



CORPORATE AND COMMERCIAL

Broadcasters Consider Ireland as a Location post- Brexit

by **Jennifer McGuire, Marco Hickey**

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Licensing authorities in the broadcasting sector across the European Union have reported receiving queries from international broadcasters, based in the UK, who are considering relocating in advance of Brexit.

With a 'hard Brexit' looming, there are many reasons why Ireland can be the new hub broadcasters are looking for.

Key concerns for broadcasters

At the Royal Television Society London Conference 'Full Stream Ahead', Josh Berger, the President and Managing Director of Warner Bros. UK outlined his areas of concern over Brexit.

1. Talent and Freedom of Movement: meaning a broadcasters' ability to attract and retain new talent and staff into the UK without requiring a visa as a principle of EU law and the issue that non-UK nationals already in the UK may no longer be entitled to work there and will leave.
2. The Country of Origin Principle: this principle is enshrined in the EU's Audio Visual Media Services Directive allowing broadcasters licenced by the regulator of an EU Member State (Ofcom in the UK) to broadcast into other EU Member States without the need to acquire a licence under those other EU Member States' regimes; and
3. Funding: the entitlement to avail of EU funding programs notably the GBP£2 million paid out annually under the Creative Europe scheme, the European Commission's framework programme for support to the culture and audiovisual sectors with a budget of about €1.46 billion for the period 2014 to 2020.

Clearly each of these concerns relate to the UK's anticipated loss of the benefits of EU membership. Broadcasters based in Ireland or elsewhere in the EU do not face these threats.

Why Ireland in particular?

Ireland has a similar regime to the UK broadcasting licencing regime and the Broadcasting Authority of Ireland (BAI) accepts applications for certain broadcasting licences throughout the year. The BAI's procedure is straightforward and transparent.

Ireland has developed its audiovisual industry immensely in recent years, with an ever increasing talent pool including a list of internationally recognised production houses, existing and ongoing investment in studio and post-production facilities, successful animation companies and numerous trade bodies for industry support.

Ireland has a stable legal system, a business friendly environment, low corporation tax, tax incentives relevant to the audiovisual industry as well as a variety of incentives for foreign inward investors and a highly

educated workforce.

Following Brexit, Ireland will be the only common law country in the EU, which is a similar legal regime to the UK and the USA. Ireland will be the only official English speaking members of the EU following Brexit. In addition, Ireland will continue to benefit from free movement of goods and services with other EU Member States and cross border data transfers from Ireland within the EEA will continue to be protected within the EU data protection regime.

Conclusion

The close ties, and similarities between Ireland and the UK and the considerable level of broadcasting experience developed in recent years make Ireland the obvious choice for broadcasters looking to relocate in light of Brexit.

If you have any questions in relation to any of the above please contact Jennifer McGuire, Partner, Marco Hickey, Partner or James Byrne, Associate Solicitor.

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