

Paul Mulqueen

From: Elleonora.SOARES@ec.europa.eu
Sent: Tuesday, July 10, 2007 3:33 PM
To: Paul Mulqueen
Subject: RE: 2006 broadcast hours by genre

Hi Paul,

Many thanks for this!

Kind regards,
Elleonora

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

From: Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]
Sent: Tuesday, July 10, 2007 4:15 PM
To: SOARES Elleonora (COMP)
Subject: FW: 2006 broadcast hours by genre

Hi Elleonora,

I am attaching a breakdown of Broadcast Hours supplied by TG4 as previously requested.

Regards,

Paul.

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Deimhnitear leis seo freisin nar aimsiodh vireas sa phost seo tar eis a scanadh.

Paul Mulqueen

From: Elleonora.SOARES@ec.europa.eu
Sent: Wednesday, July 11, 2007 4:55 PM
To: Paul Mulqueen
Subject: RE: Financing TG4

Dear Paul,

Thank you! This is how I understood it too.

Elleonora

From: Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]
Sent: Wednesday, July 11, 2007 4:51 PM
To: SOARES Elleonora (COMP)
Subject: RE: Financing TG4

Hi Elleonora,

TG4 is an independent statutory body from 1 April 2007, it was previously part of the RTE family of services. TG4 is not in receipt of TV licence fee income but is funded directly from the exchequer by way of Grant in Aid (Section 51 of the Broadcasting Act, 2001). In addition, Section 45 of the Broadcasting Act, 2001 provides for the annual provision of 365 hours of Irish language programming by RTÉ to TG4.

Regards,

Paul.

From: Elleonora.SOARES@ec.europa.eu [mailto:Elleonora.SOARES@ec.europa.eu]
Sent: Wednesday, July 11, 2007 3:30 PM
To: Paul Mulqueen
Cc: Bill Morrissey
Subject: RE: Financing TG4

Hello,

Any news on this?

best regards,
Elleonora

From: Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]
Sent: Monday, July 09, 2007 12:46 PM
To: SOARES Elleonora (COMP)
Cc: Bill Morrissey
Subject: RE: Financing TG4

Hi Elleonora,

7/12/2007

I will get back to you later today on this.

Regards,

Paul

From: Elleonora.SOARES@ec.europa.eu [mailto:Elleonora.SOARES@ec.europa.eu]
Sent: Monday, July 09, 2007 11:35 AM
To: Paul Mulqueen; Bill Morrissey
Subject: Financing TG4

Dear Paul and Bill,

Could you help me and confirm that TG4 does not receive any license fee money but receive state support from payments made to it by the Exchequer and indirectly via RTE through the supply program and network services? If the above is not entirely correct and TG4 does receive license fee money [from RTE], could you please indicate the legal provision in the Broadcasting Authority Acts which states that this type of payment should be made? I would very much appreciate if you could get back to me by tomorrow, Tuesday. If that is difficult, please let me know. Many thanks for your help!

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7/12/2007

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29.

Paul Mulqueen

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Elleonora

7/12/2007

28-

Paul Mulqueen

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Subject: Financing TG4

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Kind regards,
Elleonora

7/12/2007

Paul Mulqueen

35.

From: Alexandra.ANTONIADIS@ec.europa.eu
Sent: Monday, October 01, 2007 4:31 PM
To: Paul Mulqueen
Subject: RE: RTE - Broadcasting Bill 2007 - follow-up

Just to be on the safe side: 9:30 BXL time would be 10:30 in Dublin!?

Alexandra Antoniadis
European Commission
DG Competition - Unit H3
Rue Joseph II, 70 - B-1000 Brussels
☎ 02/298.76.50
☎ 02/296.98.16
✉ alexandra.antoniadis@ec.europa.eu

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From: Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]
Sent: Monday, October 01, 2007 5:30 PM
To: ANTONIADIS Alexandra (COMP)
Cc: Bill Morrissey; Kevin O'Brien
Subject: RE: RTE - Broadcasting Bill 2007 - follow-up

Hi Alexandra,

That's fine I will be available to take the call then.

Regards,

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

10/2/2007

Tel: 353 -1- 6783092
Fax: 353 -1- 6783099
Paul.Mulqueen@dcmnr.gov.ie

From: Alexandra.ANTONIADIS@ec.europa.eu [mailto:Alexandra.ANTONIADIS@ec.europa.eu]
Sent: Monday, October 01, 2007 4:06 PM
To: Paul Mulqueen
Cc: Kevin O'Brien; Bill Morrissey
Subject: RE: RTE - Broadcasting Bill 2007 - follow-up

Dear Paul,

thank you for this information.

I am currently finalising our assessment and preparing an information note to our Commissioner on the state of play and further steps. In this respect, I would be grateful if I could have a short conversation with you, ideally tomorrow morning.

Would you be available at around 9:30? I will call you then - or at any other time you may suggest.

Thank you very much in advance.

Alexandra Antoniadis
European Commission
DG Competition - Unit H3
Rue Joseph II, 70 - B-1000 Brussels
☎ 02/298.76.50
☎ 02/296.98.16
✉ alexandra.antoniadis@ec.europa.eu

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From: Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]
Sent: Thursday, September 20, 2007 1:03 PM
To: ANTONIADIS Alexandra (COMP)
Cc: Kevin O'Brien; Bill Morrissey
Subject: RE: RTE - Broadcasting Bill 2007 - follow-up

Hi Alexandra,

10/2/2007

Just to bring you up to date on the progress on the Broadcasting Bill 2007 and on what has been happening in the last few months I have included some of the history. I hope this is helpful.

As indicated by email to Elleonora in March 2007 we were awaiting the final report of the Joint Oireachtas Committee on Communications, Marine and Natural Resources on the public consultation undertaken on the draft general scheme of the Broadcasting Bill under the eConsultation initiative. The Joint Oireachtas Committee subsequently published their report and we forwarded a copy of that report to you in April. At that time we indicated that "any significant changes to the draft general scheme proposed by the Minister will require further Government approval before legal drafting by the Office of the Parliamentary Counsel can conclude" and that "a general election is likely to be held in May, with formation of a government in May/June it being our intention to recommend to the newly appointed Minister to move forward with the legislative proposals that address the issues discussed with DG Competition".

The General Election was held on 24th May and the new Government formed on 14th June 2007.

The newly appointed Minister, Mr Eamon Ryan, TD, has been fully briefed on the Broadcasting Bill and was a member of the Oireachtas Committee mentioned above. At this stage we do not anticipate any "substantial" redrafting of the Bill which we expect will be introduced into the Oireachtas (Parliament) in late 2007 early 2008. Once we have the version that will be introduced to the Oireachtas, following drafting by the Office of the Parliamentary Counsel etc as mentioned above, I will forward you a copy. The key development is that we now have a Parliamentary Draftsman working on the text. It is difficult to secure Parliamentary Draftsman's services, as these are in demand among Government Departments, but with this in place it means that final drafting is now underway which is a major step.

I hope this answers your questions, but if you have any queries let me know.

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

Tel: 353 -1- 6783092
Fax: 353 -1- 6783099
Paul.Mulqueen@dcmnr.gov.ie

From: Alexandra.ANTONIADIS@ec.europa.eu [mailto:Alexandra.ANTONIADIS@ec.europa.eu]
Sent: Tuesday, September 18, 2007 1:49 PM
To: Paul Mulqueen
Subject: RTE - Broadcasting Bill 2007 - follow-up

Dear Paul,

thank you again for your e-mail.

If I remember correctly from previous discussions, your Government was about to finalise the Broadcasting Bill in September. Elleonora told me that there were some parts that would be substantially redrafted (compared to a previous version you had kindly sent to us) and other parts which would incorporate changes which were discussed between your Government and the case team in the past.

I was wondering whether the Bill has been finalised in the meantime and - if so - whether we could receive a copy allowing us to finalise our assessment and prepare the envisaged closure of the

case.

Thank you very much in advance.

Best regards

Alexandra Antoniadis
European Commission
DG Competition - Unit H3
Rue Joseph II, 70 - B-1000 Brussels
☎ 02/298.76.50
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From: Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]
Sent: Thursday, August 16, 2007 3:24 PM
To: ANTONIADIS Alexandra (COMP)
Subject: Courtesy mail

Hi Alexandra,

I believe you have now taken over from Elleonora on the State Aid case. I hope you enjoy the new brief.

If there is anything I can do from my side – further briefing, explanations of any point etc, let me know.

My contact details are below.

Regards,

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

Tel: 353 -1- 6783092

10/2/2007

Fax: 353 -1- 6783099
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Paul Mulqueen

From: Eoin.ODomhnaill@dfa.ie
Sent: Thursday, October 04, 2007 3:58 PM
To: Caoimhin.O'Ciara@dfa.ie; Paul Mulqueen
Subject: URGENT: State Aids - State financing of RTE and TG4 - D/53924

Attachments: 0037_E4_2005_DE_REQ_Letter to Irish authorities_20071003.doc



0037_E4_2005_DE
_REQ_Letter to ...

Caoimhin, Paul,

Please see the attached letter from the Commission for direct attention as appropriate, please. Please also note that Commission is asking for a reply by 17 October next.

Regards,

Eoin

Eoin Ó DOMHNAILL
Industry & Competition Attaché
Permanent Representation of Ireland
Phone: +32 2 282 3242
Fax: +32 2 230 6384
GSM: +32 496 597 796
Email: eoin.o'domhnaill@dfa.ie
Email for State Aid matters: stateaid@dfa.ie

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EUROPEAN COMMISSION

Competition DG

Markets and cases II: Information, Communication and Media
State aids

Brussels, 03/10/07*D/53924
 DG COMP/C4/AAN/bhb/AAN
 D(2007)0037

Permanent Representation of Ireland
 to the European Union
 Rue Froissart 89-93
 B – 1040 Brussels

Subject: State aid No E 4/2005 – State financing of RTE and TG4 – Ireland

Dear Sir,

Reference is made to the preliminary views expressed by DG Competition in March 2005 (so-called "Article 17 letter") as well as subsequent correspondence in which your authorities outlined proposals to amend the current financing regime for RTE and TG4. Reference is further made to subsequent meetings with your authorities in which outstanding issues were discussed.

Your authorities informed the Commission about plans to reform the broadcasting regime and submitted drafts of the envisaged Broadcasting Act 2007 (the last one dating from September 2006). We understand that it is envisaged to submit the draft Broadcasting Bill to Parliament before the end of this year/beginning of next year, with adoption expected for early 2008.

The proposals which were outlined in the various letters from your authorities as well as those currently contained in the draft Broadcasting Bill 2007 appear to a large extent sufficient to ensure compliance of the future financing regime with EU State aid rules. However, and as discussed on previous occasions, there are still a number of outstanding issues on which we would appreciate further comments and eventually commitments from your authorities.

Under these circumstances and in order to allow the Commission to close the present investigation, we would invite your authorities to confirm and – where necessary – complement proposals to amend the current financing regime and to submit formal commitments in accordance with the overview given in the annex to this letter. These commitments should cover, both RTE and TG4.

The submission of such formal commitments would allow the Commission to close the investigation, pursuant to Articles 18 and 19 of the Procedural Regulation. In line with the Commission's approach in similar cases, the closure decision would formally take note of the commitments given by the Irish authorities and record acceptance of the appropriate measures proposed by the Commission.

We would appreciate if your authorities could respond within two weeks from the date of this letter (i.e. before 17th October 2007). If the commitments submitted by your authorities are satisfactory, the Commission would be able to close the investigation before the end of this year.

Yours sincerely,

Eric VAN GINDERACHTER

56.

Paul Mulqueen

From: Kevin O'Brien
Sent: 12 December 2007 19:02
To: Colm Ó Conaill
Cc: Brendan O'Reilly; Peter O'Neill; Susan Lowen; Suzanne Duke; Paul Mulqueen; Bill Morrissey
Subject: Submission to Minister RE. State Aid Matters
Attachments: Cover Note to Minister - Subject State Aid No E 1.doc; 0037_E4_2005_DE_REQ_Letter to Irish authorities_20071003.doc; state aid interim reply Nov 2007.doc; Draft For Ministerial Approval.doc

Colm,

Attached is the note and attachments to the Minister I mentioned earlier. We haven't had a chance finalise it off until now.

I would appreciate if this could be brought to the Minister's attention as soon as possible. We are under an agreed deadline with the European Commission with regard to the matters discussed (this is explained in the note) and would ideally like to have Ministerial views tomorrow if possible.

Many thanks

Kevin

Colm Ó Conaill

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Kevin

Submission Cover Sheet

Title: STATE AIDS - TG4 AND RTE
Summary/Recommendation Signature recommended by Kevin O'Brien (13/12/07)
Minister's Signature <i>Agreed</i> <i>Carver</i> <i>Hayes</i>

Re: Mulqueen

64.

From: Kevin O'Brien
Sent: 13 December 2007 18:45
To: 'Eric.Vanginderachter@ec.europa.eu'
Cc: Paul Mulqueen; 'Alexandra.ANTONIADIS@ec.europa.eu'
Subject: Case E4/2005 Ireland State Financing of RTE and TG4
Attachments: State aid No E 4 13 Dec.doc

Dear Eric,

Further to our recent conversation I am now in a position to forward to you our considered response to your letter of 3rd October 2007 in draft form. This letter draws on the detailed commitments and discussions that have taken place to date and represents our sincere best endeavours to meet the principles enunciated in your correspondence on the outstanding issues. We are confident that they form a sufficient basis to ensure full compliance of Irish State financing of Public Service Broadcasting (RTE & TG4) with State Aid rules and can confirm that the Irish authorities are fully committed to their implementation. These commitments have been approved by the Minister for Communications, Energy and Natural Resources with a commitment to introduce the draft Broadcasting Bill to the Houses of the Oireachtas (Parliament) in early 2008 with adoption also in 2008. I am confident, and hope you can agree, that the outstanding matters raised have been addressed to a sufficient extent and that this matter can be drawn to a close. Subject to your consideration of the draft letter I propose that the letter be sent formally on Monday next as per your wishes.

If you wish to discuss any matters I am available tomorrow until about 1 pm. I am in meetings for the remainder of the day after that. I am in meetings Monday morning but available for most of Monday afternoon.

Best wishes

Kevin

Kevin O'Brien

Principal Officer

Broadcasting Policy Division

Tel: 353 1 6783089

Mob: 353 87 6687024

Paul Mulqueen

65.

From: Kevin O'Brien
Sent: 14 December 2007 09:13
To: 'Eric.Vanginderachter@ec.europa.eu'
Cc: Paul Mulqueen; 'Alexandra.ANTONIADIS@ec.europa.eu';
'Francoise.COULON@ec.europa.eu'
Subject: Re: Case E4/2005 Ireland State Financing of RTE and TG4

Thank you Eric

I will certainly make myself available for that time and will await your call at 3.30 Brussels time.

Best wishes

Kevin

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

From: Eric.Vanginderachter@ec.europa.eu <Eric.Vanginderachter@ec.europa.eu>
To: Kevin O'Brien
Cc: Paul Mulqueen; Alexandra.ANTONIADIS@ec.europa.eu
<Alexandra.ANTONIADIS@ec.europa.eu>; Francoise.COULON@ec.europa.eu
<Francoise.COULON@ec.europa.eu>
Sent: Fri Dec 14 08:49:05 2007
Subject: RE: Case E4/2005 Ireland State Financing of RTE and TG4

dear Kevin;

Thank you for this draft letter.

We will analyse the draft today. Before that the letter is sent, I would like indeed to discuss it with you on monday 17/12 afternoon.

Would you be available if i call you at 15.30 brussels time?.

Best regards,

Eric

Eric Van Ginderachter
Head of Unit C-4
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J-70 4/08
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From: Kevin O'Brien [mailto:Kevin.O'Brien@dcenr.gov.ie]
Sent: Thursday, December 13, 2007 7:45 PM
To: VAN GINDERACHTER Eric (COMP)
Cc: Paul Mulqueen; ANTONIADIS Alexandra (COMP)
Subject: Case E4/2005 Ireland State Financing of RTE and TG4