

Our ref: F.O.I/0008/2008.

Mr. John Burns,  
The Sunday Times,  
4<sup>th</sup> Floor,  
Bishop's Square,  
Redmond's Hill,  
Dublin 2.


Dear Mr. Burns,

I refer to the Freedom of Information request received in this Department on 12 February, 2008.

I am enclosing copies of all records, created since the implementation of the F.O.I Act which are relevant to the request. Certain records have been withheld where these form part of the deliberative process(s20 of the Act) or contain confidential information( s26).

The Freedom of Information Act provides for the right to appeal a decision taken under the Act within 4 weeks of the initial decision. Should you wish to make such an appeal, you can do so by writing to Mr. Frank O'Brien, F.O.I Unit, department of Communications, Energy and Natural Resources, Elm House, Earlsvale Road, Cavan. The appeal is a full and new examination of the matter carried out by a senior member of staff of this Department. The Act requires that this review be completed within 3 weeks of receipt of such request.

Yours sincerely,

  
Joe Meleady.  
Broadcasting Policy Division.

13 March, 2008.

Record no.	Brief Description & Date of Record.	File ref.	No. of pages.	Findings/ Conclusions.	Grant/ref use/ Part grant.	Basis of refusal / section of Act.	Record edited/ Identify deletions.
1-9	Records are outside the timescale contained in the request.	S1/54-X/05 Vol 2					
10.	Confidential paper.	S1/54-X/05 Vol 2	31	Refused		Confidential material -s26.	
11.	Copy of draft letter from E.O'Domhnaill to Ms. Dormal-Marino, DG Competition, European Commission.	S1/54-X/05 Vol 2	5.	Refused.		Deliberative Process. S20.	
12.	Letter from European Commission dated 08.11.05 re state-financing of RTE AND tg4, Ireland	S1/54-X/05 Vol 2	5.	Refused.		Deliberative process-s20.	
13.	Annex comprising confidential papers.	S1/54-X/05 Vol 2	31	Refused.		Confidential material -s26.	
14.	Copy submission from P.Mulqueen to Minister enclosing draft letter to European Commission for approval.	S1/54-X/05 Vol 2.	6.		Part grant. Access to draft letter to Commission is refused as it contains information which is part of the deliberative process.		
15.	Submission cover sheet.	S1/54-X/05 Vol 2	1.		Release.		
16.	e-mail message from P.Mulqueen to C. OO'hObain. Re state-aid.	S1/54-X/05 Vol 2	1.		Refuse.	Deliberative process. S20.	
17.	e-mail message dated 12/01/06 from P.Mulqueen to various recipients.	S1/54-X/05 Vol 2	1		Release.		

18.	e-mail message dated 16.01/06 from P.Mulqueen to C.O'Donoghue re reply to Commission on state financing of RTE and tg4.	S1/54-X/05V ol 2.			Release.		
19.	e-mail message from P.Mulqueen to E.O'Domhnaill enclosing reply to Commission's letter	S1/54-X/05V ol 2			Release.		
20.	e-mail message from P.Mulqueen to various recipients dated 18/01/06.	S1.54-X/05V ol 2.			Release.		
21.	Letter from European Commission acknowledging receipt of Department's letter.	S1/54-x/05V ol 2	1			Release	
22.	e-mail message from P.Mulqueen to C.Obainre state-aid case.	S1/54-X/05 Vol 2	1.			Release.	
23.	e-mail message from C.O'Lionainto C.Obain and P.Mulqueen encosing text of Commission press release.	S1/54-X/05 Vol 2.				Release.	
24.	Copy of letter to Office of the Attorney General re state-aid financing of RTE/TG4.	S1/54-X/05V ol 2.				Refused	S22 outlines legal advice sought from the Office of the Attorney General
25.	Note of meeting between Broadcasting Policy Division, DCMNR, and Telecommunications and Media State-Aid 11 Unit, EU Commission.	S1/54-X/05 Vol 2				Refused	s20-deliberative process.
26.	Note for information , state financing of RTE and TG4.	S1/54-X/05 Vol 2	2.			Refused.	S20.deliberative process.
27.	e-mail message	S1/54-	3			Release.	

	from P.Mulqueen to E.Soares re RTE's annual report and Financial Statements.	X/05V ol 2.					
28.	e-mail message from E.Soares to P.Mulqueen in response to earlier e-mail message.	S1/54-X/05V ol 2	2.				Release.
29.	e-mail message from Tom Quinn , RTE, TO p.Mulqueen re EU Commission query.	S1/54-X/05 Vol 2.					Release.
30.	e-mail message from P.Mulqueen to E.Soares, European Commission.	S1/54-X/05 Vol 2.					Refused-s26. contains confidential information.
31.	Letter from European Commission Competition DG acknowledging receipt of e-mail dated 12/05/06.	S1/54-x/05V ol 2.					Release.
32.	e-mail message from European Commission to P.Mulqueen enclosing documents.	S1/54-x/05V ol 2.					Release.
33.	e-mail message from P.M ulqueen to T.Quinn re Commission query.	S1/54-X/05 Vol 2.					Release.
34.	e-mail message from P.Mulqueen to T.Quinn re Commission query ( duplicate of record no 33)	S1./54 - X/05V ol 2.					Release.
35.	e-mail message from P.Mulqueen to C.Obama re state-aid letter.	S1/54-X/05 Vol 2					Refused- s22 legal professional privilege
36.	e-mail correspondence between P.Mulqueen and E.Soares, European Commission re draft of Broadcasting Bill.	S1/54-X/05 Vol 2					Refused -s26 includes confidential material.
37.	e-mail message	S1/54-	3.				Refuseds20

	from E.Soaes to E.O'Domhnaill & P.Mulqueen re state-financing of RTE and TG4	X/05 Vol 2.				deliberative process.	
38.	e-mail message from P.Mulqueen to Attorney Generals's Office re state-aid funding of RTE/TG4.	S1/54-x/05 Vol 2.				Refused -s 22. legal professional privilege.	
39.	e-mail message from P.Mooney Office of the Attorney General re state-aid funding of RTE/TG4.	S1/54-x/05 Vol 2				Refused -s 22 legal professional privilege.	
40.	Note of meeting with DG Comp dated 20 Nov 206.	S1/54-X/05 Vol 2.				Refused -s20 deliberative process.	
41.	e-mail message from P.Mulqueen to E.Soaes re state financing of RTE AND tg4.	S1/54-X/05 Vol 2.				Release.	
42.	Letter from K.O'Brien to European Cionmission re state financing of RTE and TG4.	S1/54-X/05 Vol 2.				Refused-deliberative process.	
43.	e-mail message from P.Mulqueen to European Commission enclosing text of letter at 42 above.	S1.54-X/05 VOL 2.				Refused- s20-deliberative process.	
44.	e-mail messages between E.Soaes and P.Mulqueen	S1/54-X/05 Vol 2.				Refused- s19 . record of Govt Decision.	
45.	e-mail message from P.Mulqueen to E.Soaes re the nerxt steps in the production of Broadcasting Bill.					Release.	
46.	e-mail message from P.Mulqueen to E.Soaes re the nerxt steps in the production of Broadcasting Bill..	S1/54-X/05 Vol 2.				Refused-s 19 record of Govt. decision.	
47.	e-mail message from B.Morrissey to P.Mulqueen re Broadcasting Bill	S1/54-X/05v ol 2.				Refused-s 19 record of Govt. decision	

	next steps.						
48.	e-mail message from P.Mulqueen to E.Soares outlining the next steps in the processing of the Broadcasting Bill.	S1/54-X/05 vol 2.					Refused- s19 record of Govt decision
49.	e-mail message from E.Soares to P.Mulqueen re Broadcasting Bill next steps.						Refused- s19 record of Govt decision
50.	e-mail message from B.Morrissey to P.Mulqueen re state-aid/Bill.	S1.54-X/05 Vol 2.					Refused-deliberative process s20.
51.	e-mail message from E.Soares , European Commission to P.Mulqueen re state financing of RTE and TG4. : follow-up from November meeting.	S1.54-X/05 Vol 2.					Refused-deliberative process s20.
52.	e-mail message from B.Morrissey to P.Mulqueen	S1.54-X/05 Vol 2					Refused deliberative process.-s20.
53.	e-mail correspondence between E.Soares and B.Morrissey re statefinancing of RTE and tg4.	S1.54-X/05 Vol 2					Refused. Deliberative process-s20.
54.	Copy of Broadcasting (Amendment) Bill, 2006.						Release.
55.	e-mail message from P.Mulqueen to E.Soares , European Commission outlining the background to the proposed legislative provisions.	S1. 54 -X/05 Vol 2.					Refused deliberative process.
56.	e-mail message from E.Soares to P.Mulqueen outlining the background to the proposed legislative provisions.	S1/54-X/05. Vol 2.					Refused-deliberative process -s20.
57.	e-mail message from ESoares to	S1/54-X/05					Refused-deliberative

	B.Morrissey & P.Mulqueen.	Vol 2.				process s20.	
58.	e-mail message from B. Morrissey to E.Soaes setting out the updated position regarding preparation of legislation.	S1/54-X/05 Vol 2.				Release.	
59.	e-mail message from E.Soaes to P.Mulqueen , B.Morrissey	S1/54-X/05 Vol 2				Refused-deliberative process s20.	
60.	List of answers to questions posed by European Commission	S1/54-X/05 Vol 2				Refused-deliberative process s20.	
61.	e-mail message from P.Mulqueen to E.Soaes outlining progress on the draft general scheme of the Broadcasting Bill.	S1.54-x/05 Vol 2.				Release.	
62.	e-mail message from E.Soaes to P.Mulqueen , B.Morrissey re state financing of RTE and TG4.	S1/54-x/05 Vol 2.				Refused – deliberative process s20.	
63.	List of questions posed regarding the Broadcasting Bill	S1/54-x/05 Vol 2.				Refused-deliberative process –s20.	
64.	e-mail message from P.Mulqueen to E.Soaes setting out responses to questions raised re proposed legislation.	S1/54-x/05 Vol 2.				Refused-deliberative process. S20.	
65.	e-mail message from E.Soaes to P.Mulqueen seeking information re commercial activities of RTE and TG4.	S1/54-X/05 Vol 2.				Refused-deliberative process s20.	
66.	e-mail message from P.Mulqueen to J.Mealey seeking information required by the Commission in reation to state-	S1/54-X/05 Vol 2.				Release.	

	aid case.					
	FILE S1/257-A/07.					
1.	E-mail reply from TG4 to query on TG4 commercial activities	S1. 257-A/07.				Refused S27. contains commercially sensitive information.
2.	e-mail from P.Mulqueen to E.Soares in response to queries raised regarding the proposed legislation.	S1/257 - A/07.				Refused-deliberative process s20.
3.	e-mail message from P.Mulqueen to E.Soares European Commission.		9.			Refused-deliberative process s20.
4.	e-mail message from P.Mulqueen to E.Soares setting out the position re queries raised.		1.			Release.
5.	e-mail message from Teilifis na Gaeilge to J.Meleady setting out information re financial position.		1.			Refuseds27. contains commercially sensitive information.
6.	e-mail message from P.Mulqueen to E.Soares attaching note received from TG4 re their activities.		1.			Release.
7.	e-mail message from A.O'Connor to P.Mulqueen re state-aid/ indigenous programming.		3.			Release.
8.	e-mail message from P.Mulqueen to A.O'Connor enclosing RTE response to European Commission.					Release.
9.	e-mail message from A.O'Connor to P.Mulqueen enclosing RTE response to European Commission		2.			Release.

	enquiry re RTE'S commercial activities. .						
10.	e-mail message from K.O'Brien to A.O'Connor, RTE with copy e-mail attached from A.O'Connor to E. Soares.		2.			Release.	
11.	e-mail from A.O'Connor to P.Mulqueen , J.Meleady attaching RTE response to European Commission enquiry re RTE'S commercial activities.		4.			Refused s27. contains commercially sensitive information.	
12.	e-mail message from A.O'Connor, RTE, to E.Soares setting out RTE response re indigenous programming and commercial activities.		7.			Refused s26. contains confidential information.	
13.	Email message from A.O'Connor to E.Soares enclosing breakdown of broadcast acquisitions-2006.		3			Refused- s26. contains confidential information.	
14.	e-mail message from A.O'Connor to K.O'Brien, p.Mulqueen enclosing details of broadcast acquisitions. 2006.		3			Refused- s26. contains confidential information.	
15.	e-mail message from E.Soares to P.Mulqueen re queries raised.		2.			Release.	
16.	e-mailmessage from P.Mulqueen to E.Soares enclosing reply received from RTE re questions raised on commercial revenue.					Refused s26. contains confidential information.	
17.	e-mail message					Release,	

	from E.Soares to P.Mulqueen acknowledging receipt of material received from RTE.						
18.	e-mail message from A.O'Connor to P.Mulqueen , K.O'Brien re acquired hours breakdown.		2			Refused s27. contains commercially sensitive information.	
19.	Email message from E.Soares to P.Mulqueen re TG4.		1.			Release..	
20.	e-mail message from TG4 to J.Mealey in reply to query on TG4 commercial activities.					Refused s27. contains commercially sensitive information.	
21.	e-mail message from P.Mulqueen to E.Soares enclosing note received from TG4 re their activities..		1.			Release.	
22.	e-mail message from M.Ni Chadhain re state-aid indigenous programming.		3.			Refused. S27. contains commercially sensitive information.	
23.	e-mail message from P.Mulqueen to E.Soares re RTE commercial activities. .		3.			Refused. S27. contains commercially sensitive information	
24.	e-mail message from e.Soares to P.Mulqueen re RTE commercial activities.		3.			Refused. S27. contains commercially sensitive information .	
25.	e-mail message from P.Mulqueen to E.Soares re broadcasting hours2006.		2.			Refused. S27. contains commercially sensitive information	
26.	e-mail message from E.Soares to P.Mulqueen re 2006 broadcast hours by genre. Acknowledging receipt of breakdown of broadcast hours.		1.			Release.	
27.	e-mail message from E.Soares to					Refused- s27. contains	

	P.Mulqueen re RTE commercial activities.					commercially sensitive information.	
28.	e-mail message from E.Soares to P.Mulqueen, B.Morrissey re financing of TG4.	1				Release.	
29.	e-mail message from P.Mulqueen to E.Soares re financing of TG4.	1				Release.	
30.	e-mail message from E.Soares to P.Mulqueen re financing of TG4.	2.				Release.	
31.	e-mail message from P.Mulqueen to E.Soares re financing of TG4.	2.				Release.	
32.	e-mail message from E.Soares to P.Mulqueen re financing ogf TG4.	2.				Release..	
33.	e-mail message from E.Soares to P.Mulqueen re Broadcasting Amendment Act, 2007.					Refused- s20 deliberative process.	
34.	E-mail message from P.Mulqueen to E.Soares re Broadcasting Amendment Act, 2007	1.				Refused deliberative process s20.	
35.	e-mail message from A.Antoniadis, European Commission to P.Mulqueen.	2.				Release.	
36.	Letter from European Commission re state financing of RTE and TG4 advising of intention to close state-aid case.	2.				Refused. Deliberative process s20.	
37.	e-mail message from A.Antoniadisto P.Mulqueen enclosing advance copy of Commission letter to the Irish authorities.	4.				Refused.Deliberative process-s20.	

38.	Copy of letter from European Commission (with annex) re state financing of RTE and TG4 advising of intention to close state-aid case.	8.				Refused-s20 deliberative process.	
39.	e-mail message from E.O'Domhnaill to C.O Ciaruain & P.Mulqueen enclosing letter from European Commission to Irish authorities.	1.				Release.	
40.	Copy of letter from European Commission outlining views on the compatibility with the common market of licence fee payments and other measures granted to the public broadcaster RTE and its subsidiary tg4	31.				Refused-contains commercially sensitive information-s27.	
41.	Summary of Commission's preliminary views as set out in the Article 17 letter and proposed response.	5.				Refused-s20 deliberative process.	
42.	Submission dated 26 May, 2005 from J.Larkin to Minister enclosing draft letter to European Commission outlining Ireland's proposed response to Article 17 letter on the funding of RTE.	8				Refused- s19 contains information for a member of Government.	
43.	Copy of draft letter dated May, 2005 to European Commission re state financing of RTE and TG4.	8				Refused- predates time frame specified in request.	

44.	Copy of European Commission letter dated 08.11.2005 re state financing of RTE and TG4.	5				Refused- predates time frame specified in request Refused	
45.	Copy of draft letter to European Commission re state financing of RTE AND tg4 , Ireland	5				Refused-s20 deliberative process.	
46.	Submission cover sheet and accompanying submission enclosing draft reply to Commission.					Refused- s22. outlines legal advice received from Attorney General.	
47.	Note of meeting betweenBroadcasting Policy Division, DCMNR,and Telecommunications and Media State AID11 Unit, EU Commission.	4.				Refused- s20-deliberative process.	
48.	Note of meeting with DG Comp dated 20 Nov 2006.	3.				Refused- s20 deliberative process.	
49.	Copy of letter dated 21 December, 2006 to European Commission setting out position regarding various issues raised by Commission.	4.				Refused-s20 Deliberative process.	
50.	Copy of letter from European Commission (with annex) re state financing of RTE and TG4advising of intention to closestate-aid case.	8.				Refuseds20-deliberative process.	
51.	Submission to Minister (with annotations) enclosing draft reply to Commission on state financing of RTE and TG4.	2.				Refused s 20-deliberative process.	
52.	e-mail message	1.				Refused s20 -	

	from P.Mulqueen various re state-aid RTEandTG4 -follow-on from meeting between Ministerand Broadcasting Division.					deliberative process.	
53.	Duplicate of e-mail message at record no 52.	2.				Refused s20 deliberative process	
54.	e-mail message from European Commission in response to Department's letter dated 3 October, 2007.					Refused s20 deliberative process	
55.	Submission to Minister enclosing draft letter to the Commission.	11.				Refused-s20-deliberative process.	
56	e-mail message from K.O'Brien to C.OConaill enclosing note and attachments re state-aid submission.	1.				Release.	
57.	Draft letter to European Commission in response to Commission's letter dated 3 October, 2007.	9				Refused s20 deliberative process.	
58.	Draft letter dated November, 2007 to European Commission in response to Commission letter dated November, 2007.	2.				Refused-s20 deliberative process.	
59.	Letter from European Commission re state-aid No. E/4/2005.	2				Refused-s20 deliberative process	
60.	Submission to Minister outlining recent developments and issues for consideration.	2				Refused-s20 deliberative process.	
61.	e-mail message from K.O'Brien to C.O'Conaill re submission to	1				Release.	

	Minister re state-aid matters.						
62.	Submission cover sheet.	1.				Release.	
63.	Copy of draft letter to European Commission re state financing of RTE and TG4.					Refused-S20 deliberative process.	
64.	e-mail message from K.O'Brien to European Commission enclosing draft response to Commission letter of 3 October, 2007.	1.				Release.	
65.	e-mail message from K.O'Brien to E.Vanginderachter, European Commission.	2.				Release.	
66.	e-mail message from A. Antoniadis to K.O'Brien re state financing of RTE and TG4.	2.				Release.	
67.	e-mail message from K.O'Brien to E. Vanginderachter	1				Refused-s20 deliberative process.	
68.	Draft letter to European Commission from Attache, Permanent Representation, setting out further information on the regulatory framework in Ireland in respect of public service broadcasting.	9.				Refused-s20 deliberative process.	
69.	Copy of e-mail from K.O'Brien to E. Vanginderachter, European Commission enclosing draft letter to Commission.	1.				Refused-s20-deliberative process.	
70.	Draft letter to European Commission from Attache, Permanent Representation, setting out further	10.				Refused.s20-deliberative process.	

	information on the regulatory framework in Ireland in respect of public service broadcasting.						
71.	e-mail message from K.O'Brien to E.Van gin drachter, re state financing of RTE and tg4.	3				Refused-s20 deliberative process.	
72.	Copy of draft letter to European Commission setting out further information re the regulatory framework in Ireland in respect of public service broadcasting.	10.				Refused-s20-deliberative process.	
73.	e-mail message from European Commission to K.O'Brien suggesting points to be addressed in roposed legislation.	5.				Refused s20. deliberative process.	
74.	Draft letter to European Commission setting out further elaboration and certain commitments in relation to the regulatory framework in Ireland in respect of public service broadcasting.	10				Refused. S 20 – deliberative process.	
75.	e-mail message from K.O'Brien to P.Mulqueen.	1				Release.	
76.	Draft letter to European Commission setting out further elaboration and certain commitments in relation to the regulatory framework in Ireland in respect of public service broadcasting	11				Refused-s20 deliberative process.	
77.	e-mail message	7.				Refused-	

	from K.O'Brien to E.Vanginderachtre draft letter					s20deliberative process.	
78.	Draft letter from Permanent Representation to European Commission setting out further elaboration and certain commitments in relation to the regulatory framework in Ireland in respect of public service broadcasting.	11				Refused s20-deliberative process.	
79.	e-mail correspondence between P.Muilqueen and E. O'Domhnaill enclosing reply to DG Comp letter dated 3 Oct. 2007.	2				Release.	
80.	e-mail message from P.Mulqueen to E.O'Domhnaill attaching reply to DG Comp letter dated 3 Oct. 2007.	1				Release.	
81.	e-mail message from N.Mc Cormac to P.Mulqueen acknowledging receipt of letter.	1				Release.	
82.	Email message from K.O'Brien to C.O'Conaill attaching draft letter to DG Commission setting out further elaboration and certain commitments in relation to the regulatory framework in Ireland in respect of public service broadcasting.					Refused s20-deliberative process.	
83.	Submission cover sheet	1.				Release.	
84.	Copy of letter from Perm. Rep. of Ireland to the	11.				Refused-s20 deliberative process.	

	European Union setting out further elaboration and certain commitments in relation to the regulatory framework in Ireland in respect of public service broadcasting.						
85.	e-mail from E.O'Domhnaill to P.Mulqueen enclosing copy of signed letter to European Commission.	1.				Release.	
86.	Draft letter to European Commission setting out further elaboration and certain commitments in relation to the regulatory framework in Ireland in respect of public service broadcasting .	11.				Refused- s20 – deliberative process.	



Department of Communications, Energy and Natural Resources  
Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádurtha

15<sup>th</sup> February, 2008

Mr John Burns  
The Sunday Times,  
4th Floor,  
Bishop's Square,  
Redmond's Hill,  
Dublin 2

FOI/0008/2008

Dear Mr Burns,

I refer to the Freedom of Information request received in this office on 12<sup>th</sup> February, 2008 along with the associated fee.

The officer handling your request will be Mr Joe Meleady, Broadcasting Policy Division, Department of Communications, Energy & Natural Resources, 29-31 Adelaide Rd., Dublin 2. He can be contacted at 01 6783094.

A final decision on your request will normally be sent to you within 4 weeks of receipt of your request. This means that you can expect to receive your decision by the 11<sup>th</sup> March, 2008.

If you have not heard from us when the time allocated has expired, you are automatically entitled to appeal to the Department for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding to it has expired.

You should also be aware that you are entitled to a review of the decision if your request is refused, or if you are for any reason dissatisfied with the outcome of your request. The review is a full and new examination of the matter carried out by a more senior member of staff of this Department. In the event that you need to make an appeal, you can do so by writing to Mr. Frank O'Brien, FOI Unit, Department of Communications, Energy & Natural Resources, Elm House, Earlsvale Rd., Cavan. Please note that there is a charge for all appeals of FOI requests. This charge is currently €75.00. A reduced fee of €25.00 applies if you are the holder of a Medical Card.

Please note that the Department of Communications, Energy & Natural Resources has a policy of posting a summary of your request, your name and address and the subsequent reply on the Department's website for reference purposes.

Yours sincerely,

Mary Rabbitte  
FOI Unit  
PH: 01 6782903



# THE SUNDAY TIMES

**London Office:** 1 Pennington Street, London E98 1ST Telephone: 44 207-782 5000 Fax: 44 207-782 5765  
**Dublin Office:** 4th Floor, Bishop's Square, Redmond's Hill, Dublin 2 Telephone: (01) 479 2424 Fax: (01) 479 2421

7 February 2008

To Whom It May Concern:

I wish to make an application under the Freedom of Information act for all records created in the last two years relating to the case TV3 has taken to the EU concerning the state's subvention to RTE.

I can be contacted on 4792412 for clarification of this request

Yours sincerely,

John Burns  
The Sunday Times

