

Malta's Comments on the draft Communication from the Commission on the application of State Aid rules to public service broadcasting

Malta signed a Common Position together with other 18 Member States which emphasises that only minor changes are required to adapt the current Communication to the technical developments of the digital age. The proposed draft on the other hand presents a fundamental change compared to the 2001 Communication and contains detailed procedures and criteria which must be met by Member States, including in particular *ex ante* notification of new media services of public service broadcasters.

Malta is of the opinion that there no need for a radical change of the Broadcasting Communication of 2001 and that the proposed draft is going too far.

Malta is of the opinion that Public Service Broadcasting (PSB) has its particular realities. PSB has a unique and important contribution toward the fulfilling of the role of media organisations as consciousness industries that are among the prime movers of the symbolic universe integrating a particular culture. Moreover, they are anchored in the public domain and public interest. As a result, media organisations of the public service kind cannot be run as if they are normal business.

In respect to the Amsterdam Protocol, the principle of subsidiarity should be respected and each Member State should be given the necessary space to take action according to the prevailing realities of their PSB system. The indigenous nature of such organisations should be recognised and encouraged. As a consequence, Member States should be given the possibility to develop their PSB entities which respect their culture, constitutional obligations, economic and market realities as well as their particular media landscape.

PSB entities should be given the chance to utilise to the full the potential of new communication technologies. The movement from PSB towards Public Service Media (with particular emphasis on the new digital media) is essential for the development of the public service role of these media. Without a presence in the new digital media, traditional PSB entities would be at a very great disadvantage. The principle of technological and platform neutrality should guide developments in this area.

Where state aid is involved, separate accounts should be kept and good monitoring systems established. But the possibilities and limitations of small PSB entities should be recognised and the progress of small PSB entities should not be hampered by the imposition of complicated bureaucratic procedures. The *ex ante* assessment proposed would also put a considerable burden on small PSB entities.