

49.

**Paul Mulqueen**

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**From:** Elleonora.SOARES@ec.europa.eu  
**Sent:** Thursday, January 04, 2007 9:49 AM  
**To:** Paul Mulqueen  
**Subject:** RE: Broadcasting Bill - next steps

Happy New Year!

Many thanks for the mail. Just to clarify a couple of points: In the second paragraph it is referred to changes proposed by the Minister or by us, would these be added once the final report is drafted (end February) and then re-submitted to the Government for discussion/approval? Is it only after this discussion and subsequent approval that the OPC can finalize the work? Could you - even if it is only a rough estimate - provide some idea of timing for when the OPC could start its work?

best regards,  
Elleonora

-----Original Message-----

**From:** Paul Mulqueen [<mailto:Paul.Mulqueen@dcmnr.gov.ie>]  
**Sent:** Tue 1/2/2007 10:56 AM  
**To:** SOARES Elleonora (COMP)  
**Subject:** FW: Broadcasting Bill - next steps

Hi Ellenora,

Herewith is the information you require.

Happy new Year.

Regards,

Paul

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**From:** Bill Morrissey  
**Sent:** Friday, December 22, 2006 9:52 AM  
**To:** Paul Mulqueen  
**Cc:** Kevin O'Brien  
**Subject:** RE: Broadcasting Bill - next steps

Paul

The next steps are as follows-

The Joint Oireachtas Committee on Communications Marine and Natural Resources will be holding public hearings on the draft general scheme of the Broadcasting Bill on 10-11 January 2007. I understand that they will make their final report on their findings by mid February 2007. This will mark the conclusion of the consultation process on the draft general scheme.

Any changes proposed by the Minister to the draft general scheme arising out of the consultation process or discussions with the Commission may require submission to Government for approval, depending on the substance and nature of the change proposed.

Once the draft general scheme is finalised the Office of the Parliamentary Counsel (OPC) can complete its work on the formal legal drafting of the Bill. It is difficult at this point to estimate when the OPC will complete its work given its existing considerable workload.

I understand that the Minister is anxious to introduce the finalised Bill into the Houses of the Oireachtas as soon as it becomes available from the OPC.

Regards

Bill

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From: Paul Mulqueen  
Sent: 21 December 2006 14:54  
To: Bill Morrissey  
Subject: FW: Broadcasting Bill - next steps

Hi Bill,

Can you provide me with the details Ellenora requires.

Paul.

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From: Paul Mulqueen  
Sent: Thursday, December 21, 2006 2:53 PM  
To: 'Elleonora.SOARES@ec.europa.eu'  
Subject: RE: Broadcasting Bill - next steps

Hi Eleonora,

I will follow up this and get back to you with the details.

Regards,

Paul

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From: Elleonora.SOARES@ec.europa.eu  
[mailto:Elleonora.SOARES@ec.europa.eu]  
Sent: Thursday, December 21, 2006 2:11 PM  
To: Paul Mulqueen  
Subject: RE: Broadcasting Bill - next steps

Dear Paul,

I refer to the outline of the timing set out below. In light of the ongoing consultation procedure, could you please provide us with an up-date of the timing of the process and also explain whether there will be another consultation once the report has been finalized in [January] and what exactly the procedure and timing is once the report has been done?

Many thanks,

Elleonora

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From: Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]  
Sent: Thursday, July 27, 2006 6:58 PM  
To: SOARES Elleonora (COMP)  
Subject: FW: Broadcasting Bill - next steps

Elleonora,

Further to our telephone conversation today I am enclosing an e-mail which I hope clarifies the questions you raised.

If you need any further clarification please let me know.

Regards,

Paul.

Paul Mulqueen  
Broadcasting Policy Division  
Department of Communications Marine and Natural Resources,  
29-31 Adelaide Road,  
Dublin 2.

Tel:353 1 6783092  
Fax 353 1 6783099  
paul.mulqueen@dcmnr.gov.ie

-----Original Message-----

From: Bill Morrissey  
Sent: 27 July 2006 17:45  
To: Paul Mulqueen  
Subject: Broadcasting Bill - next steps

Paul,

The Government decision of 12 July agreed that-

(a) the formal legal drafting of the Broadcasting Bill should commence, and

(b) the current draft of the Broadcasting Bill should be submitted to public consultation.

The public consultation will be undertaken by the Joint Oireachtas Committee on Communications, Marine and Natural Resources with the following timeline-

23 August 2006 - publication of draft Broadcasting Bill and invitation to the general public to comment on the contents of the draft Bill

September 2006 - deadline for initial submissions

October 2006 - public hearings

December 2006 - publication of the Joint Oireachtas Committee's conclusions

It is likely that the finalised Bill will be published in the Oireachtas at the start of the new Oireachtas term e.g. end of January 2007

Regards

Bill

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hóidh an duine/na ndaoine sin amháin atá an t-eolas. Murab ionann tusa agus an te a bhfuil an teachtaireacht ceaptha do chodh a fhios agat nach gceadaítear nochtadh, coipeail, scaipeadh nó úsáid an eolais agus/nó an chomhaid seo. Mas trí earráid a fuair tú an teachtaireacht leictreonach seo cuir, mas é do thóil é, an te ar sheol an teachtaireacht ar an eolas laithreach.

Deimhnítear leis seo freisin nar aimsíodh vireas sa phost seo tar eis a scanadh.

**Paul Mulqueen**

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**From:** Bill Morrissey  
**Sent:** Thursday, January 25, 2007 3:08 PM  
**To:** Paul Mulqueen  
**Cc:** Kevin O'Brien  
**Subject:** RE: State Aid/Bill/

Paul,

The head as currently drafted doesn't provide specific definitions of when material would be regarded as being used for a commercial purpose and when it would be regarded as being used for a non-commercial educational purpose (in law the terms in subsection 4(a) and 4(b) of head 77 as they currently stand would be interpreted on the basis of the common meaning of the Irish text\*). The systems approach adopted by the head is intended as a mechanism to resolve any ambiguities that might arise i.e. that RTE and Teilifis na Gaeilge would be required to propose schemes to the Minister, the Minister would actively consult with the Broadcasting Authority of Ireland, and if the Minister is satisfied then he or she would approve such schemes (the head also provides the Minister with the power to revoke or amend a scheme and to request the Compliance Committee of the Broadcasting Authority of Ireland to report on compliance by RTE or Teilifis na Gaeilge with an approved scheme).

Regards

Bill

\*(a) cuspóirí oideachais agus taighde neamhthráchtála, agus  
(b) cuspóirí tráchtála.

The key word here is "tráchtála" which can be best matched with the english word "trade"

**From:** Paul Mulqueen  
**Sent:** 25 January 2007 12:49  
**To:** Bill Morrissey  
**Subject:** State Aid/Bill/

Hi Bill,

Ellenora asks

'What will determine when material is for commercial purposes - and, presumably charge for, and when something is for education purposes and, presumably for free?'

Ellenora

Paul Mulqueen,  
Assistant Principal,  
Broadcasting Policy Division,  
Department of Communications, Marine and Natural Resources,  
29-31 Adelaide Road,  
Dublin 2.

Tel: 353 -1- 6783092  
Fax: 353 -1- 6783099  
[Paul.Mulqueen@dcmnr.gov.ie](mailto:Paul.Mulqueen@dcmnr.gov.ie)

**Pa Mulqueen**

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**From:** Elleonora.SOARES@ec.europa.eu  
**Sent:** Friday, January 26, 2007 4:50 PM  
**To:** Paul Mulqueen  
**Subject:** RE: Case E4/2005 State Financing of RTÉ and TG4 - Follow-up from November meeting

Hello,

If I understand things correctly, Head 109 authorizes RTE to maintain an archive containing all its program material. This archive can be accessed by anyone, sometimes for free and sometimes in exchange for a fee. Is my understanding accurate? If so, this seems to suggest that the Heads 77 and 109 could give rise to the same issues as those raised in the November meeting regarding the delimitation between public service and commercial services. Namely, that current drafting does not provide sufficient clarity as to the activities that qualify as public service. What are your views?

regards,  
Elleonora

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**From:** Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]  
**Sent:** Friday, January 26, 2007 4:08 PM  
**To:** SOARES Elleonora (COMP)  
**Subject:** RE: Case E4/2005 State Financing of RTÉ and TG4 - Follow-up from November meeting

Hi Ellenora,

I hope this helps.

Regards

Paul.

Paul,

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**From:** Elleonora.SOARES@ec.europa.eu [mailto:Elleonora.SOARES@ec.europa.eu]  
**Sent:** Thursday, January 25, 2007 12:47 PM  
**To:** Paul Mulqueen  
**Subject:** RE: Case E4/2005 State Financing of RTÉ and TG4 - Follow-up from November meeting

Hello Paul,

Many thanks for this. What will determine when material is for commercial purposes - and, presumably charge for, and when something is for education purposes and, presumably for free?

Elleonora

---

**From:** Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]  
**Sent:** Thursday, January 25, 2007 12:57 PM  
**To:** SOARES Elleonora (COMP)  
**Subject:** RE: Case E4/2005 State Financing of RTÉ and TG4 - Follow-up from November meeting

Hi Ellenora,

The purpose of Head 109(1)(e) is to set RTE the explicit objective of maintaining an archive/library of the materials generated by RTE during the course of its activities. Such materials will consist primarily of items associated with RTE's public service broadcasting activities e.g. documentation relating to the commissioning of programmes, documentation relating to the preparation and editing of programmes (letters, emails, research reports, draft scripts, data etc), sound recordings and footage compiled in the making of programmes, broadcast television and radio programmes, the contents of Internet discussion fora associated with particular broadcast programmes, correspondence from the listening and viewing public reacting to such programmes etc. etc.

This provision derives from a recognition of the increasing cultural/historical importance to Ireland of the maintenance, preservation, cataloguing and where applicable digitisation of such material.

Head 109(1)(e) can be associated with Head 77 of the draft scheme.

Head 77 requires RTE to prepare a scheme for public access to such archives/libraries.

Head 77 also requires RTE to prepare schemes (subject to the approval of the Minister following consultation with the BAI) for the reuse by third parties of the contents of such archives/libraries (where the intellectual property rights vest with RTE) for (a) non-commercial educational and research purposes and (b) for commercial purposes

Incidentally The Oireachtas eConsultation on the draft Heads of the Broadcasting Bill can be found at the link below. The Site includes links to the webcast meetings of the Oireachtas Joint Committee on Communications, Marine and Natural Resources that held open meetings to discuss the proposal and links to submissions they received.  
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Regards,

Paul.

---

**From:** Elleonora.SOARES@ec.europa.eu [mailto:Elleonora.SOARES@ec.europa.eu]  
**Sent:** Wednesday, January 24, 2007 1:15 PM  
**To:** Paul Mulqueen  
**Subject:** RE: Case E4/2005 State Financing of RTÉ and TG4 - Follow-up from November meeting

Hi Paul,

I have one question concerning Head 109 of the Bill. 109(1)(e) allows RTE to establish and maintain libraries and archives containing materials relevant to the objects of RTE under 109 (1). Could you please specify what the exact purpose is of that provision, who will benefit from it, in what way and on what terms?

Many thanks for your help!

kind regards,  
Elleonora

---

**From:** Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]  
**Sent:** Monday, December 11, 2006 12:32 PM  
**To:** SOARES Elleonora (COMP)  
**Cc:** Bill Morrissey  
**Subject:** RE: Case E4/2005 State Financing of RTÉ and TG4 - Follow-up from November meeting

Hi Ellenora,

Yes, we are working on this at the moment.

I hope to have a reply to you in the next few days.

Regards,

Paul.

---

**From:** Elleonora.SOARES@ec.europa.eu [mailto:Elleonora.SOARES@ec.europa.eu]  
**Sent:** Monday, December 11, 2006 11:05 AM  
**To:** Paul Mulqueen  
**Subject:** Case E4/2005 State Financing of RTÉ and TG4 - Follow-up from November meeting

Dear Paul,

I am trying to wrap up things before the holiday period and therefore I wanted to follow up on where we left things at the meeting in November. I believe you were to send us comments on the items discussed during the meeting (and also indicated in our October 4 email). Could you let me know how your colleagues have advanced with their comments? Many thanks for your help.

Best regards,  
Elleonora

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Deimhnítear leis seo freisin nár aimsíodh víreas sa phost seo tar éis a scanadh.

**P | Mulqueen**

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**From:** Bill Morrissey  
**Sent:** Friday, January 26, 2007 5:44 PM  
**To:** Paul Mulqueen  
**Cc:** Kevin O'Brien  
**Subject:** FW: Case E4/2005 State Financing of RTE and TG4 - Follow-up from November meeting

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**From:** Elleonora.SOARES@ec.europa.eu [mailto:Elleonora.SOARES@ec.europa.eu]  
**Sent:** 26 January 2007 16:56  
**To:** Bill Morrissey  
**Subject:** FW: Case E4/2005 State Financing of RTE and TG4 - Follow-up from November meeting

Dear Bill,

I understand Paul is out of the office and therefore wonder whether you might be able to help me with the below question. Please let me know if my reading of Heads 109 and 77 in relation to "archives" is accurate.

Many thanks!

Kind regards,  
Elleonora

---

**From:** SOARES Elleonora (COMP)  
**Sent:** Friday, January 26, 2007 5:50 PM  
**To:** 'Paul Mulqueen'  
**Subject:** RE: Case E4/2005 State Financing of RTE and TG4 - Follow-up from November meeting

Hello,

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**From:** Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]  
**Sent:** Friday, January 26, 2007 4:08 PM  
**To:** SOARES Elleonora (COMP)  
**Subject:** RE: Case E4/2005 State Financing of RTE and TG4 - Follow-up from November meeting

Hi Ellenora,

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Paul.

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**From:** Elleonora.SOARES@ec.europa.eu [mailto:Elleonora.SOARES@ec.europa.eu]  
**Sent:** Thursday, January 25, 2007 12:47 PM  
**To:** Paul Mulqueen  
**Subject:** RE: Case E4/2005 State Financing of RTÉ and TG4 - Follow-up from November meeting

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**Cc:** Bill Morrissey

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**F Mulqueen**

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**From:** Bill Morrissey  
**Sent:** Friday, January 26, 2007 7:33 PM  
**To:** 'Elleonora.SOARES@ec.europa.eu'  
**Subject:** RE: Case E4/2005 State Financing of RTE and TG4 - Follow-up from November meeting

Dear Elleonora,

I think there might be some confusion on this issue .. does your concern related to the text "with or without charge" in subhead (2) of head 77?

Subhead (2) is intended to allow the general public the right of access to the archive (akin to access to a public library) as opposed to the reuse of material in the archive (dealt with in the later subheads). The reference in subhead 77(2) to "with or without charge" is merely intended to allow the company to impose a strictly nominal charge (if it so wishes) to ensure that the archive facilities are not misused.

Regards

Bill

---

**From:** Elleonora.SOARES@ec.europa.eu [mailto:Elleonora.SOARES@ec.europa.eu]  
**Sent:** 26 January 2007 16:56  
**To:** Bill Morrissey  
**Subject:** FW: Case E4/2005 State Financing of RTE and TG4 - Follow-up from November meeting

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**To:** SOARES Elleonora (COMP)

**Subject:** RE: Case E4/2005 State Financing of RTÉ and TG4 - Follow-up from November meeting

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(b) cuspóirí tráchtála.

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**To:** Paul Mulqueen

**Subject:** RE: Case E4/2005 State Financing of RTÉ and TG4 - Follow-up from November meeting

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Elleonora

---

**From:** Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]  
**Sent:** Thursday, January 25, 2007 12:57 PM  
**To:** SOARES Elleonora (COMP)  
**Subject:** RE: Case E4/2005 State Financing of RTÉ and TG4 - Follow-up from November meeting

Hi Ellenora,

The purpose of Head 109(1)(e) is to set RTE the explicit objective of maintaining an archive/library of the materials generated by RTE during the course of its activities. Such materials will consist primarily of items associated with RTE's public service broadcasting activities e.g. documentation relating to the commissioning of programmes, documentation relating to the preparation and editing of programmes (letters, emails, research reports, draft scripts, data etc), sound recordings and footage compiled in the making of programmes, broadcast television and radio programmes, the contents of Internet discussion fora associated with particular broadcast programmes, correspondence from the listening and viewing public reacting to such programmes etc. etc.

This provision derives from a recognition of the increasing cultural/historical importance to Ireland of the maintenance, preservation, cataloguing and where applicable digitisation of such material.

Head 109(1)(e) can be associated with Head 77 of the draft scheme.

Head 77 requires RTE to prepare a scheme for public access to such archives/libraries.

Head 77 also requires RTE to prepare schemes (subject to the approval of the Minister following consultation with the BAI) for the reuse by third parties of the contents of such archives/libraries (where the intellectual property rights vest with RTE) for (a) non-commercial educational and research purposes and (b) for commercial purposes

Incidentally The Oireachtas eConsultation on the draft Heads of the Broadcasting Bill can be found at the link below. The Site includes links to the webcast meetings of the Oireachtas Jiont Committee on Communications, Marine and Natural Resources that held open meetings to discuss the proposal and links to submissions they received.  
[http://www.econsultation.ie/ec/econswip.nsf/\(webstartpage\)/4?opendocument](http://www.econsultation.ie/ec/econswip.nsf/(webstartpage)/4?opendocument)

Regards,

Paul.

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**From:** Elleonora.SOARES@ec.europa.eu [mailto:Elleonora.SOARES@ec.europa.eu]  
**Sent:** Wednesday, January 24, 2007 1:15 PM  
**To:** Paul Mulqueen  
**Subject:** RE: Case E4/2005 State Financing of RTÉ and TG4 - Follow-up from November meeting

Hi Paul,

I have one question concerning Head 109 of the Bill. 109(1)(e) allows RTE to establish and maintain libraries and archives containing materials relevant to the objects of RTE under 109(1). Could you please specify what the exact purpose is of that provision, who will benefit from it, in what way and on what terms?

Many thanks for your help!

kind regards,

Elleonora

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**From:** Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]  
**Sent:** Monday, December 11, 2006 12:32 PM  
**To:** SOARES Elleonora (COMP)  
**Cc:** Bill Morrissey  
**Subject:** RE: Case E4/2005 State Financing of RTÉ and TG4 - Follow-up from November meeting

Hi Ellenora,

Yes, we are working on this at the moment.

I hope to have a reply to you in the next few days.

Regards,

Paul.

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**From:** Elleonora.SOARES@ec.europa.eu [mailto:Elleonora.SOARES@ec.europa.eu]

**Sent:** Monday, December 11, 2006 11:05 AM  
**To:** Paul Mulqueen  
**Subject:** Case E4/2005 State Financing of RTÉ and TG4 - Follow-up from November meeting

Dear Paul,

I am trying to wrap up things before the holiday period and therefore I wanted to follow up on where we left things at the meeting in November. I believe you were to send us comments on the items discussed during the meeting (and also indicated in our October 4 email). Could you let me know how your colleagues have advanced with their comments? Many thanks for your help.

Best regards,  
Elleonora

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This is also to certify that this mail has been scanned for viruses.

Tá eolas sa teachtaireacht leictreonach seo (agus b'fhéidir sa chomhaid ceangailte leis) a d'fhéadfadh bheith príobháideach nó faoi rún. Is le h-aghaidh an duine/na ndaoine nó le h-aghaidh an aonáin atá ainmnithe thuas agus le haghaidh an duine/na ndaoine sin amháin atá an t-eolas. Murab ionann tusa agus an té a bhfuil an teachtaireacht ceaptha dó bíodh a fhios agat nach gceadaítear nochtadh, cóipeáil, scaipeadh nó úsáid an eolais agus/nó an chomhaid seo. Más trí earráid a fuair tú an teachtaireacht leictreonach seo cuir, más é do thoil é, an té ar sheol an teachtaireacht ar an eolas láithreach.

Deimhnítear leis seo freisin nár aimsíodh víreas sa phost seo tar éis a scanadh.



**AN BILLE CRAOLACHÁIN (LEASÚ) 2006  
BROADCASTING (AMENDMENT) BILL 2006**

*Mar a leasaíodh i gCoiste  
As amended in Committee*

**ARRANGEMENT OF SECTIONS**

**Section**

1. Short title, collective citation, construction and commencement.
2. Interpretation.
3. Additional functions of Authority.
4. Additional functions of Commission.
5. Duty of Commission for Communications Regulation in respect of digital terrestrial television multiplexes.
6. Duty of Commission for Communications Regulation in respect of digital terrestrial sound broadcasting multiplexes.
7. Regulations prescribing fees.
8. Applications for multiplex contracts.
9. Determination of applications for award of multiplex contracts.
10. Terms and conditions of multiplex contracts.
11. Analogue switch-off.
12. Amendments to section 12 of Act of 2001.
13. Amendments to section 16 of Act of 2001.
14. Amendments to section 28 of Act of 2001.
15. Amendment to section 32 of Act of 2001.
16. Amendments to section 45 of Act of 2001.
17. Repeals.
18. Expenses.

[No. 70a of 2006]