



EUROPEAN COMMISSION

Directorate-General for Competition

Markets and cases II: Information Technology, Communication and Media
State Aid

Brussels, 24 October 2025
COMP.C.4/AS/CP comp(2025)11744133

Permanent Representation of Estonia
to the European Union

by email

Subject: HT.100453 – Evaluation of the Broadcasting Communication

Dear Sir/Madam,

The Commission has recently initiated the evaluation of the Communication on the application of State aid rules to public service broadcasting¹ (the “Broadcasting Communication”). This evaluation aims to assess how the Broadcasting Communication has worked since its last revision in 2009, and whether it has addressed (and continues to address) technological, market, and legal developments. In particular, the Commission will evaluate whether the Broadcasting Communication has provided (and continues to provide) clear guidance to stakeholders and Member States on the application of State aid rules in the public broadcasting sector. The evaluation will also consider whether Member States have faced difficulties in implementing schemes in line with these rules (and are likely to face similar or new difficulties in the future).

In the context of this evaluation, the Commission has launched an open public consultation, available on the Commission’s “Have your Say” website [here](#). In parallel, the Commission has also initiated an expert consultation, primarily addressed to stakeholders with specific expertise and/or those directly involved in or affected by the Broadcasting Communication. This consultation can be accessed via the DG Competition website [here](#). Your Authorities are encouraged to participate in both consultations, so that the Commission could collect comprehensive information on the functioning of the Broadcasting Communication.

In addition to the above-mentioned consultation activities, the Commission seeks to collect consolidated data on the application and implementation of the Broadcasting Communication. To this end, in the present letter, we request your Authorities to provide detailed information about the implementation of the Broadcasting Communication, also indicating any difficulties encountered in the application of its provisions.

¹ Communication from the Commission on the application of State aid rules to public service broadcasting, OJ C 257, 27.10.2009, p.1-14.

Your Authorities are invited to respond to the following questions and submit the requested documents:

Definition and entrustment of public service remit

1. Please provide the applicable legal basis governing the operation, functioning, and financing of the public service broadcaster(s) in your Member State. Your Authorities are also requested to submit copies of any relevant secondary legislation, management contracts, binding terms of reference, or other official acts regulating public service broadcasting within your jurisdiction.
2. Please indicate the relevant provisions within the definition and entrustment act(s) concerning:
 - i) the definition of the public service remit;
 - ii) the conditions for providing the compensation; and
 - iii) the arrangements for avoiding and repaying any overcompensation.
3. Please summarise any changes to the legal basis since October 2009 (i.e. when the Broadcasting Communication entered into force). Please provide your answer by completing the table in Annex 1.

Diversification of public broadcasting services

4. Please indicate whether the legal basis includes specific rules for the provision of services beyond “traditional” broadcasting (e.g. provision of Video-on-Demand services or online text-based services). If so, please specify the relevant provisions.
5. Points 84 to 91 of the Broadcasting Communication set out provisions on the *ex ante* test that Member States must carry out when they introduce significant new audiovisual services.
Please indicate whether your Authorities have conducted such an *ex ante* test since the introduction of this requirement. If so, please briefly describe this exercise, including:
 - i) the date of the test;
 - ii) the services introduced;
 - iii) the body responsible for the assessment; and
 - iv) whether a public consultation was conducted.
6. Have your Authorities faced any difficulties, either in determining whether the *ex ante* test was necessary prior to introducing a given service or in conducting the test itself? If so, please specify.

Supervision of the fulfilment of public service obligations

7. Please specify which body is responsible for supervising the fulfilment of the public service obligations in your Member State. Please also identify the relevant provisions within the legal framework.
8. Points 53 and 54 of the Broadcasting Communication require Member States to ensure effective supervision of the fulfilment of the public service obligations.
In this context, please explain how it is ensured that the supervisory body in your Member State is effectively independent from the management of the public service broadcaster(s).

9. Please describe how the supervisory body conducts its oversight of the public service broadcaster(s).
10. Please describe the remedies that the supervisory body may impose on the public service broadcaster(s), in accordance with point 54 of the Broadcasting Communication.
11. Please explain whether there is an appeal mechanism in place against the decisions of the supervisory body. If so, please provide details and, if appropriate, illustrate with examples.

Transparency requirements

12. Point 65 of the Broadcasting Communication acknowledges that, in the public broadcasting sector, separation of accounts may be more difficult on the cost side. Please indicate whether your Authorities are aware of any practical difficulties encountered by the public service broadcaster(s) in distinguishing between costs related to public service activities and costs of non-public service activities. If so, please describe the solutions or approaches implemented to address these challenges.

Net cost principle and overcompensation

13. Point 73 of the Broadcasting Communication recognises that public service broadcasters may retain overcompensation of up to 10% of the annual budgeted expenses of the public service mission, provided that it is necessary for securing the financing of their public service obligations. Point 74 allows, by way of exception, for overcompensation exceeding this limit in duly justified cases, subject to specific safeguards.
Please indicate whether your Authorities have ever applied these provisions. If so, please describe the conditions under which the public service reserves may be used by the public service broadcaster(s) and whether the reserves exceed 10% of the annual budgeted expenses.

Financial control mechanism

14. Please specify which body (or bodies) are responsible for carrying out the financial control of the public service broadcaster(s) in your Member State. Please also identify the relevant provision(s) in the legal framework.
15. Please indicate whether these financial controls are carried out regularly and specify the intervals at which they take place.
16. Please describe the mechanism in place in your Member State to recover overcompensation.
17. According to point 79 of the Broadcasting Communication, the financial situation of the public service broadcaster should be subject to an in-depth review at the end of each financing period as provided for in the national broadcasting systems of the Member State, or in the absence thereof, a time period which should not normally exceed four years.
Please explain how this provision is applied in your Member State, including:
 - i) the frequency of the in-depth review;

- ii) the body responsible for conducting this review; and
- iii) a brief description of the review procedure.

Proportionality and market behaviour

- 18. Please indicate whether the public service broadcaster(s) in your Member State engage in commercial activities. If so, please specify the nature of these activities and their extent (e.g. the average percentage that the income from commercial activities represents out of the total income).
- 19. Please describe the mechanisms in place to ensure that public service broadcaster(s) respect market principles when carrying out commercial activities.

Nature of the aid: existing aid as opposed to new aid

- 20. Points 25 to 31 of the Broadcasting Communication explain how the Commission differentiates between existing aid and new aid in the public service broadcasting sector.
Please explain your views as to whether this section is sufficiently clear and provides adequate guidance for your Authorities.
- 21. Have your Authorities encountered any difficulties in determining whether certain changes to the legal basis result in new aid? If so, please specify.

Other issues

- 22. Please share any additional comments you may have regarding the application and implementation of the Broadcasting Communication. This may include any other difficulties faced beyond those previously described above when applying the Broadcasting Communication; any provisions that are unclear or difficult to understand; or any complaints related to the public service broadcaster(s) in your Member State, including those submitted to relevant media authorities, ministries, and courts.

I would appreciate receiving your response within 30 working days from the date of receipt of this letter. Please send your reply to the following e-mail address: COMP-BROADCASTING@ec.europa.eu.

In all correspondence with our services, please mention the case reference provided above in the subject line: HT. 100453 – Evaluation of the Broadcasting Communication.

If you have specific questions regarding this request for information, please contact the case team who is prepared to assist you. Please also provide us with the contact details of the person(s) responsible for handling any queries related to the reply to this request for information, including the e-mail address(es) and phone number(s).

This letter is issued in English. However, your reply may be submitted in any of the official EU languages.

Yours faithfully,

e-signed

Krzysztof KUIK
Head of Unit

Contact persons:

Agnes SZARKA (Agnes.SZARKA@ec.europa.eu ; Tel. +32 229 53164)

Charlotte PETIT (Charlotte.PETIT@ec.europa.eu ; Tel. + 32 229 61514)

Angela GUARRATA (Angela.GUARRATA@ec.europa.eu ; Tel. +32 229 68496)

Alessandro DE STEFANO (Alessandro.DE STEFANO@ec.europa.eu ; Tel. +32 229 68497)

Annex:

Overview of modifications to the legislation governing public service broadcasting since October 2009