

Mr Ó hÓbáin

Mr O' Neill

Secretary General

Aire

Providing the Commission with drafts of the "Heads of Bill" should help in moving this case forward. It is to be expected that it will result in further detailed engagement with the Commission. The issue re T64 funding is a very major issue that was already addressed by SC advice and the advice of the AG.

Reply to the EU Commission on State financing of RTE and TG4

1. Introduction

The Commission wrote on 8th November with a further round of detailed questions seeking further clarification in relation to state financing of RTE and TG4. (Tab A). The Commission requested a reply within 20 days, to which an extension of 2 months was sought, and an extension to 15th January was granted.

A draft reply (Tab B) is submitted for the Minister's approval.

2. Background

The Commission issued their preliminary view by way of an Article 17 letter on 3rd March, 2005 (Tab C). Following Ministerial approval (Tab D) the Department formally replied to the Article 17 letter on 30th May, 2005 (Tab E). The Commission have now responded by way of letter dated 8th November, 2005 seeking our further views and raising a number of other matters.

3. Draft Reply

The reply addresses the EU Commission's central theme - that seeks sight of the draft heads of the proposed Broadcasting Bill - by incorporating the relevant draft Heads in an appendix to the letter. These draft heads incorporate recent amendments suggested by the Minister. The Commission's letter raises a number of issues, to which the Commission has not requested a reply, but which would merit a response by Ireland. The most significant of these issues is that the Commission has now made clear its view that the annual grant-in-aid provided to RTE for TG4 should be the subject of a formal state aid notification. We have consulted with the Attorney General's Office and these issues will require further deliberation in order to prepare that reply.

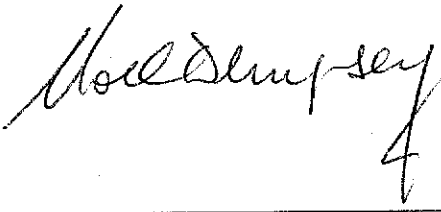
The reply has been drafted on the basis that any comments from the AG's Office on the letter can be incorporated as textual changes prior to dispatch. The letter contains a caveat that the draft heads are at a very early stage in the legislative process and may be amended to a significant degree during the legislative process.

Paul Mulqueen

Broadcasting Policy Division

17th January, 2006

Submission Cover Sheet

Title:
Summary/Recommendation <p style="text-align: center;">It is recommended that the Minister</p> <ul style="list-style-type: none">- Approves the reply to the EU Commission in relation to EU State Aid on State financing of RTE and TG4.
Minister's Signature 

14

P: Mulqueen

From: Paul Mulqueen
Sent: 12 January 2006 16:44
To: Carina O'Donoghue; Ciara O'Sullivan; Grace Cappock; Tanya Harrington
Cc: Peter O'Neill; Ciarán Ó hÓbáin; Bill Morrissey
Subject: Reply to the EU Commission on State financing of RTE and TG4

I enclose the attached papers which have been submitted to the Secretary General's Office.

Submission to the Minister
Draft reply to the EU Commission
Appendix to Draft Reply
Letter from the EU Commission



Submission to
Minister - Reply...



EU Reply Ciaran
Version V2 Dra...



Annex X reflects
changes to di...



EU Letter on State
Aid to RTE ...

Paul Mulqueen
Broadcasting Policy Division
Department of Communications, Marine & Natural Resources
29-31 Adelaide Road
Dublin 2, Ireland.
Tel + 353 1 6783092
Fax + 353 1 6783099
Email paul.mulqueen@dcmnr.irg.gov.ie

P: Mulqueen

From: Paul Mulqueen
Sent: 16 January 2006 10:42
To: Carina O'Donoghue
Subject: FW: Reply to the EU Commission on State financing of RTE and TG4

Carina,

Can you let me know if there has been any progress on this.

Thanks,

Paul

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

From: Paul Mulqueen
Sent: 12 January 2006 16:44
To: Carina O'Donoghue; Ciara O'Sullivan; Grace Cappock; Tanya Harrington
Cc: Peter O'Neill; Ciarán Ó hÓbáin; Bill Morrissey
Subject: Reply to the EU Commission on State financing of RTE and TG4

I enclose the attached papers which have been submitted to the Secretary General's Office.

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 Appendix to Draft Reply
 Letter from the EU Commission



Submission to
 Minister - Reply...



EU Reply Ciaran
 Version V2 Dra...



Annex X reflects
 changes to di...



EU Letter on State
 Aid to RTE ...

Paul Mulqueen
 Broadcasting Policy Division
 Department of Communications, Marine & Natural Resources
 29-31 Adelaide Road
 Dublin 2, Ireland.
 Tel + 353 1 6783092
 Fax + 353 1 6783099
 Email paul.mulqueen@dcmnr.irlgov.ie

Tracking: Recipient
 Carina O'Donoghue

Read
 Read: 16/01/2006 11:37

Paul Mulqueen

18

From: Paul Mulqueen
Sent: 18 January 2006 12:49
To: 'Eoin.O'Domhnaill@dfa.ie'
Subject: Letter State Aid RTE & TG4
Importance: High
Sensitivity: Confidential

Dear Eoin,

I enclose herewith the reply to the Commission's letter on State Aid in relation to RTE and TG4.

I would be grateful if you could ensure transmission to the Commission in the usual way.

Regards,

Paul Mulqueen
Broadcasting Policy Division
Department of Communications, Marine & Natural Resources
29-31 Adelaide Road
Dublin 2, Ireland.
Tel + 353 1 6783092
Fax + 353 1 6783099
Email paul.mulqueen@dcmnr.irlgov.ie

29

Paul Mulqueen

From: Paul Mulqueen
Sent: 18 January 2006 14:06
To: Carina O'Donoghue; Ciara O'Sullivan; Peter O'Neill; Ciarán Ó hÓbáin; Bill Morrissey
Subject: Letter EU Commission on State Aid (RTE & TG4)
Importance: High
Sensitivity: Confidential

I enclose herewith a copy of the letter dispatched to the EU Commission on State Aid (RTE & TG4).

The letter was approved recently by the Minister and includes drafting amendments from the Attorney General's Office

Paul Mulqueen
Broadcasting Policy Division
Department of Communications, Marine & Natural Resources
29-31 Adelaide Road
Dublin 2, Ireland.
Tel + 353 1 6783092
Fax + 353 1 6783099
Email paul.mulqueen@dcmnr.irlgov.ie



EUROPEAN COMMISSION
Competition DG

State aid
Registry

ACTION COPY:

ORIGINAL TO: *E. O'Donohue*

DATE: *2.2.06*

CC: *R. C.*

CC: *30.01.2006 *D/50728*

Brussels, *J. Van Lancker*

Ireland Permanent Representation
to the European Union
Rue Froissart 89-93
1040 BRUSSELS

Subject: E4/05 - State aid financing of RTE and TNAG (TG4)

Sir/Madam,

The Directorate-General for Competition has received your letter dated 19/01/2006, concerning the subject referred to above.

Yours faithfully,

Christophe Haerrel
State Aid Registry

COMP/A/ 30525 – 19/01/2006 – H3

Paul Mulqueen

22.

From: Paul Mulqueen
Sent: 13 March 2006 11:56
To: Ciarán Ó hÓbáin
Subject: State Aid Case

Ciarán,

I spoke to Agnieszka Iwanczuk today in relation the State Aid case.

Agnieszka informed me that the case was being handed over to another case officer at the moment. (Agnieszka will shortly depart on maternity leave)

Agnieszka said that we had sent a lot of material with the last letter - and that was good - and agreed that a meeting to discuss the matter further would be helpful.

She said she hoped to finish the process of handing over the case shortly and hoped thereafter to seek a meeting perhaps in early April.

The next steps therefore are likely to be a letter from the Commission by end March seeking a meeting in early April.

Paul

Paul Mulqueen

From: Cian.OLionain@dfa.ie
Sent: 23 March 2006 18:54
To: Ciarán Ó hÓbáin; Paul Mulqueen
Cc: Majella O'Dea
Subject: State Aids, broadcasting, PT

Lads,
 Did ye see this, re broadcaster state aids in Portugal? We're mentioned towards the end of the release.
 Cian

State aid: Commission closes inquiry into financing of Portuguese public broadcaster following commitments

Reference: IP/06/349 Date: 22/03/2006

HTML: [EN](#) [FR](#) [DE](#) [PT](#)

PDF: [EN](#) [FR](#) [DE](#) [PT](#)

DOC: [EN](#) [FR](#) [DE](#) [PT](#)

IP/06/349

Brussels, 22nd March 2005

State aid: Commission closes inquiry into financing of Portuguese public broadcaster following commitments

Following commitments to change the funding system of the Portuguese public service broadcaster RTP, the European Commission has closed the existing procedure under EC Treaty state aid rules (Article 88(1)). Portugal has agreed to implement measures to increase transparency and proportionality in its funding system, which will prevent cross-subsidies for commercial activities

Competition Commissioner Neelie Kroes said *"The Commission recognises the need for the public service broadcaster to enjoy stable financing. The Portuguese authorities have agreed to make the financing system more transparent and to avoid unnecessary market distortions. This is another example of good cooperation between the Commission and Member States on the financing of public broadcasters."*

Towards the end of 2003, the Commission issued preliminary requests to several Member States, including Portugal, asking them to review certain aspects of the existing financing systems for their national public broadcasters (see [IP/03/1399](#) and [IP/03/1686](#)). In April 2005, the Commission closed

24/03/2006

its enquiry concerning the French, Italian and Spanish public broadcasters, following amendments of - or commitments to amend - the respective funding systems (see [IP/05/458](#)).

The Commission and the Portuguese authorities have now agreed on the necessary amendments to ensure that the financing of RTP respects the principles laid down in the Commission's 2001 Communication on the application of state aid rules to public service broadcasting (see [IP/01/1429](#)). In particular, safeguards will be introduced to keep the financing of RTP within the minimum necessary to ensure the proper execution of its public service tasks and from unduly benefiting its commercial activities (thereby avoiding overcompensation and cross-subsidies). Moreover, changes will be introduced to ensure that public and private broadcasters compete on equal terms in commercial markets such as TV advertising (market conform behaviour for commercial activities).

The Commission's decision today formally recommends to Portugal to implement these measures and, at the same time, takes note of the Government's acceptance to adopt them by the end of 2006.

The financial restructuring agreement signed between the Portuguese authorities and RTP in 2003 is not part of today's decision and will be dealt with in a separate procedure.

Similar investigations are pending as regards the German, Irish and Dutch public broadcasters (see [IP/05/250](#)). For further information on the applicability of state aid rules to public broadcasting, see [MEMO/05/73](#).

Information on the present case will be available on the Commission's web site at: http://europa.eu.int/comm/competition/state_aid/register/ii/by_case_nr_203.html

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This footnote also confirms that this email message has been swept by MIMESweeper for the presence of computer viruses.

Ta an r-phost seo faoi phribhloid agus faoi run.
Mura tusa an duine a bhi beartaithe leis an teachtaireacht seo a fhail, scríos e le do thoil agus cuir an seoltair ar an eolas. Is leis an udar amhain aon dearcaí no tuairimi a leiritear.

Scanadh an r-phost seo le MIMESweeper agus deimhníodh go raibh si saor o vioras leis an bpatronchomhad ata in usaid faoi lathair.

Paul Mulqueen

From: Paul Mulqueen
Sent: 12 May 2006 14:11
To: 'Elleonora.SOARES@cec.eu.int'
Subject: RE: RTÉ's Annual Report and Financial Statements
Sensitivity: Confidential

Dear Elleonora,

I am following up the broadcasting stats by genre - there is some mention of them in the report but I think it is not sufficiently comprehensive.

I should have these shortly and I will pass them on to you.

Regards,

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: Elleonora.SOARES@cec.eu.int [mailto:Elleonora.SOARES@cec.eu.int]
Sent: 12 May 2006 13:52
To: Paul Mulqueen
Subject: RE: RTÉ's Annual Report and Financial Statements
Sensitivity: Confidential

Dear Paul,
Thank you for the report. I have taken note of the confidentiality issue.
Do you know what the status is re the broadcasting statistics I mentioned in my previous email?

Have a nice week-end!

Kind regards,
Elleonora

Elleonora Soares
European Commission
DG Competition
State aid: Telecommunications and Media
Phone: +32-2-296 1424
E-mail: elleonora.soares@ec.europa.eu

PLEASE NOTE THAT AS OF MAY 9 2006, MY EMAIL

ADDRESS CHANGES TO:**Elleonora.Soares@Ec.Europa.Eu**

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

From: Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]**Sent:** Friday, May 12, 2006 11:56 AM**To:** SOARES Elleonora (COMP)**Subject:** RTÉ's Annual Report and Financial Statements**Sensitivity:** Confidential

Dear Elleonora,

I attach a copy of RTÉ's Annual Report and Financial Statements for your confidential information. I must stress the confidential nature of RTÉ's Annual Report and Financial Statements at this stage as they have not been published yet.

The draft copy of the Broadcasting Bill we were working from during our meeting is the latest version. Bill Morrissey has informed me that the next version will be available around the end of this month. I will forward you a copy at that stage.

Regards,

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

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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

12/05/2006

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.

Paul Mulqueen

From: Elleonora.SOARES@cec.eu.int
Sent: 11 May 2006 14:57
To: Paul Mulqueen
Subject: RE: Delegates

Dear Paul,

Many thanks for your email. I have set out below the names of the attendees from our side. Do you know when we can expect to receive a copy of the latest version of the draft bill, the 2005 Annual Report and the statistics on RTE's total broadcast hours (also broken down per "topic")?

As I mentioned, the Commission's domain name will change to @ec.europa.eu. This means that all Commission email addresses will change. My email address, for example, will therefore become:
elleonora.soares@ec.europa.eu

Kind regards,
Elleonora

Attendees:

Eric van Ginderachter

Sandro Santamato

Alexandra Antoniadis

Renske Fikkers

Agnieszka Iwanczuk

Elleonora Soares

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

From: Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]
Sent: Thursday, May 11, 2006 3:49 PM
To: SOARES Elleonora (COMP)
Subject: Delegates

Dear Elleonora,

The delegates that attended the meeting from the Irish side were;

Ciarán Ó hÓbáin, Bill Morrissey, Paul Mulqueen all from the Broadcasting Policy Division of the Department of Communications, Marine and Natural Resources.

Eoin.O'Domhnaill (Eoin.O'Domhnaill@dfa.ie) from the Irish Perm Rep in Brussels handling State Aid

12/05/2006

cases.

Regards,

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

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

29.

Paul Mulqueen

From: Tom Quinn [Tom.Quinn@rte.ie]
Sent: 12 May 2006 14:32
To: Paul Mulqueen
Subject: RE: EU Commission Query

Hi Paul,
We will let you have these next week.
Best wishes,
Tom

From: Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]
Sent: 12 May 2006 14:21
To: Tom Quinn
Subject: EU Commission Query

Dear Tom,
I am writing to seek some statistics which the EU Commission have requested from us in the context of discussions we have been having on State Aid.

The Commission have sought statistics on RTE's total broadcast hours (also broken down per "topic" or genre).

Perhaps you can let me know if you can provide these.

Regards,

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

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Tá eolas sa teachtaireacht leictreonach seo (agus b'fhéidir sa chomhaid ceangailte leis) a d'fhéadfadh bheith priobháideach nó faoi rún. Is le h-aghaidh an duine/na ndaoine nó le h-aghaidh an aonáin atá ainmnithe thuas agus le h-aghaidh 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

12/05/2006

na 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.

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EUROPEAN COMMISSION

Competition DG

State aid
Registry

Brussels, 15/05/06*D/53943

paul.mulqueen@dcmnr.gov.ie

Subject: E4/05 - RTE

Dear Sir,

The Directorate-General for Competition has received your email dated 12/05/06 concerning the subject referred to above.

Yours faithfully,

Christophe Haerrel
State Aid Registry
(signed)

COMP(2006)A/33728 (12/05/06) h3

32

Paul Mulqueen

From: Stateaidgreffe@cec.eu.int
Sent: 15 May 2006 11:58
To: Paul Mulqueen
Subject: Ch - ACKR*D53943*E4/05 - RTE

Dear Sir, Dear Madam,
Please find attached doc. D/53943.
Best regards on behalf of COMP STATE AID.

C. Haerrel
State aid greffe
DG COMP
<<53943-A-33728-E4-05.doc>>

33.

Paul Mulqueen

From: Paul Mulqueen
Sent: 23 May 2006 09:33
To: 'Tom Quinn'
Subject: RE: EU Commission Query

Hi Tom,

I sought clarification from the Commission on the points raised in your e-mail below.

The Commission have now responded as follows;

"Regarding the figures, it would be useful to know the total number of broadcast hours (RTE incl. TG4) and then have a breakdown for each "genre" as well as total peak hours broadcast (RTE incl. TG4) and then a breakdown for each "genre." It would be useful if the figures were compiled so that we can distinguish how much is RTE and how much is TG4. It would be great if we could have figures for the last three years."

Regards,

Paul

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

From: Tom Quinn [mailto:Tom.Quinn@rte.ie]
Sent: 15 May 2006 09:26
To: Paul Mulqueen
Subject: RE: EU Commission Query

Hi Paul,
Is it for 2005 only? AR pages 7 and 93/4 give details. Do you want breakdown of non indigenous hours?
Thank you.
Tom

From: Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]
Sent: 12 May 2006 14:56
To: Tom Quinn
Subject: RE: EU Commission Query

Dear Tom,

I have seen the chart of page 7 "indigenous hoursduring peak time", I was just unsure if that chart reflects of the overall position, have I missed something?

Regards,

Paul.

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

From: Tom Quinn [mailto:Tom.Quinn@rte.ie]

23/05/2006

Sent: 12 May 2006 14:41
To: Paul Mulqueen
Subject: RE: EU Commission Query

Hi Paul,
What is purpose of query?
As you are probably aware, probably everything you are looking for is in the Annual Report which is with the Dept.
Please let me know.
Thank you.
Tom

From: Paul Mulqueen [mailto:Paul.Mulqueen@dcmnr.gov.ie]
Sent: 12 May 2006 14:21
To: Tom Quinn
Subject: EU Commission Query

Dear Tom,
I am writing to seek some statistics which the EU Commission have requested from us in the context of discussions we have been having on State Aid.

The Commission have sought statistics on RTE's total broadcast hours (also broken down per "topic" or genre).
Perhaps you can let me know if you can provide these.
Regards,

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

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