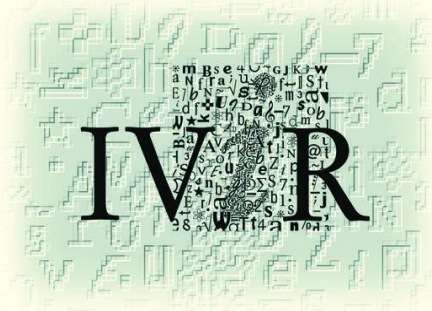


Public Service Broadcasting and State Aid



Nico van Eijk
Institute for Information Law (IViR)
Budapest, 20 October 2005

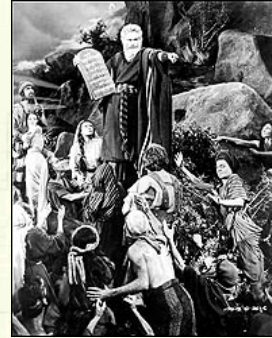
IViR

Topics

- Public service broadcasting or state aid?
- The EU-routine
- Investigations and outcome
- Issues at stake
- Analysis
- What will the future bring?

Public service broadcasting or state aid?

- Focus today on state aid-issues
- Paradigm shift needed
- Finding the ‘ten commandments’ of public service broadcasting



The EU Routine

- Altmark Criteria
 - Clear public service obligations
 - Pre-established parameters for compensation
 - No over-compensation
 - Tender or ‘well-run undertaking’-test
- Communication European Commission on state aid and public service broadcasting
- Services of general economic interest
- Maastricht treaty



Investigations and outcome

- Investigations by the European Commission: Spain, France, Portugal, Italy, Germany, UK, Ireland, Denmark, Netherlands
- Remedies: Spain, France, Portugal, Italy, (The Netherlands)
- Illegal state aid: Denmark (?), The Netherlands (?)

Issues at stake

- Public funding system
- Public service remit
- Separation of accounts/financing
- Over compensation/proportionality
- Competitive behaviour

Analysis

- European Commission takes a cautious approach
- The ‘how to structure state aid’ question is key-issue, not state aid as such
- Member States are addressing shortcomings (based on previous cases or on their own initiative)

What will the future bring?

- Does the European Commission want to change its *policy* and/or will convergence be the driver behind a changed *policy*?
- Will there be a *paradigm shift* (getting the goals and the means in balance again)?
- Will Member States be able to develop an EU-proof *public service remit*?

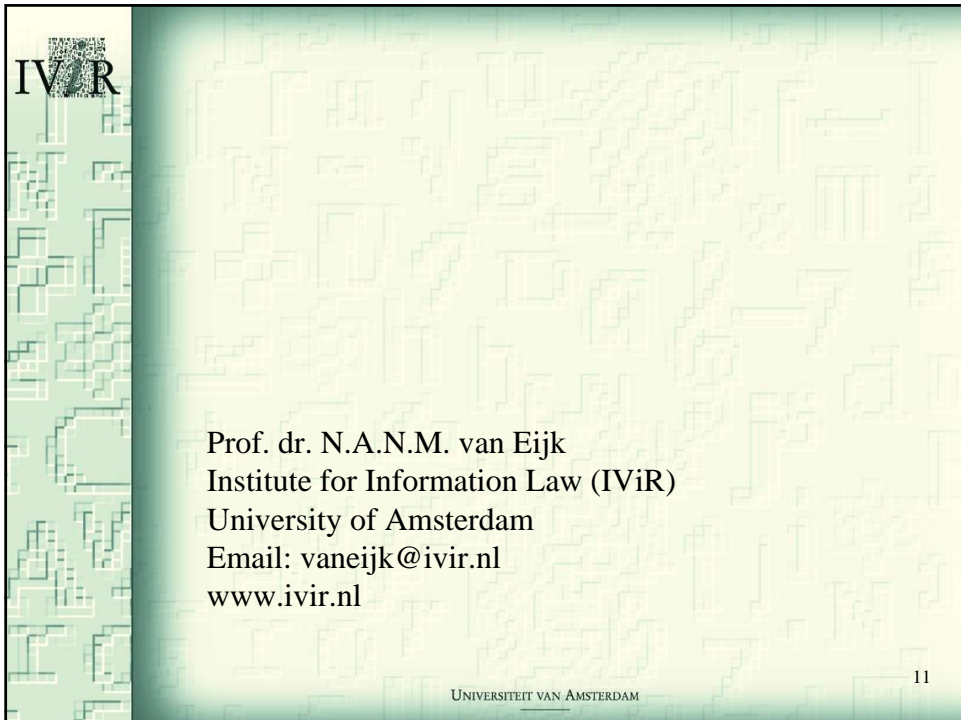
A 'Triple P' Strategy

- Policy
- Paradigm shift
- Public service remit



IVIR

FACULTY OF LAW
Institute for Information Law

The slide features a light green background with a faint, repeating pattern of white geometric shapes, primarily squares and rectangles, some of which are nested or overlapping. In the top-left corner, there is a logo consisting of the letters 'IViR' in a bold, serif font, with a small square icon containing a grid pattern to its right. Centered on the slide is contact information for Prof. dr. N.A.N.M. van Eijk, including his affiliation with the Institute for Information Law (IViR) at the University of Amsterdam, his email address, and his website. At the bottom center, the text 'UNIVERSITEIT VAN AMSTERDAM' is displayed in a small, all-caps font. The number '11' is located in the bottom right corner of the slide's content area.

IViR

Prof. dr. N.A.N.M. van Eijk
Institute for Information Law (IViR)
University of Amsterdam
Email: vaneijk@ivir.nl
www.ivir.nl

UNIVERSITEIT VAN AMSTERDAM

11