

For the broad problematic of European public broadcasting service (PBS), we chose a rather narrow view point of its financing. The competition law in EU, which is called by many an economic constitution for its force and prime role in the process of European integration, has much larger impacts than solely economic ones. The respect of competition rules in PBS financing can also indicate a good level of political and economical media independence.

This thesis consists of three main parts. The first part treats PBS as a fraction of a far larger field of general economic interest services. Those services, essential in European social model, are represented on EU level legislation mainly as exceptions of strict competition rules. Regarding this topic, we follow the development in practice of the European court of justice. We follow the struggle between two conceptions – the “compensatory” and the “state aid” conception which ended in compromise Altmark judgment of the European court of justice in 2003.

The problems of services of general economic interest and its place in European national societies represent a strong social dimension, to which PBS add also the cultural and national one. Beside general articles of treaties, the key documents for PBS in EU are the Amsterdam protocol and the 2001 PBS communication of the Commission. In the Amsterdam protocol, heads of European states and governments approved the importance of PBS for social, democratic and cultural development of European societies. The Commission Communication regarding the application of state aid rules to PBS precises the Commission’s position as to PBS public financing. This clarification became necessary after series of accusations of PBS competitors by private broadcasters. Those first legal proceedings were followed by the investigative procedures in Portugal, Spain and France.

The second part of this thesis is a French PBS system case study, including the description of such an investigative EU Commission

procedure. The findings are used in the final part which is dedicated to the Czech PBS system. As for the French case, we firstly follow the launching of a state television, its transformation into the PBS and the development of competition and of the dual-mode system of broadcasting.

Then the attempt to imitate the investigative procedure in Czech conditions follows. We try to predict the approach of the European Commission in such a case. The conclusion is that the CT financing would be, according to the article 87§1, classified as a state aid. At the same time, it would be exempted and would come under the service of general economic interest exemption according to the article 86§2.

Some observation can be added. The system of Czech PBS funding is far from being perfect. The main problem remains in licence-fees, more specifically in the fact that their amount is ad hoc decided by Parliament. There is no transparency and foreseeability in this purely political procedure. This, along with a lack of regulatory institution independence, causes the PBS dependence on the governing political forces. Our primary thesis of the competition rules and its favorable influence on media independence here meets the reality.