcasting Act 2009, p. 16.
37. Hargreaves Heap, Shaun et al. Consultation on the Assessment of Media Mergers under the Competition Act 2002: Final Report. Dublin: Competition Authority, 2006, pp. 8–11.
38. Hargreaves Heap, Shaun et al., p. 25.
39. Hargreaves Heap, Shaun et al., p. 15
40. Hargreaves Heap, Shaun et al., p. 15
41. Hargreaves Heap, Shaun et al., p. 5.
42. Advisory Group on Media Mergers. *Report to the Tanaiste and Minister for Enterprise, Trade and Employment*. Dublin: Government Publications, 2008, p. 59–60.
43. Oliver, Emmet. “Battle for satellite TV control lost.” *Irish Times,* March 3, 2004, p. 5.