



Legal Framework conditions applicable to State aid to public service broadcasting

The Protocol on the system of public broadcasting in the Member States, annexed to the Treaty ("**Amsterdam Protocol**"):

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0201:0328:EN:PDF>

Communication from the Commission on the application of State aid rules to public service broadcasting, adopted by the Commission on 2 July 2009 ("**Broadcasting Communication**"):

[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009XC1027\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009XC1027(01):EN:NOT)

Commission decisions on State aid to public service broadcasting (1999-2010)

	Decision date	Decision name
30	20/07/2010	C27/2009 (ex. N34b/2009) – France - Subvention pluriannuelle pour France Télévisions Decision: French ; Press release
29	20/07/2010	C38/2009 (ex. NN58/2009) – Spain - New tax-based funding system for public broadcasting in Spain. Decision: English ; Spanish ; Press release
28	26/01/2010	E5/2005 – the Netherlands - Yearly financing of Dutch public broadcasters Decision: English ; Dutch ; Press release
27	03/12/2009	C 38/2009 – Spain - Investigation into the new financing of RTVE Decision: Spanish ; Press Release
26	28/10/2009	E 2/2008 – Austria – State funding for Austrian public service broadcaster ORF Decision: German (authentic); English (non authentic); Press Release
25	01/09/2009	C 27/2009 – France – Investigation into the new financing of FT Decision: French ; Press Release
24	04/08/2008	N287/08- Denmark - Rescue Aid to TV2/Denmark A/S Decision: English
23	16/07/2008	N 279/2008 – France – Capital injection for France Télévisions Decision: French
22	27/02/2008	E 8/2006 – Belgium – State funding for Flemish public broadcaster VRT Decision: Dutch French
21	27/02/2008	E 4/2005 – Ireland – State aid financing of RTE and TNAG (TG4) Decision: English Press release: IP/08/317
20	24/04/2007	E 3/2005 – Germany - Financing of public service broadcasters in Germany Decision: German English Press release: IP/07/543
19	07/03/2007	NN 8/2007 – Spain - Financing of workforce reduction measures in favour of RTVE Decision: Spanish English IP: IP/07/291
18	04/07/2006	NN 31/2006 – Portugal - Financial support to public service broadcaster RTP Decision: English
17	22/06/2006	C 2/2004 – Netherlands - Ad-hoc financing measures of Dutch public service broadcasters Decision: English
16	22/03/2006	N 638/2005 – France - Aide à la création de la chaîne corse Via Stella Decision: French
15	22/03/2006	E 14/2005 – Portugal - General financing system for RTP Decision: Portuguese
14	07/06/2005	N 54/2005 – France - Chaîne française d'information internationale Decision: French Press release: IP/05/689
13	20/04/2005	E 9/2005 – Italy - Licence fee payments to RAI Decision: Italian Press release: IP/05/458
12	20/04/2005	E 10/2005 – France - Licence fee payments to France 2 and 3 Decision: French Press release: IP/05/458
11	20/04/2005	E 8/2005 – Spain - Financing of RTVE Decision: Spanish Press release: IP/05/458



10	06/10/2004	N 313/2004 – Denmark - Recapitalisation of TV2 Decision: English Danish
9	19/05/2004	C 2/2003 – Denmark - Financing of TV2 Decision: English Press release: IP/04/666
8	10/12/2003	C 60/99 – France - Ad-hoc payments to France 2 and 3 Decision: English Press release: IP/03/1686
7	15/10/2003	C 85/2001 – Portugal - Ad-hoc payments to RTP Decision: English Press release: IP/03/1399
6	15/10/2003	C 62/99 – Italy - Ad-hoc payments to RAI Decision: English Press release: IP/03/1399
5	01/10/2003	N 37/2003 – United Kingdom - BBC digital curriculum Decision: English
4	22/05/2002	N 631/2001 – United kingdom - BBC licence fee Decision: English
3	03/04/2002	NN 2/2002 – Germany - ZDF Medienpark Decision: German
2	14/12/1999	NN 88/98 – United Kingdom - BBC 24 hours news channel Decision: English
1	24/02/1999	NN 70/1998 – Germany - Kinderkanal/Phoenix Decision: German

(*) **Commission decisions:** the Commission issues the following types of decisions – as defined in the [Council Regulation \(EC\) No 659/1999](#) of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (*Official Journal L 83, 27.03.1999, pages 1-9*), (see http://ec.europa.eu/comm/competition/state_aid/legislation/rules.html)

After a preliminary examination (phase I decisions):

1. **decision does not constitute aid** - where the Commission, after a preliminary examination, finds that the notified measure does not constitute aid - **art. 4(2)**
2. **decision not to raise objections** - where the Commission, after a preliminary examination, finds that no doubts are raised as to the compatibility with the common market of a notified measure, in so far as it falls within the scope of Article 87(1) of the Treaty - **art. 4(3)**
3. **decision to initiate the formal investigation procedure** - where the Commission, after a preliminary examination, finds that doubts are raised as to the compatibility with the common market of a measure - **art. 4(4)**

After a formal investigation procedure (phase II decisions):

1. **decision does not constitute aid (after formal investigation procedure)** - where the Commission, after formal investigation procedure, finds that, where appropriate following modification by the Member State concerned, the notified measure does not constitute aid -**art. 7(2)**
2. **positive decision** - where the Commission, after formal investigation procedure, finds that, where appropriate following modification by the Member State concerned, the doubts as to the compatibility of the notified measure with the common market have been removed - **art. 7(3)**
3. **conditional decision** - where the Commission attached to a positive decision conditions subject to which an aid may be considered compatible with the common market or laid down monitoring obligations - **art. 7(4)**
4. **negative decision without recovery** - where the Commission finds that the aid is not compatible with the common market and shall not be put into effect - **art. 7(5)**
5. **negative decision with recovery** - where the Commission finds that the aid is not compatible with the common market and, as it was unlawful aid, the Commission decides that the Member State concerned shall take all necessary measures to recover the aid from the beneficiary - **art. 7(5) with art. 14(1)**
6. **decision to close formal investigation procedure following the withdrawal of notification** – **art. 8(2)**

As regards **existing aid**, the Commission may **propose "appropriate measures"** to the Member State concerned – **art. 18**

Where the Member State accepts these measures, the acceptance is recorded by the Commission and they become binding upon the Member State – **art. 19**

Where the Member State concerned does not accept the appropriate measures, the Commission may open the **formal investigation procedure** (see above) – **art. 4 (4)**.

Other types of decisions:

1. **revocation of decision** - where the Commission decides to revoke its previous decision due to the fact it was based on incorrect information provided during the procedure which was a determining factor for the decision– **art. 9**
2. **information injunction** – where the Commission requires the Member State to provide the information on alleged unlawful aid in a situation in which the Member State despite a reminder did not provide the information previously requested or provided incomplete information - **art. 10(3)**



Articles on State aid to public service broadcasting

"The 2009 Broadcasting Communication"

by Lukas Repa, Nóra Tosics, Pedro Dias, Alberto Bacchiega
Competition Policy Newsletter, number 2009/3, p. 10
http://ec.europa.eu/competition/publications/cpn/2009_3_2.pdf

"Commission and Germany agree on better control for the use of State aid in the broadcasting sector"

by Lukas Repa and Nóra Tosics,
Competition Policy Newsletter 2009/1, p91
http://ec.europa.eu/competition/publications/cpn/2009_1_23.pdf

"Funding of public service broadcasting and State aid rules – two recent cases in Belgium and Ireland"

by Nóra Tosics, Ronald Van De Ven and Alexander Riedl,
Competition Policy Newsletter 2008/3, p81
http://ec.europa.eu/competition/publications/cpn/2008_3_81.pdf

"Increased Transparency and Efficiency in public service broadcasting"

by Pedro Dias and Alexandra Antoniadis
Competition Policy Newsletter, number 2007/2, p. 67
http://ec.europa.eu/comm/competition/publications/cpn/cpn2007_2.pdf

For further information

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