Freedom of Information Unit,

Dear Sir/Madam,

In accordance with the Freedom of Information Act, I wish to request access to the following information held by your department;

Copies of all documents (emails, letters, correspondences, fax etc) from Minister Alex White and the Department in relation to the broadcasting charge.

I would like to receive the requested information via emailed attachment to and also hard copy via post to the above address.

I would appreciate if formal correspondence could also be conducted via email.

I am happy to discuss any aspect of the above insofar as it would help to clarify anything or to make the process as efficient as possible.

If you need to clarify anything I am contactable at or at the above email address.

Yours sincerely,
Roinn Cumarsáide,
Fuinnimh & Acmhainní Nádúrtha
Department of Communications,
Energy & Natural Resources

23rd October 2015

Re: FOI request: FOI/2015/106

I refer to the request which you made under the Freedom of Information Act 2014 for the following records held by this body:

‘Copies of all documents (emails, letters, correspondences, fax etc) from Minister Alex White and the Department in relation to the broadcasting charge.’

I have now made a final decision to part grant your request on 23rd October 2015.

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. a schedule of all of the records covered by your request;
2. an explanation of the relevant findings concerning the records to which access is denied, and
3. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these three parts in turn.

1. Schedule of records

A schedule is enclosed with this letter, which shows the documents that this body considers relevant to your request and, as agreed with you, also includes records sent to the Minister or Department by third parties. The schedule describes each document and refers to the sections of the FOI Act which apply to prevent release, where applicable. The schedule also refers you to sections of the detailed explanation given under heading 2 below, which are relevant to the document in question. It also gives you a summary and overview of the decision as a whole.
2. Findings, particulars and reasons for decisions to deny access

Access to records 1 and 10 has been refused. Access to record 3 has been granted. Access to all other records has been partly granted, with redactions to exclude personal information under Section 37(1) of the Act. The sections of the Act which can apply to deny access to documents are known as its exemption provisions. As you can see from the attached schedule, it is my view that:

An exemption under Section 28 (1)(a) (Meetings of the Government) applies to record 1. Section 28 (1)(a) of the Act allows for refusal of a record where it has been submitted to Government by a Minister or the Attorney General and was created for that purpose.

An exemption under Section 29 (1)(a) (Deliberations of FOI bodies) and Section 36 (1)(b) (Commercially Sensitive Information) applies to record 10.

Section 29 of the Act allows for refusal of records where they relate to the deliberative processes of the Department. In my view, the record in question relates to a decision making process which is ongoing. This Section requires that a public interest test be undertaken to consider whether the records should be released in the public interest. Essentially this means that we need to consider whether the public interest would be better served by the release of this information then the withholding of this information. My view is that the public interest would be on balance be better served by refusing your request in the case of this particular record than granting it.

Section 36 of the Act provides mandatory protection for trade secrets, financial, commercial, technical or other information which could reasonably be expected to result in a material financial loss or prejudice the commercial position of that person or prejudice the outcome of contractual negotiations.

3. Rights of appeal

In the event that you are unhappy with this decision you may appeal. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Rd, Cavan, Co. Cavan or by e-mail to FOI.UNIT@dcern.gov.ie. Your correspondence should include a fee of €30 for processing the appeal. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to the Department of Communications, Energy & Natural Resources. If you wish to make payment by electronic means, please contact the FOI Unit directly. You should make your appeal within 4 weeks from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Should you have any questions or concerns regarding the above, please contact me by telephone on 01 678 3093.

Yours sincerely

Brendan O'Reilly
Broadcasting Policy Division
**FOI Request Reference:** FOI/2015/106  

**Schedule of Records:** *Summary of Decision Making*

**Description of request:** Copies of all documents (emails, letters, correspondences, fax, etc.) sent from or to Minister Alex White and the Department in relation to the broadcasting charge.

<table>
<thead>
<tr>
<th>Record No.</th>
<th>Brief Description &amp; Date of Record</th>
<th>File Ref.</th>
<th>No. of Pages</th>
<th>Relevant facts</th>
<th>Findings/conclusions (Public Interest Considerations, If applicable)</th>
<th>Grant/refuse/part-grant</th>
<th>Basis of Refusal: Section of Act</th>
<th>Record edited/identify deletions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Draft Government Memorandum 21st April 2015, pp. 10-11.</td>
<td></td>
<td>12</td>
<td></td>
<td>Refuse</td>
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<td>Section 28 (1)(a)</td>
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<tr>
<td>2.</td>
<td>Email Regarding PSB Charge Consultation</td>
<td></td>
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<td>Section 37(1)</td>
<td>Personal Information</td>
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<td>3.</td>
<td>Public Consultation Reply</td>
<td></td>
<td>13</td>
<td></td>
<td>Grant</td>
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<td>4.</td>
<td>Email Regarding PSB Charge Consultation</td>
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<td>Section 37(1)</td>
<td>Personal Information</td>
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<td>5.</td>
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<td>Section 37(1)</td>
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<td>6.</td>
<td>Email Regarding the Broadcasting Charge</td>
<td></td>
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<td>Section 37(1)</td>
<td>Personal Information</td>
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<td>7.</td>
<td>Email Regarding the TV Licence &amp; PSB Charge</td>
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<td>2</td>
<td></td>
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<td>Section 37(1)</td>
<td>Personal Information</td>
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<td>8.</td>
<td>Email Regarding the Broadcasting Licence</td>
<td></td>
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<td></td>
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<td></td>
<td>Section 37(1)</td>
<td>Personal Information</td>
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<td></td>
<td>Description</td>
<td>Pages</td>
<td>Decision</td>
<td>Section(s)</td>
<td>Information</td>
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<td>9.</td>
<td>Email Regarding the Broadcasting Charge</td>
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<td>Part-Grant</td>
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<tr>
<td>10.</td>
<td>Letter to Minister White from RTÉ Chairperson, pp. 2-3.</td>
<td>4</td>
<td>Refuse</td>
<td>Section 29(1)(a) Section 36(1)(b)</td>
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<td>11.</td>
<td>Reply to Representation – Aug. 2014 (BD_3164)</td>
<td>2</td>
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<td>13.</td>
<td>Reply to Representation – Feb 2015 (DM 2014 309)</td>
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<td>Section 37(1)</td>
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<td>Section 37(1)</td>
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<td>Representation – Feb 2015 (BD_4105)</td>
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<td>20.</td>
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<td>21.</td>
<td>Reply to Public Representation – April 2015 (BD_4132)</td>
<td>6</td>
<td>Part-Grant</td>
<td>Section 37(1)</td>
<td>Personal Information</td>
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</table>
Dear Minister White,

I refer to my submission in respect of the Consultation on the Introduction of the Public Service Broadcasting Charge.

I read with concern the article titled “White can be expected to be supportive of RTE” in the Irish Times on Saturday 12th July 2014.

I am particularly concerned that you, as a past employee of RTE, are competent to make a decision in this matter (a concern I made about the Review Group itself regarding their lack of impartiality as departmental insiders). Will you be excusing yourself from role in any decision to introduce the Public Service Broadcasting Charge considering your past employment with RTE.

I have enclosed a copy of my submission sent to the Broadcasting Policy Division as part of the Consultation Process.

I expect a considered response in respect of each comment, a number of which are contrary to the findings of the Review Group.

I am also still awaiting an opportunity to discuss my submission with the Review Group, a request I am now making for the third time.

Please acknowledge receipt of this correspondence and I look forward to a detailed response in due course.

Regards,
Consultation by the Minister for Communications, Energy and Natural Resources on the introduction of a Public Service Broadcasting Charge

26th August 2013
Part One: Background/Introduction

1.1 Programme for Government
The Programme for Government provides that the Government will –

- examine the role, and collection of, the TV licence fee in light of existing and projected convergence of broadcasting technologies,

- transform the TV licence into a household-based Public Service Broadcasting Charge (PSBC) applied to all households and applicable businesses, regardless of the device they use to access content, and

- review new ways of TV licence collection, including the possibility of paying in instalments through another utility bill (electricity or telecom), collection by local authorities, Revenue or new contract with An Post.

As indicated below, the Government has reaffirmed its commitment to transform the TV licence into a household-based Public Service Broadcasting Charge. The Minister for Communications, Energy and Natural Resources, Mr Pat Rabbitte TD, is accordingly circulating this Consultation Paper to seek the views of all interested parties on key issues arising in relation to the introduction of the PSBC.

1.2 Five Year Review of the Funding of Public Service Broadcasting
In response to the Broadcasting Authority of Ireland’s (BAI) Review of the Funding of Public Service Broadcasting the Minister has commenced a number of important initiatives which are relevant to Public Service Broadcasting Funding. These include (i) an in depth review of the scope for further efficiencies in RTÉ to be carried out by NewERA, (ii) a direction to TG4 to recast their medium term strategy based on levels of funding over that period equivalent to that pertaining in 2013 and (iii) a review to be conducted by the end of this year of the advertising market. In addition the Minister reaffirmed the commitment of Government to the introduction of a Public Service Broadcasting Charge (PSBC), set at a level no higher than the current TV Licence Fee. The Minister also committed to a Public Consultation on the PSBC and this paper is the basis for this consultation.

1.3 Rationale for Funding Public Service Broadcasting
Notwithstanding technological developments and the capacity of private sector broadcasters to satisfy an ever-growing range of needs and interests, it is the view of the Government and the Minister that the role that the independent public service broadcasting organisations play through the broad range of services they provide is vital to national cultural and social development and more generally to the health of our democratic society by promoting informed debate and opinion on key national and international issues of public concern.

The benefits to society from the existence of a system of publicly-funded public service broadcasting are, both directly and indirectly, available to all - individuals and businesses alike - and more particularly so with the wider dissemination of the services over the many new platforms and devices now available.
To ensure that these benefits continue to be available, it is necessary to put in place a stable funding base for public service broadcasting into the future. The TV licence fee model has provided a measure of stability to date but it is subject to significant levels of evasion. More fundamentally, the rapid change in technology altering the ‘traditional’ way in which television is watched will increasingly impact on the revenue raising capability of the current TV licence model.

These trends have informed the commitment contained in the Programme for Government, to examine alternative means of funding public service broadcasting and the decision of the Government to introduce a household-based Public Service Broadcasting Charge. It is considered that a properly structured and enforced PSBC can provide a more reliable and robust source of funding than the current device dependent TV licence fee. Work has been ongoing in the Department on the implementation of the PSBC and this work has given rise to certain key issues on which the Minister wishes to consult before deciding on the final model for the PSBC.

1.4 Overview of Recent Developments in Other Jurisdictions

Research has been undertaken by the Department into possible alternative models of funding public service broadcasting (PSB) to the TV licence fee.

The purpose of the research was to ascertain if there were models, or aspects of models, which could be adapted for use in an Irish context, with a particular focus on those models based around the levying of a household charge, in line with the commitment in the Programme for Government.

Whilst there is no “one size fits all” best practice model, most countries studied in the research have identified that emerging and rapidly changing technology is posing a significant threat to PSB funding and that the traditional models based on the ownership of a TV device are becoming obsolete.

A selection of jurisdictions within the EU and some from outside the EU, were examined. Particular focus was given to four countries (Germany, Switzerland, Finland and Iceland) which were actively developing a household charge for PSB funding at that time.

Of these countries Germany introduced a household based broadcasting fee which came into effect on 1 January 2013 and Switzerland is currently passing legislation to introduce a household based fee. Finland and Iceland, in contrast, have moved to fund PSB via direct taxation.

In this context, it is useful to distinguish between two emerging, device-independent, funding models. Under the German broadcasting fee model, payment by private citizens is related to occupation of private accommodation as a “household” (a rented flat or an owned property). Businesses are also liable and pay different amounts according to specified parameters. In Finland by contrast there is a broadcasting tax – a dedicated, ring-fenced tax for the specific purpose of funding PSBs, which is paid by individual taxpayers and also by businesses.

1.5 Overview of the Consultation

Internal analysis, including a Value for Money policy review, on the matter has given rise to a number of key issues in relation to the introduction of the PSBC. These issues have been crystallised into a number of specific points for consultation as set out below.

This list is not however exhaustive and the Minister would stress that as part of the consultation process he is open to general observations on the PSBC as well other specific points which
consultees may wish to make. The objective is a comprehensive consultation process which will help inform the Minister in terms of the proposals, including the statutory basis, which he will submit to Government.
Part Two: Key Findings and Recommendations of the Value for Money Policy Review Group on the introduction of a Public Service Broadcasting Charge

2.1 Introduction
This section sets out the objective and key findings of the Value for Money (VFM) Policy Review referred to above.

2.2 Objective of the Value for Money Policy Review
The objective of the Value for Money (VFM) Policy Review was to analyse whether the proposed alternative funding model to the traditional TV licence fee model could provide a more stable source of funding for public service broadcasting into the future by being more efficient and effective in terms of revenue intake and lowering the evasion rate.

The full text of the VFM review findings is available on the Department’s website at [www.dcenr.gov.ie/Broadcasting/Consultation+on+Public+Service+Broadcasting+Charge/](http://www.dcenr.gov.ie/Broadcasting/Consultation+on+Public+Service+Broadcasting+Charge/)

2.3 Key Findings – Existing TV Licensing System
The Review found that the existing system of TV licensing has proven to be reasonably robust to date in generating stable levels of revenue for public service broadcasting. Macroeconomic data and projections available to the Review did not of themselves suggest particular threats to the capacity of the existing licensing system to generate continuing stable levels of revenue in the short to medium term.

The Review considered that the most serious threat to the future effectiveness of the TV licensing system is likely to arise from the capacity of new technology to facilitate access to broadcasting content generally by means other than the traditional television set. Even allowing for the difficulties in arriving at an enduring, technology-neutral definition, it seems unlikely that a licence fee liability extending to, for example, laptops and smartphones could be effectively enforced.

The Review noted that the existing licensing system operates, in some measure at least, on the basis of voluntary compliance. It also found that evasion levels have risen somewhat in the recent past. It also considered that there appeared to be a significant level of evasion in the business or commercial sector, although the limited data available from the existing licensing system made it impossible to be certain on this point.

The Review also noted that a number of different methods existed for payment of TV licences under the existing system. It noted the scope for abuse of the system of payment, for example, by direct debit where a person can obtain a licence following payment of one monthly instalment and cancel the payment thereafter without any obligation to surrender the licence in question.

The Review also found that certain limited features of the existing system seem anomalous, e.g., some businesses, although meeting the legal requirement of buying a licence, are contributing, pro rata, much less to the funding of the public service broadcasting than individuals or families. For example, although a large hotel has many rooms it is currently only required to have one licence, paying the same as a person in a residential property. However, a complex of self-catering holiday homes is currently required to have a licence for each house in the complex.
2.4 Key Findings – Alternative Revenue System

The key finding of the Review is that a public service broadcasting charge that operates on a device independent basis would appear to offer a better prospect of maintaining stability in future revenue generation than the existing device dependent licensing system. It does so because it will not be affected by the potential for new technology to access public service broadcasting content without incurring a requirement to pay a licence fee.

The Review concluded that an occupier based household charge offered a reasonable basis to implement the charge in respect of the domestic or residential sector. It noted the proposition that public service broadcasting is available, and of benefit, to society at large. It also noted that the penetration rate of TV sets in households is, in any event, very high, and that effectively a new liability would only occur in a small number of instances.

2.5 Recommendations of VFM Study:

The key recommendations of the VFM Review were as follows:

(1) All principal residential households should pay the Public Service Broadcasting Charge and the occupier, as opposed to the owner, should be liable for the charge. Second homes should be exempt, provided the occupier has paid the charge in respect of his or her principal residence. A non-owner occupier of a second home would be liable for the charge.

(2) In the absence of a national database of properties, identification of households should be effected in the first instance by utilising records (both live and dormant) on the existing TV Licence Database. For the future, however, the Review was of the opinion that consideration should be given to the suitability of the Local Property Tax Register, once completed, or a National Postcodes database, when introduced, for carrying the public service broadcasting charge into effect.

(3) The businesses sector generally should be liable to pay the public service broadcasting charge. However, businesses should be categorised into micro, small, medium-sized and above enterprises and charged different levels in order to avoid a disproportionate burden being placed on, for example, very small businesses and sole traders.

(4) Businesses liable to pay the new charge should be identified in terms of those registered for tax with the Revenue Commissioners.

(5) The renewal dates for current licences should be retained to cause the least amount of disruption to licensees. A liability date of 1 January should be established for occupiers not in possession of a current TV licence.

(6) The charge should be transferable in terms of residential property.

(7) A range of payment options should continue in force to facilitate payment of the new charge, with the potential to abuse the direct debit payment option addressed in the legislative framework required to give effect to any new payment system.
(8) The current exemptions under the existing TV licence system should be retained, if practicable, to allow for the least disruption to existing licensees.

(9) A dedicated collection agent for the PSBC should be appointed.

(10) Provision should be made for civil as well as criminal proceedings in the framework legislation on the public service broadcasting charge, subject to legal advice from the Office of the Attorney General.

(11) The introduction of a process of random spot checks should be considered to audit the level of compliance with the new charge.

(12) In instances where the occupier has not paid, new legislation should include a provision to oblige, under penalty, owners to provide the requisite details of their properties, including its occupiers, so that enforcement of the public service broadcasting charge can be optimised (subject to legal advice from the Office of the Attorney General).
Part Three: Consultation - Questions and Timeline

3.1 Introduction
This Part set out the specific issues to which the Minister is seeking responses. The Minister would stress again that comments on the PSBC need not be restricted to the issues set out below.

3.2 Consultation Issues
Interested parties are asked to respond to the issues with separate responses as opposed to one narrative submission dealing with all the issues together. There is provision for separate general comments at the end of the Issues List.

Basis for Charge

<table>
<thead>
<tr>
<th>Issue 1</th>
<th>It is proposed that it would be more equitable that all principal residential households and applicable businesses should pay a device independent charge.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments:</td>
<td>Levying the current licence fee on all households is not more equitable. It takes no account of household income, size of household, number of people residing or whether people avail of the service. As someone who is currently not liable for a TV licence as I do not own a TV it is unjust to expect me to pay for a service I neither need, want or receive.</td>
</tr>
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Definition of “Eligible Households”

<table>
<thead>
<tr>
<th>Issue 2</th>
<th>It is proposed that all residential households (i.e. residential properties occupied as a primary residence) should pay the device independent charge.</th>
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<tbody>
<tr>
<td></td>
<td>It is not proposed that it should be levied on the basis of the number of properties owned by an individual or on vacant properties.</td>
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<td></td>
<td>This definition of households would exclude second homes/holiday homes etc., which are generally unoccupied. It would include, however, second and other houses which are let as rented accommodation or otherwise occupied by a non-owner.</td>
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<tr>
<td>Comments:</td>
<td></td>
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</table>

| Issue 3 | It is proposed that the occupier, as opposed to the owner, of the house should be liable for the charge given that the benefits of public service broadcasting flow to those in the household as opposed to the person that owns the property. This retains the principle in the current TV Licence system i.e. occupier pays. |
Identification of “Eligible households”

| Issue 4 | It is envisaged that identification of households could be effected in the first instance by utilising records (both live and dormant) on the existing TV Licence Database. The TV Licence database holds data which is the property of the Minister for Communications, Energy and Natural Resources and which is maintained by An Post on his behalf. It contains records of all licenced properties, together with details of previously licenced properties which, for various reasons, no longer have a valid TV licence.

It is also proposed to legislate for data sharing and access to other sources, including the databases of other public bodies and utilities, as appropriate. |

Comments: |

Definition of “Applicable Business”

| Issue 5 | In delivering on the Programme for Government, the Minister wishes to obtain views of interested parties in regard to which businesses should be made applicable for the purposes of the charge, how they might be defined and whether or to what extent exemptions should apply. The Minister accepts that this is a complex aspect of the proposed Charge. His objective is a fair and equitable system which ensures a contribution to Public Service Broadcasting funding from the various categories in the business sector.

Accordingly, in framing the definition of “applicable business”, it is important to try to ensure a fair and proportionate imposition of the PSBC on individual businesses, as well as ensuring that the business sector overall contributes its fair share to any such charge.

The recommendation of the VFM Review was that an “applicable business” be a business which is registered for tax and meets the thresholds as set down in the European Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (2003/36/EC).

Alternative approaches include imposing the charge on business registered with the Revenue Commissioners as employers or on those in rateable occupation of commercial or industrial property. Both of these options would have the merit of imposing liability by reference to already existing databases.

In terms of proportionality, it is considered that different levels of charge could be applied to businesses of different size, in order to avoid a disproportionate burden being placed on, for example, very small businesses and sole traders. This approach could also provide an opportunity to address a significant anomaly which exists under the current TV licence model, whereby some
**Payment Date**

<table>
<thead>
<tr>
<th>Issue 6</th>
<th>It is intended that the renewal dates for current licences will be retained. Compliant TV licence payers would suffer no impact from such a change. A liability date of e.g. 1 January will be established for occupiers not in possession of a current TV licence.</th>
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</thead>
<tbody>
<tr>
<td>Comments:</td>
<td>Recommendation No 5 VFM review states that renewal date should be retained to safeguard against the perception that a new tax is being introduced. It is a new tax for those who currently have no liability under current legislation. I resent the implication that I am not compliant.</td>
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</table>

**Transferable Charge**

<table>
<thead>
<tr>
<th>Issue 7</th>
<th>It is proposed that the existing procedure whereby a TV licence can be transferred by a person to different premises on moving house will apply in the case of the PSB charge also. The charge will, therefore, be transferable in terms of residential property.</th>
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<td>Comments:</td>
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</table>

**Payment Options**

<table>
<thead>
<tr>
<th>Issue 8</th>
<th>It is proposed that a range of payment options will continue in force to facilitate payment of the new charge.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments:</td>
<td></td>
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</table>

**Exemptions**

<table>
<thead>
<tr>
<th>Issue 9</th>
<th>It is proposed that the current exemptions under the existing TV licence system should be retained.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments:</td>
<td></td>
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</tbody>
</table>
Collection Agent

**Issue 10**
While various collection mechanisms have been considered, the current proposition is that a collection agent independent of the public service broadcasters should be appointed for the administration and collection of the charge. In any event, stringent collection targets will be set for the collection agent backed up by a more effective enforcement regime.

**Comments:**
What consideration was given to direct subvention by the state? This would be collected as part of the general taxation, would be more equitable and would have no administrative costs.

Compliance and Enforcement

**Issue 11**
The introduction of this funding model, by virtue of its independence of devices and the consequential removal of the need to prove the existence of a device, should lend itself to easier enforcement with the potential for less evasion allied to increased revenue and lower enforcement costs.

**Comments:**
I will not pay this unjust tax. Regarding enforcement it is unacceptable that any debt is pursued through criminal proceedings rather than civil proceedings.

**Issue 12**
Should the proposal that the occupier pays, as opposed to the owner, be retained, then enforcement in instances where the occupier does not pay would need to be addressed. New legislation could include a provision to oblige, under penalty, owners to provide the requisite details of their properties, including its occupiers, so that enforcement of the public service broadcasting charge can be optimised.

**Comments:**

**Issue 13**
It is proposed that the legislation could include an enabling provision for late fees and interest.

**Comments:**

Any other comments – General or Specific

The Review found that the existing system of TV licensing has proven to be reasonably robust to date in generating stable levels of revenue for public service broadcasting. There is a simple reason for this. Viewing expectations have increased massively (television screens are bigger, High Definition, surround sound etc.). This cannot be delivered by computers. Alternative platforms (laptops, 3G mobiles etc) are used as secondary means of accessing content.

If the minister is concerned about people accessing station using other platforms why doesn’t RTE
limit access to current licence holders by using firewalls/passwords.

The disproportionate amount of licence fees paid to RTE along with advertising revenue inhibits competition and ensures that there are no viable independent TV stations. It is anti-competitive. Also it is contrary to your mission statement which states that part of your mission is to promote a strong high quality private broadcasting sector.

If the PSB is going to be a universal charge why isn’t it being funded through taxation which is more equitable?

I do not consider that the licence fee offers either good value for money ($0.25 billion approximately in licence fees per year) or that RTE’s coverage is balanced (e.g. Presidential election debate, Coolacres documentary, Fr. Kevin Reynolds documentary).

The review acknowledged that revenues have been impacted by the increasing fragmentation of the broadcasting market as a result of an increased number of channels. The review also noted that new technologies are resulting in a shift of viewership away from traditional broadcasters. Why should RTE continue to receive licence fees when more and more people are switching channels? The fewer the viewers, the higher the licence fees?

In section 2.3.1 consideration was given to relevance (people who own a television but do not watch RTE) no consideration was given to people who do not possess a television.

The report acknowledged that while the TV licensing system does incur considerable collection costs, such costs will arise will arise with the introduction of any new system. Again no costs would be incurred if there was direct funding from the state rather than any form of licence.

The report acknowledged that the threats do not appear to be immediate ones. Accordingly any change at the present is unnecessary at this point of time.

Report stated that declining advertising revenues have significant consequences for PSBs. As private broadcasters like TV3 are entirely dependent on advertising revenues the consequences for them is even more severe.

I do not accept the statement that whatever the system of funding, the rationale for providing funding will continue to apply. Whatever rationale existed for PSBs seventy years ago no longer applies. If funding is required for “quality/minority” programmes (which I dispute) these could be commissioned independently and made available to all private TV stations. No direct funding for RTE.

Once the Review group accepted the principle that all households would be liable for a charge the rational for a licence no longer exists and funding, if any, should be paid through general taxation.

As one of the cohort who does not possess a television I can assure you that, not only will I resist paying new broadcasting charge I will refuse to pay it.

I do not consider the review group impartial (all departmental insiders with no representation of licence holders interests) whose sole function was to justify the minister’s prior decision. No attempt was made by the group to estabilish whether licence payers are currently getting value for money (e.g. comparison of production costs between state broadcaster and private broadcaster).

Again if the minister feels that a universal charge should be applied for the support of public broadcasting it is open to the government to directly fund this by grant-aid.
3.3 Timeline
Respondents are asked to submit comments by close of business on Tuesday, 8th October 2013 to:

Email: broadcast@dcern.gov.ie

Post: PSB Charge Consultation
Broadcasting Policy Division
Department of Communications, Energy and Natural Resources
29-31 Adelaide Road
Dublin 2

Phone: 01-6782711
Dear Minister White

My email dated 1st August 2014 refers.

Apart from acknowledgement on 1st August 2014 I have received no further communication from your office. Neither have I received any opportunity to put my views (and receive their response) directly to the Review Group.

I would like to state my view that the decision has already been made to introduce this new tax, and was in fact made before the Review Group was even set up.

The sole function of this process, including the seeking of submissions from the public, was nothing but a charade.

I can assure you I will not be paying any charge for a service I do not want, do not need and do not receive.

I am again repeating my request to meet the Review Group, or indeed your good self, to discuss the report together with my submission.

I remain

Yours sincerely

---

From: [Redacted]
Date: Fri, Aug 1, 2014 at 6:45 PM
Subject: Consultation on the Introduction of the Public Service Broadcasting Charge
To: minister.white@deenr.gov.ie

Dear Minister White

I refer to my submission in respect of the Consultation on the Introduction of the Public Service Broadcasting Charge.

I read with concern the article titled "White can be expected to be supportive of RTE" in the Irish Times on Saturday 12th July 2014.

I am particularly concerned that you, as a past employee of RTE, are competent to make a decision in this matter (a concern I made about the Review Group itself regarding their lack of impartiality as departmental...
Will you be excusing yourself from role in any decision to introduce the Public Service Broadcasting Charge considering your past employment with RTE.

I have enclosed a copy of my submission sent to the Broadcasting Policy Division as part of the Consultation Process.

I expect a considered response in respect of each comment, a number of which are contrary to the findings of the Review Group.

I am also still awaiting an opportunity to discuss my submission with the Review Group, a request I am now making for the third time.

Please acknowledge receipt of this correspondence and I look forward to a detailed response in due course.

Regards
Dear Minister

Thank you for your reply. The salient point however is that nobody lives in this house and the TV is not connected to cable, satellite or Saorview. The TV is in effect in storage. If I understand you correctly we will now have to get rid of this useful device (this is most wasteful) to satisfy the illogical demands of this law even though a new Public Service Broadcasting Law is on the way to make sense of things.

Is it the case that the law currently says we cannot watch videos or DVDs on this device on the odd occasions that we are up in Roskey but that we can watch on the cramped screen of a computer? Watching DVDs and Videos was our small pleasure after a hard days work maintaining the place. Unless it is absolutely necessary, we really don't want to dump this set which is useful for its screen size and because it plays videos. We don't want to evade the law either. We hope we can find a temporary home for it if we must. For the sake of the small amount of time before the the Public Service Broadcasting charge is introduced for all households it would be sensible and fair in these circumstances to allow us to keep this set and pay when the new charge is introduced. We have tried to be open and honest on this issue. We can't afford and it doesn't make sense for us to pay for a TV licence for a TV that is actually a DVD/video player and that doesn't have a device to accept a signal.

To conclude, it is very inconvenient, illogical and wasteful for us to have to get rid of this set now and to convert videos to DVDs etc. when anyone can currently use a computer to watch DVDs and more, without any issues. In addition in a few months time the Public Service Broadcasting Charge will be introduced which will regularise everything. The current wording it would seem is flawed and unreasonable as it stands. It should state "whether or not it's use for that purpose is dependent on the use of anything in conjunction with it and such thing is also present"

We will comply if there are no options but I hope the law is not so inflexible that particular circumstances can not be taken into account and that you will be able to inform us of this. The law was intended to prevent people watching TV without paying, not to stop them watching DVDs and videos.

Best regards and thank you

Sent from my iPad

On 5 Sep 2014, at 16:07, "Minister White" <Minister.White@dcenr.gov.ie> wrote:

Ref: DM 2014 183 / BD_3179

Re: Television Licence
I refer to your email of 29th August in relation to the requirement for a TV licence.

As you may be aware, Section 142(1) of the Broadcasting Act 2009 provides that "...a person shall not keep or have in his possession anywhere in the territory of the state a television set save in so far as such keeping or possession is authorised by a television licence for the time being in force".

In effect, this means that, if you possess a television set in Ireland, you must have a current television licence for that set.

Section 140 of the 2009 Act defines a television set as "any electronic apparatus capable of receiving and exhibiting television broadcasting services for general reception (whether or not its use for that purpose is dependent on the use of anything else in conjunction with it) and any software or assembly comprising such apparatus and other apparatus".

While I understand from your correspondence you do not have cable, satellite or Saorview, the salient point is that your television has the capacity to receive a signal, whether or not it is used for that purpose and therefore, a licence is required.

As you are aware, The Programme for Government commits to transforming the TV licence into a household based Public Broadcasting Charge to be applied to all eligible households and applicable businesses, regardless of the device used to access content or services. The Public Service Broadcasting Charge is currently being considered but it is unlikely that a final decision on the charge will be completed in time for introduction in January 2015. Short term measures, such as the proposed legislation on TV licence evaders, are being introduced in the interim.

I hope that this helps clarify the current position.

Yours sincerely

________________________________________________________________________

Alex White, T.D.
Minister for Communications, Energy & Natural Resources

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Tá eolas sa teachtaíreacht leictreonach seo (agus b'fhéidir sa chomhaid ceangailte leis) a dh'fhéadfadh bheith príobháideach nó faoi rún. Is le h-aighadh an duine/na ndaoine nó le h-aighadh an amánaita ainmnithe thuas agus le haghaidh an duine/na ndaoine sin amháin atá an t-eolas. Murab Ionann tusa agus an té a bhfuil an teachtaíreacht ceaptha dó bhiodh a fhiós agat nach gceadtaitear nochdadh, còipeáil, scaipeadh nó úsáid an eolais agus/nó an chomhaid seo. Más trí earraid a fuair tú an teachtaíreacht leictreonach seo cuir, más é do thoil é, an té ar sheol an teachtaíreacht ar an eolas láithreach. Deimhnitear leis seo freisin nár aims odh vireas sa phost seo tar éis a scanadh.
Alex White TD, Labour Party Dublin South.
Minister for Communications, Energy and Natural Resources

Dáil Éireann, Leinster House, Dublin 2 (01) 618 3972.
Constituency office: 9 Braemor Road, Churchtown Dublin 14 (01) 296 0047

-----Original Message-----
From:
Sent: 09 November 2014 18:56
To: alex.white@oir.ie
Cc: 
Subject: Broadcasting licence.

I received an acknowledgement from your office, thank you.
ARE YOU GOING TO ACT ON MY SUGGESTION..? if not, just tell me, and I won't bother you again.
I contacted you months ago re the broadcasting licence, you replied that you were examining it.
There is still no action. I had a similar email from your predecessor Pat Rabbit.
I better outline the problem again.
Hotels, Bars, Sports Bars, Leisure Centres pay the same broadcasting licence fee as a private house, ie one licence, 160 Euro, even though they have large number of TV’s for commercial reasons.
Example

The number of bedrooms in a hotel would give an indication of the number of TV / Radios on the premises plus the Bar and Leisure Centre.
I can assure you most hotels don’t even bother to pay the licence. It was always a big laugh. Most Hotels also have, “pay to view” movies in their rooms.
Why won’t you introduce a commercial licence?
You replied to me months ago, that you were examining a broadcasting licence, I want a reply.

Sent from my iPad

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Beartas ríomhphoist an Oireachtais agus séanadh.

http://www.oireachtas.ie/parliament/ga/glas/beartasriomhphoistanoireachtaisagusseanadh/
From: Pat Breen <pat.breen@oireachtas.ie>
Sent: 23 January 2015 10:47
To: Minister White
Cc: Madeleine Mulrennan
Subject: Office of the Chairman
Joint Committee on Foreign Affairs and Trade
Leinster House
Dublin 2

Minister

I am writing to you on behalf of

I understand that has emailed you directly, however, I would like to bring his submission in relation to the TV Licence/Universal Broadcasting Charge to your attention.

The following is the text of his submission:

• As a regular payer of the TV license since I first struck out from my parents home and rented and bought my own TV, I would like to say that I support the idea, particularly in this day and age of high speed internet streaming capabilities as it is a fairer reflection on usage. I find it very frustrating listening to colleagues and friends who use their laptops or PCs as I do myself occasionally and who can pretty much see anything I can see without paying the license and I pay my license because I also have a Sky satellite dish. As I said, I'm happy to pay but I think all users of the content should pay regardless of the distribution mechanism.

• I do believe there is a need for public service television but I am not sure RTÉ having a monopoly is the correct way to achieve this. I would be supportive of a mechanism similar to that which applies to local / regional radio where a certain portion of time and resources has to be given to public service or similar and I would like to see a fairer distribution of that licensing fee or alternatively split the broadcasting and programme making elements of RTÉ apart with the funds going towards programme making only.

• I am lucky enough to own a mobile home which we were able to afford to buy about 5 years or so ago. We have two girls, one aged 4 and the other a few months old. We think the mobile home by the West coast of Ireland and near the sea is a great asset to have for them to give them an even happier and healthier childhood, sea air and exercise being good for them and us. A few years ago I was checking out on the internet the situation re TV licensing and found a reference where you can sign a declaration in relation to static caravans and I had the declaration form filled in and then realised it was the UK TV licensing authority I was looking at! Given that static and truly mobile caravans are generally in use for weekends for about 3 months of the year and maybe for 2 full weeks of summer holidays, charging a full fee to these types of households seems grossly unfair. My preferred option would be a transfer of the license similar to the UK. After all, the whole family moves so we're never in both households simultaneously. Should that not be an option can a partial or transient license be made possible, i.e. for the Summer season only although by its nature I would like to see a "universal" charge attach to the family ideally wherever it is. It is easy for us to choose not to put a TV & Satellite dish on the static caravan but I tend to bring the laptop, which I believe will be covered by the charge, with me primarily to do work relating to employment or my own work and
also to watch some films or similar in the evenings or those rainy Irish Summer days.

I would appreciate your comments regarding same.

Thanking you for your time and consideration and I look forward to hearing from you in due course regarding same.

Kind regards

*Pat Breen T.D.*

-----------------------------------------------

Pat Breen T.D.

Chairman Oireachtais Committee on
Foreign Affairs & Trade
Constituency Office
Parkview House,
Market St Car Park,
ENNIS
Co. Clare

Telephone Number: 065 6868466
Email Address: pat.breen@oireachtas.ie
Web Address: www.patbreen.ie

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http://www.oireachtas.ie/parliament/about/oireachtasemailpolicyanddisclaimer/

Beartas riomhphoist an Oirechtais agus séanadh.
http://www.oireachtas.ie/parliament/ga/olas/beartasriomhphoistanoirechtaisagusseanadh/
From: Mary Brady on behalf of Customer Service
Sent: 04 March 2015 09:26
To: Customer Service; Teresa O'Halloran; Minister White
Cc: RE: Minister for communications Alex White

Dear [Name],

I acknowledge receipt of your email to the Customer Service Mailbox.

I have forwarded your email to Minister White's office for direct reply to you.

Kind regards,

Mary Brady,
Customer Service Helpdesk,
Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Road, Cavan.

Tel: 01 6782070
LoCall: 1890 44 99 00 (Note that the rates charged for the use of the 1890 number may vary among different service providers)

-----Original Message-----
From: [Name]
Sent: 04 March 2015 00:23
To: Customer Service
Subject: At: Minister for communications Alex White

Dear Minister,

I would like to bring an issue to your attention. I have a caravan / mobile which I use for a few weeks of the year for family holidays, as I have a tv in same I'm told I need to purchase a second tv license for same. While I have always had a tv license for our home I consider this a double taxation issue, where Irish citizens are again being forced to pay twice for the same service.

I'm also informed by an post that holidaymakers entering the country with caravans containing tv also require a tv license. Anything that's classed as a residence.

As someone who likes to obey the law I think this very unjust treatment and inequitable in that I'm being asked to pay twice for the same service.

I would appreciate your response as I thought this ludicrous situation was rectified in the broadcasting license.

The fact that our tourist trade is also affected means it should be regulated allowing for a householder take his tv with him on holiday after all we are supporting Ireland.

Yours sincerely

[Name]

Sent from my iPad
Sent from Yahoo Mail on Android

From: "Pat Rabbitte" <Pat.Rabbitte@oireachtas.ie>
Date: Tue, 21 Apr 2015 at 10:47
Subject: Re: Broadcasting charge

Dear [Redacted],

Thank you for your email, however you need to redirect it to minister.white@dcarr.gov.ie (Mr Alex White T.D.) since Deputy Pat Rabbitte is no longer the Minister for Communications.

Kind regards

Linda Brien
PA to Pat Rabbitte T.D.

Message for Pat Rabbitte

Dear Minister

Could you possibly inform me on the following:

You say everyone will have to pay this charge. What about the households who have no TV or Internet only a mobile device???

Surely an individual who has a mobile cannot be expected to pay this charge considering they already pay their phone provider.

Are you going to rely on TV licence holder information as a means of identifying who needs to pay.

I would be very grateful for a response as cannot find this information in document issued by government on this matter

regards
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http://www.oireachtas.ie/parliament/about/oireachtasemailpolicyanddisclaimer/

Beartas riomhphoist an Oireachtais agus séanadh.
http://www.oireachtas.ie/parliament/ga/co拉斯/beartasriomhphoistanoireachtaisagusbeanadh/
Ref: DM 2014 129/ BD_3164

August 2014

Re: Public Service Broadcasting (PSB) Charge

Dear [Name],

I refer to your email of 10 July 2014 regarding the proposed Public Service Broadcasting (PSB) Charge.

The ultimate objective of the Programme for Government commitment in this area is to transform the current TV licence into a PSB Charge to be applied to all households and applicable businesses, regardless of the device they use to access content.

I believe that this is a fairer system given that ninety six per cent (96%) of Irish homes have at least one TV. How many of the remaining 4% don't have a radio, a computer, a smartphone or a tablet? Very few indeed I would argue. Further I believe that in a civilised society public broadcasting is a public good. Why should 80% of our citizens be expected to pay for public broadcasting and 20% - who no doubt access public service content to one extent or another – contribute nothing?

Public service broadcast content is a public good that is freely available to all who choose to access it and, as such, I believe that all households and businesses should make an equitable contribution to ensure its on-going provision. The PSB Charge will be used to fund the creation of PSB Content such as news, Irish Language and minority programming and will secure this creation for future generations.

I fully recognise that there are individuals and households, which may choose not to access such content. However, while the majority of the population watch or listen to some element of publicly-funded broadcast content during the average week, it is my belief that even those who do not directly 'consume' such content are exposed to it or influenced by it or benefit from it indirectly through the debate, comment and informed decision-making that it facilitates through the media and general public discussion.
I believe that these organisations have a vital role to play in all democratic societies. They do this through the broad range of services they provide and through making available a reliable community of information which is freely accessible to all. In this way, they perform a significant social function in helping to promote informed opinion and stimulate debate on key national and international issues of public concern. They also make a vital contribution to national cultural development and to the continued vibrancy of the creative industries. In this context, I believe that the continued financial support of public service broadcasters is both warranted and necessary.

My Department is currently involved in the ongoing analysis and policy development work that is necessary in advance of the implementation of any changes that may be introduced in relation to the Public Service Broadcasting Charge. The results of a public consultation process which was based on the outcome of a Value for Money (VFM) Review on the charge are still being considered.

I trust that this clarifies matters.

Yours sincerely,

Alex White, TD
Minister for Communications, Energy & Natural Resources
Ref: GG 2014 247- BD_4065

February 2015

Re: Public Service Broadcasting (PSB) Charge

Dear

I refer to your recent email regarding the proposed Public Service Broadcasting (PSB) Charge. Firstly, my apologies for the delay in responding to your query.

The ultimate objective of the Programme for Government commitment in this area is to transform the current TV licence into a PSB Charge to be applied to all households and applicable businesses, regardless of the device they use to access content.

I believe that this would be a fairer system given that ninety six per cent (96%) of Irish homes have at least one TV. How many of the remaining 4% don’t have a radio, a computer, a smartphone or a tablet? Very few indeed I would argue. Further I believe that in a democratic society public broadcasting is a public good. Why should 80% of our citizens be expected to pay for public broadcasting and 20% - who no doubt access public service content to one extent or another – do not contribute at all?

Public service broadcast content is a public good that is freely available to all who choose to access it and, as such, I believe that all households and businesses should make an equitable contribution to ensure its on-going provision.

I fully recognise that there are individuals and households who may choose not to avail of broadcasting services. However, while the majority of the population watch or listen to some element of publicly-funded broadcast content during the average week, it is my belief that even those who do not directly do so are nevertheless exposed to it or influenced by it or benefit from it indirectly through the debate, comment and informed decision-making that it facilitates through the media and general public discussion.
In terms of public service broadcasters, I believe that these organisations have a vital role to play in all democratic societies. They do this through the broad range of services they provide and through making available a reliable community of information which is freely accessible to all. In this way, they perform a significant social function in helping to promote informed opinion and stimulate debate on key national and international issues of public concern. They also make a vital contribution to national cultural development and to the continued vibrancy of the creative industries. In this context, I believe that the continued financial support of public service broadcasters is both warranted and necessary.

I am currently considering the approach to be taken on a range of matters in the area of broadcasting, including the proposed Public Service Broadcasting Charge. Until I have completed this consideration and brought the proposals to Cabinet for decisions, there will be no change in the current arrangements.

I trust that this clarifies matters.

Yours sincerely,

Alex White, TD

Minister for Communications, Energy & Natural Resources
Ref: GG 2014 247– BD_4065

February 2015

Re: Public Service Broadcasting (PSB) Charge

Dear [Name],

I refer to your recent email regarding the proposed Public Service Broadcasting (PSB) Charge. Firstly, my apologies for the delay in responding to your query.

The ultimate objective of the Programme for Government commitment in this area is to transform the current TV licence into a PSB Charge to be applied to all households and applicable businesses, regardless of the device they use to access content.

I believe that this would be a fairer system given that ninety six per cent (96%) of Irish homes have at least one TV. How many of the remaining 4% don’t have a radio, a computer, a smartphone or a tablet? Very few indeed I would argue. Further I believe that in a democratic society public broadcasting is a public good. Why should 80% of our citizens be expected to pay for public broadcasting and 20% - who no doubt access public service content to one extent or another – do not contribute at all?

Public service broadcast content is a public good that is freely available to all who choose to access it and, as such, I believe that all households and businesses should make an equitable contribution to ensure its on-going provision.

I fully recognise that there are individuals and households who may choose not to avail of broadcasting services. However, while the majority of the population watch or listen to some element of publicly-funded broadcast content during the average week, it is my belief that even those who do not directly do so are nevertheless exposed to it or influenced by it or benefit from it indirectly through the debate, comment and informed decision-making that it facilitates through the media and general public discussion.
In terms of public service broadcasters, I believe that these organisations have a vital role to play in all democratic societies. They do this through the broad range of services they provide and through making available a reliable community of information which is freely accessible to all. In this way, they perform a significant social function in helping to promote informed opinion and stimulate debate on key national and international issues of public concern. They also make a vital contribution to national cultural development and to the continued vibrancy of the creative industries. In this context, I believe that the continued financial support of public service broadcasters is both warranted and necessary.

I am currently considering the approach to be taken on a range of matters in the area of broadcasting, including the proposed Public Service Broadcasting Charge. Until I have completed this consideration and brought the proposals to Cabinet for decisions, there will be no change in the current arrangements.

I trust that this clarifies matters.

Yours sincerely,

Alex White, TD

Minister for Communications, Energy & Natural Resources
Ref: GG 2015 20 – BD_4084

February 2015

Dear [Redacted]

I refer to your email of 13 January 2015 regarding the Broadcasting Charge.

I would like to thank you for taking the time to forward your additional comments regarding the Broadcasting Charge.

Your comments have been duly noted.

Yours sincerely,

Alex White, TD
Minister for Communications, Energy & Natural Resources
Ref: BD_4089

February 2015

Dear [Name],

I refer to your recent email to my colleague in relation to the introduction of the Public Service Broadcasting Charge.

The Department have noted your comments in relation to the introduction of a Public Service Broadcasting Charge. The ultimate objective of the Programme for Government commitment in this area is to transform the current TV licence into a Public Service Broadcasting Charge to be applied to all households and applicable businesses, regardless of the device they use to access content.

The Minister for Communications, Energy and Natural Resources is currently considering the approach to be taken on a range of matters in the area of broadcasting, including the proposed Public Service Broadcasting Charge. Until the Minister has completed his considerations and brought proposals to Cabinet for decisions, there will be no change to the current arrangements.

In relation to the distribution of the licence fee revenue, currently in accordance with Section 123 of the Broadcasting Act 2009, both RTÉ and TG4 receive a share of the revenue in order to pursue their public service objectives as set out in the 2009 Act.

In addition, 7% of the revenue goes towards the Broadcasting Funding Scheme, Sound & Vision III, which is operated by the Broadcasting Authority of Ireland. The scheme provides funding in support of high quality programmes on Irish culture, heritage and experience, and programmes to improve adult literacy. Revenue from this fund can be applied for by independent producers and broadcasters for specific projects of a public service nature. An Post is also paid for providing collection and enforcement services in relation to the TV Licence.

In relation to the requirement to have a TV Licence for your mobile home, Section 142(1) of the Broadcasting Act 2009 provides that "...a person shall not keep or have in his possession anywhere in the territory of the state a television set save in so far as such keeping or possession is authorised by a television licence for the time being in force".

Therefore, under the current legislation a person is required to have a television licence if they possess a television in a mobile home/caravan.
There is no mechanism by which you can transfer your licence for a number of weeks and then transfer it back to your main place of residence.

One of the items being considered under the Public Service Broadcasting Charge is that second homes/holidays homes would be excluded from the charge but as I set out above the Minister is currently still considering the introduction of this charge.

I trust that this clarifies the situation.

Yours sincerely

Frances Donnelly
Ref: MF 2015 11 / BD_4092

February 2015

Mr Pat Breen, T.D.
Office of the Chairman
Joint Committee on Foreign Affairs and Trade
Leinster House
Dublin 2

Re: Query from
Co. Clare

Dear Pat

I refer to your email of 23th January on behalf of [redacted].

I have noted [redacted] comments in relation to the introduction of a Public Service Broadcasting Charge.

[redacted] has recently been in contact with my Department directly and I have enclosed a copy of the response that issued to him, which I hope may be of assistance.

Yours sincerely

Alex White, T.D.
Minister for Communications, Energy & Natural Resources
Ref: MF 2015 18 / BD_4103

February 2015

Dear [Name],

I refer to your letter of 6 February 2015 in relation to the introduction of a Broadcasting Fee.

The ultimate objective of the Programme for Government commitment in this area is to transform the current TV licence into a Public Service Broadcasting Charge to be applied to all households and applicable businesses, regardless of the device they use to access content.

I believe that this would be a fairer system given that ninety six per cent (96%) of Irish homes have at least one TV. How many of the remaining 4% don't have a radio, a computer, a smartphone or a tablet? Very few indeed I would argue. Further I believe that in a democratic society public broadcasting is a public good. Why should 80% of our citizens be expected to pay for public broadcasting and 20% - who no doubt access public service content to one extent or another – do not contribute at all?

Public service broadcast content is a public good that is freely available to all who choose to access it and, as such, I believe that all households and businesses should make an equitable contribution to ensure its on-going provision.

I fully recognise that there are individuals and households who may choose not to avail of broadcasting services. However, while the majority of the population watch or listen to some element of publicly-funded broadcast content during the average week, it is my belief that even those who do not directly do so are nevertheless exposed to it or influenced by it or benefit from it indirectly through the debate, comment and informed decision-making that it facilitates through the media and general public discussion.

I am currently considering the approach to be taken on a range of matters in the area of broadcasting, including the proposed Public Service Broadcasting Charge. Until I have completed this consideration and brought the proposals to Cabinet for decisions, there will be no change in the current arrangements.

In relation to your suggestion, there are plans to introduce legislation to enable the TV Licence collecting agent (currently An Post) to access the subscription data held by TV service providers, including SKY and UPC. This will allow An Post to cross check all households and businesses with cable or satellite TV services against their own database of licence fee payers and will assist An Post in identifying TV Licence fee evaders.
I trust that this clarifies the position.

Yours sincerely

Alex White, T.D.
Minister for Communications, Energy and Natural Resources
Ref: MF 2015 18 / BD_4103

February 2015

Dear [redacted]

I refer to your letter of 6 February 2015 in relation to the introduction of a Broadcasting Fee.

The ultimate objective of the Programme for Government commitment in this area is to transform the current TV licence into a Public Service Broadcasting Charge to be applied to all households and applicable businesses, regardless of the device they use to access content.

I believe that this would be a fairer system given that ninety six per cent (96%) of Irish homes have at least one TV. It is unlikely that many of the remaining 4% don't have a radio, a computer, a smartphone or a tablet. Further I believe that in a democratic society public broadcasting is a public good. Why should 80% of our citizens be expected to pay for public broadcasting and 20% - who no doubt access public service content to one extent or another - do not contribute at all?

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Yours sincerely

Alex White, T.D.
Minister for Communications, Energy and Natural Resources
Ref: SW 2015 39 – BD...4105

February 2015

Mr Paudie Coffey TD
Minister of State
Dáil Éireann
Leinster House
Kildare Street
Dublin 2

Re: Public Service Broadcasting (PSB) Charge

Dear Minister

I refer to your recent correspondence regarding the proposed Public Service Broadcasting (PSB) Charge on behalf of [Redacted].

The ultimate objective of the Programme for Government commitment in this area is to transform the current TV licence into a PSB Charge to be applied to all households and applicable businesses, regardless of the device they use to access content.

I believe that this would be a fairer system given that ninety six per cent (96%) of Irish homes have at least one TV. It is likely that very few of the remaining 4% don't have a radio, a computer, a smartphone or a tablet. Further I believe that in a democratic society public broadcasting is a public good. Why should 80% of our citizens be expected to pay for public broadcasting and 20% - who no doubt access public service content to one extent or another – do not contribute at all?

I fully recognise that there are individuals and households who may choose not to avail of broadcasting services. However, while the majority of the population watch or listen to some element of publicly-funded broadcast content during the average week, it is my belief that even those who do not directly do so are nevertheless exposed to it or influenced by it or benefit from it indirectly through the debate, comment and informed decision-making that it facilitates through the media and general public discussion.

In terms of public service broadcasters, I believe that these organisations have a vital role to play in all democratic societies. They do this through the broad range of services they provide and through making available a reliable community of information which is freely accessible to all. In this way, they perform a significant
social function in helping to promote informed opinion and stimulate debate on key national and international issues of public concern. They also make a vital contribution to national cultural development and to the continued vibrancy of the creative industries. In this context, I believe that the continued financial support of public service broadcasters is both warranted and necessary.

I am currently considering the approach to be taken on a range of matters in the area of broadcasting, including the proposed Public Service Broadcasting Charge. However, until I have completed this consideration and brought the proposals to Cabinet for decisions, there will be no change in the current arrangements.

I trust that this clarifies matters.

Yours sincerely,

Alex White, TD

Minister for Communications, Energy & Natural Resources
Mr Paudie Coffey TD
Minister of State
Dáil Éireann
Leinster House
Kildare Street
Dublin 2

February 2015

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I trust that this clarifies matters.

Yours sincerely,

Alex White, TD

Minister for Communications, Energy & Natural Resources
Re: Public Service Broadcasting

Dear [Redacted]

Thank you for your email of 1st April in relation to the future of Public Service Broadcasting.

Part 7 of the Broadcasting Act 2009 provides for public service broadcasting in Ireland and sets out the provisions relating to the regulation, operation and funding of the public service broadcasting corporations, RTÉ and TG4, including their principal objects.

These objects provide the companies' statutory mandates and encapsulate national policy in terms of public service broadcasting. They include the specific objective of providing national, free-to-air public service broadcasting services, as well as the provision of a broad range of other associated services that are seen as relevant to the role of the public service broadcaster. In their pursuit of these objects, the provisions in the Act subject the public service broadcasting corporations to a range of additional requirements.

These statutory objects and requirements clearly set the State-owned public service broadcasters apart from their commercial counterparts who, while bringing choice and competition to the market, are privately owned and funded companies that have entered the market on the basis of a commercial proposition.
The provision of balanced, adequately resourced and independent public broadcasting services is considered fundamental to democratic society in most EU countries. In this regard, there is a need to provide certainty as regards the funding base for public service broadcasting into the future. Although it is subject to a relatively high degree of evasion, the current TV licence fee model has provided a measure of stability to date. However, there is a need to consider whether the introduction of an alternative method of funding would be more suitable given the rapidly changing technological landscape.

With this in mind, the Programme for Government committed to examining the role and collection of the TV licence fee in light of existing and projected convergence of technologies and to transforming the TV licence into a household based Public Service Broadcasting Charge to be applied to all eligible households and applicable businesses, regardless of the device used to access content or services.

As you may be aware, Minister White recently announced that the introduction of such a charge will not be possible within the lifetime of this Government. Until any alternative funding mechanism can be introduced, the Minister will bring legislative amendments to Cabinet which will seek to maximise the efficiency of the current collection system, enhancing the enforcement mechanisms in line with other EU Member States and thereby reducing evasion.

RTÉ has a duty to be responsive to the interests and concerns of the whole community, including its younger audiences. It is obliged by both European and national legislation to provide a range of programming and it must retain the capacity to compete with the commercial sector for audiences across a broad range of programmes if it is to retain its relevance and maximise its ability to deliver on its public service remit across all audiences.

In this regard, the recent advertising campaign you mention relates to a review of RTÉ’s Public Service Statement, which, under current Broadcasting legislation, must be undertaken every five years and must also include a period of public consultation. The purpose of the Public Service Statement is to explain to the public what is
expected of RTÉ in return for the significant public support it receives in the form of the television licence fee. The Statement explains RTÉ’s public purpose, the principles it will observe and the activities it will undertake to deliver that public purpose. The views of the public were sought on the next iteration of this document, which will subsequently be submitted to Minister White for approval.

As you may be aware, broadcasters are required to comply with a number of codes, including a Code of Fairness, Objectivity and Impartiality in News and Current Affairs and a Code of Programme Standards in regard to content being broadcast on television and radio. The monitoring and enforcement of compliance by broadcasters with these codes is a matter for the Compliance Committee of the Broadcasting Authority of Ireland. If you have a specific complaint relating to a failure by RTÉ to report in ‘a fair and factually transparent manner’, it is open to you to submit a formal complaint to the BAI in that regard.

In relation to your comments on providing content to the Diaspora, RTÉ has significantly increased the amount of programming available on the RTÉ Player and believe this is the most economical way of providing a service to Irish people living outside of the country.

A key area of focus for RTÉ is on using new technology to enhance content and reach new audiences, including the diaspora. The GAAGO online service, which launched in 2014, brought live Championship games to 128 countries. The RTÉ News Now and news website were redesigned and rebuilt during 2014 and the advent of RTÉ Radio Player online, and for iPhone, Android and iPad, has further broadened availability.

Earlier this year, an international version of RTÉ Player was launched with an expanded range of content that can be made available outside of Ireland. This initiative sees the introduction of a ‘freemium’ model whereby a selection of content is free and a broader range of programmes can be watched on a subscription basis. By establishing this service, RTÉ is offering a range of previously unavailable content to overseas audiences.
National broadcasting policy is established with a view to facilitating and supporting future sectoral development. This is done within the context of relevant national and EU legislation, some of which you reference, policies and international spectrum agreements. In many European countries the terrestrial broadcast platform is the primary means of delivering linear television broadcast services. The terrestrial broadcast coverage often exceeds 98% of the population and free-to-air access to Public Service Broadcasting is mandatory. Indeed, in many countries there is a deep-rooted expectation by the members of the public that free-to-air broadcast services are universally available, i.e. via terrestrial networks.

Even in countries where cable, satellite or broadband platforms hold a significant market share, terrestrial broadcasting is regarded as an essential, flexible, reliable and cost-effective way of delivering broadcast content to a mass audience. To receive TV from the terrestrial networks is an obvious choice for many European households, particularly in rural areas, where availability of alternative cable and broadband distribution platforms is limited. Pascal Lamy’s Report to the Commission on the future use of the UHF Band may be of interest in this regard.

In relation to your comments on the UK position, the recent report of the Select Committee on Culture, Media & Sport concluded that, while there is currently no better alternative to the licence fee in the short-term, a broadcasting levy on all households, along the lines of that introduced in Germany in 2013, would be its preferred model for funding the BBC. This followed the House of Lords decision in February that there should be no move to decriminalise non-payment of the TV Licence fee before 2017 at least.

The current dual funding model of public funding and commercial income is not unusual in a European context and the balance of funding of many media organisations across Europe is similar to that in Ireland. The review conducted by Crowe Horwath as part of the 5 Year Review of Public Funding notes, for example, that ‘While RTÉ makes significant inroads into the advertising market, it is not significantly out of line with other European PSBs operating in smaller markets. Whilst RTÉ receives the least public funding of any of the PSBs we studied, its share of the advertising market is far exceeded by Swiss and Austrian PSBs.’
The mechanism for determining the public funding element provided through the licence fee is set out in Section 124 of the 2009 Act. In particular, this allows for the statutorily independent BAI to recommend an annual licence fee modification, based on a (multi) annual review of the extent to which both RTÉ & TG4 have fulfilled their commitments over the period in question. The recommendation from the Authority informs any decision the Minister may take in conjunction with the Government on adjusting the current level of television fee or otherwise.

In this regard, the Economic Analysis of the Advertising Market, commissioned from Indecon on foot of the first 5 year review process, and published recently by Minister White, will inform legislative amendments to be submitted to Cabinet shortly. These will ensure that, in undertaking its funding assessment, the BAI will be required to take account of developments in the advertising market in general to ensure that no assessment in relation to the funding of PSBs is made in isolation from the rest of the market. Finally, I should add that the remarks to which you refer on the dual funding model, attributed to Minister White, were incorrectly reported and subsequently clarified by the newspaper in question.

The recently published NewERA Efficiency Review of RTÉ acknowledges the scale of the reductions RTÉ achieved between 2008 - 2013, including a 30% reduction in operating costs (€130m), a reduction in personnel costs (down €59m and including a 21% reduction in workforce) and a significant decrease in its cost/hour. These reductions took place at the same time as RTÉ’s commercial revenue fell by 40% and its public funding was reduced by €19m. RTÉ also delivered DTT in that period, allowing the State access to a dividend in the region of €650m from the award of new spectrum licences.

Media plurality is essential to the health of our democracy and Government policy is to sustain a diverse Irish broadcasting sector, including a strong public service broadcaster capable of delivering services that serve all our citizens' diverse needs and tastes. Minister White will continue to engage with the Board and Management of RTÉ to ensure that its efforts are progressed and that the broadcaster continues with the review of its assets, including the Montrose site.
I trust that this clarifies the current position.