

**European Commission Public
Consultation on the Future Framework
for State funding of Public Service
Broadcasting**

A submission by the UK Film Council

February 2008

The UK Film Council welcomes the opportunity to make a submission to the European Commission in response to its Public Consultation on the Future Framework for State Funding of Public Service Broadcasting.

The UK Film Council is the Government-backed lead agency for film in the UK. Our goal is to help make the UK a global hub for film in the digital age, with the world's most imaginative, diverse and vibrant film culture, underpinned by a flourishing, competitive film industry.

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The UK Film Council is not qualified to make a detailed response to all the questions posed by the Commission in its Questionnaire. However, public service broadcasters in the UK, as well as elsewhere in Europe, often play an important part in financing and promoting UK and European films. The goals that many Member States, including the UK, set for public service broadcasters are often convergent with the goals of film policy. The UK Film Council considers it vital that public service broadcasters remain committed to the goals and implementation of film policy.

In the absence of evidence from the Commission, we do not consider that there is a case for updating the Broadcasting Communication. We do not believe that the technological and legal developments which have occurred over the last few years require a revision of the Communication. We believe that there are clear dangers in attempting to establish a determination of the public service remit based on an ex ante evaluation for new media activities, given the uncertainties which are associated with the rapid development of digital technologies.

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We believe that the fundamental principles upon which the Broadcasting Communication 2001 is built, namely the principles from the Amsterdam Protocol which are cited within the Communication remain valid. These principles are that "that the system of public broadcasting in the Member States is directly related to the democratic, social and cultural needs of each society and to the need to preserve media Pluralism."¹

We also strongly support the provisions of that Protocol which are quoted in the Explanatory Memorandum to the current consultation:

"The provisions of the Treaty establishing the European Community shall be without prejudice to the competence of Member States to provide for the funding of public service broadcasting insofar as such funding is granted to broadcasting organisations for the fulfilment of the public service remit as conferred, defined and organised by each Member State, and insofar as such funding does not affect trading conditions and competition in the Community to an extent which would be contrary to the common interest, while the realisation of the remit of that public service

¹ Paragraph 11, Broadcasting Communication 2001, citing the Amsterdam Protocol: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2001:320:0005:0011:EN:PDF>

shall be taken into account.”²

The UK Film Council believes that these principles and provisions remain entirely valid in a digital age.

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² Paragraph 1. Explanatory Memorandum,
http://ec.europa.eu/comm/competition/state_aid/reform/broadcasting_comm_memorandum.pdf