# [FR] CSA on the Application of State Aid Rules to Public Service Broadcasters

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The *Conseil Supérieur de l'Audiovisuel* (national audiovisual regulatory authority - CSA) has just published its reply to the consultation launched in November 2008 by the European Commission on its draft revised Communication on the application of State aid rules to public service broadcasters. The evolution of the audiovisual market and its legal environment has made it necessary to update the 2001 Communication. According to the Commission, the main elements of discussion are the greater leeway allowed to the public-sector broadcasting bodies to take up the challenges of the new media environment, the principles that underlie the Member States' definition of the public-service mission, and the supervision of public-service activities at the national level.

Firstly, the CSA acknowledges the value of updating the 2001 Communication, which it believes constitutes an efficient framework for appreciating the compatibility of the schemes for financing public-sector audiovisual services, but whose principles need to be consolidated and extended to the newly developed services and communication networks. Emphasising the importance of the Amsterdam Protocol, which ensures that the organisation and financing of the public-sector audiovisual services are the sole responsibility of the Member States, the CSA feels that some of the provisions of the draft Communication could not be adopted in their present state without challenging these principles. At issue, firstly, are the limitations on the content and the actual nature of the services that may be proposed by the public-sector bodies and, secondly, measures that set out in excessive detail the procedures to be implemented at the national level. Thus, advocating the principle of editorial freedom, the CSA reaffirms that no type of programme should be categorically prohibited. Rather, it is the way in which themes are treated, and their quality, that should be the characteristic feature of the public-sector service. Thus it considers that the public-sector bodies should be able to acquire and propose content that is particularly attractive to the public (of the "premium" type). Consequently, the CSA considers that banning or restricting in principle, as contained in the draft revision, the broadcasting of programmes that are of particular interest to the general public, such as the major sports events that everyone wants to watch, is not compatible with the objective of the public service.

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The Council also calls the Commission's attention to the financial limitations envisaged by the draft, which it feels could run counter to an efficient and flexible management of the public-sector groups. Moreover, the evolution of market structures and the uncertainties over economic models may, at least temporarily, justify the paying for, or exclusive nature of, certain innovative services. The presence of the public-sector service offer on the new platforms is decisive for its future.

In conclusion, the CSA emphasises its deep attachment to respect for the principle of subsidiarity and the freedom of choice of the Member States with regard to the methods of financing the public audiovisual sector. As a result, this should retain the means of being attractive to the public as a whole, thanks to quality programmes being available on all the media. On the basis of the observations received in response to the consultation, the Commission could adopt an updated Communication on broadcasting by the summer.

***Réponse du Conseil supérieur de l'audiovisuel à la consultation de la Commission européenne sur la révision de la Communication de la Commission concernant l'application aux services publics de radiodiffusion des règles relatives aux aides d'État (2001/C 320/04)***

http://www.csa.fr/actualite/decisions/decisions_detail.php?id=127980

*Reply by the national audiovisual regulatory body (Conseil Supérieur de l'Audiovisuel - CSA) to the consultation of the European Commission on revision of the Commission's Communication on the application of State aid rules to public service broadcasters (2001/C 320/04)*

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