

Secretary of State for Culture, Media and Sport
Dept. for Culture, Media and Sport
Mr. Rt Hon Andy Burnham MP
2-4 Cockspur Street
LONDON SW1Y 5DH
United Kingdom

The Hague
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Subject:
Broadcasting Communication / state aid for public
service broadcasting

Dear colleague,

Following my letter from 25 February 2008 I ask your attention for the review of state aid rules for public service broadcasting, the so-called Broadcasting Communication, by the European Commission. To my regret I could not join the meeting of the Ministers of Culture and Audiovisual policy in Versailles on 21 and 22 July. The Director-General of Culture and Media Judith van Kranendonk participated on my behalf and invited you to endorse a position paper about the Broadcasting Communication review. Please allow me to put forward the main arguments in writing.

By now we have more information on the position the European Commission may be expected to choose. At an expert meeting in Strasbourg on 17 and 18 July, Commissioner Kroes (Competition Policy) stated that Europe needs "better definitions for the public mission of broadcasters where they enter new media markets", "better measures to assess the market impact of state aid" and "more effective control mechanisms" (http://www.ddm.gouv.fr/article.php3?id_article=1331). The Commission will present a first draft of the new Broadcasting Communication after the summer for discussion with the member states

Still, I feel we can not rest assured and need to join efforts now. To this purpose I prepared a proposal for a common position paper. The position paper is inspired by the responses of (17) member states to the questionnaire from the Commission. First and foremost the position paper underlines the principle of *subsidiarity*. Member states must remain firmly in charge of the remit, organization and funding of their public service broadcasters.

Therefore the Broadcasting Communication should provide a flexible framework and not, for example, introduce detailed criteria for an ex ante evaluation of new media activities. Neither should the Communication exclude the possibility to offer pay services as part of the public service remit.

Secondly, now is the time to establish the principle of *technological neutrality*. In the digital age the Broadcasting Communication should allow public service broadcasters to reach the public by all possible (electronic) means– the television set, the computer, a mobile device or any other channel people might choose.

My Director-General Judith van Kranendonk explained the reasons for a position paper at the informal meeting of Ministers in Versailles on 22 July. In the course of the meeting seven member states supported the initiative explicitly, whereas several others have given their provisional support. With this letter I enclose my proposal for the final text and invite you to inform me whether you can (still) endorse the position paper and if so, if you agree with mentioning your support in the paper's introductory paragraph. My aim is to send the position paper to the Commission on **15 September**, before the discussion about the Broadcasting Communication enters its next phase.

I think we share a great responsibility here. The media are not just any other business; they are in the business of shaping people's hearts and minds. And national broadcasting systems are deeply rooted in the social and political fabric of our respective communities. This is all the more reason to ensure that a new or amended Broadcasting Communication leaves room for a wide variety of national procedures.

Yours sincerely,

R.H.A. Plasterk
Minister of Education, Culture and Science