

SGEI EXEMPTION DECISION¹

2011 Report

1. FACILITY

	Municipality/Province	Utrecht province	
	Question	Answer	Notes
A	Which category (1-8) of Article 2(1) of the Exemption Decision does your SGEI fall into (see Annex I)?	Category 1	
B	Has the SGEI been entrusted to the undertaking(s) under a private-law contract or on the basis of public law? In the latter case, please indicate the relevant legislation (Act, decision, etc.).	The SGEI has been assigned to the undertaking on the basis of public law. Article 2(1), 2(61) and 2(70) of the Media Act and the Decision on financing the regional broadcasting of Provincial Councils (<i>Besluit Bekostiging Regionale Omroep van Provinciale Staten</i>)	
C	What is the nature and duration of the public service obligation?	The provision and broadcasting by the Stichting Samenwerkende Publieke Omroepen Midden Nederland (SSPOMN) of a range of audiovisual programmes for Utrecht province which meets the democratic, social and cultural needs of Utrecht's community. The duration of the SGEI is two years and ten months.	
D	What undertaking(s) and what territory does the SGEI cover?	SSPOMN for the territory of Utrecht province.	
E	Have any exclusive or special rights (advantages restricting competition) been assigned to the undertaking? If so, please describe these briefly (the nature of the rights).	The special right assigned to SSPOMN is: allocation of broadcasting time by the Media Authority on the advice of Utrecht Provincial Council.	
F	What parameters are used to calculate, check	SSPOMN operates a cost allocation system whereby all	

¹ Commission Decision of 28 November 2005 concerning the application of Article 86(2) of the EC Treaty to state aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest, OJ L 312, 29.11.2005, p. 67.

	and, where necessary, review the SGEI compensation amount?	costs and revenues are assigned or allocated on the basis of consistently applied and objectively justifiable cost accounting principles.	
G	Is the undertaking commercially active outside its SGEI remit? If so, is it required to keep separate accounts or have separate legal structures to prevent cross-subsidies?	Yes, SSPOMN is also commercially active outside its SGEI remit and is required to keep separate accounts.	
H	Do your organisation's reporting arrangements comply with Article 7 of the SGEI Decision by keeping the underlying data available for ten years so that the Commission can determine whether they are in line with the Decision?	Yes.	

2. COMPENSATION

	Municipality/Province	Utrecht province	
	Question	Answer	Notes
A	Please indicate the amounts paid in compensation to the provider of the SGEI separately for each of the following years: 2009, 2010 and 2011.	The SGEI applies as of 2011. In 2011 a payment of €9 769 389 was made.	
B	Have the amounts been checked for overcompensation? If so, who conducted the checks? (e.g. external consultants, own officials?) What were the findings? Has aid been reclaimed as a result? If so, please state the amount.	Checks for overcompensation have not yet taken place because the subsidy has yet to be approved for 2011.	

3. SPECIAL SECTORS (ONLY TO BE COMPLETED IF THE SGEI RELATES TO THE FOLLOWING SECTORS: AIR, MARITIME, PORTS, AIRPORTS)

	Municipality/Province	Utrecht province	

	Question	Answer	Notes
A	What was the average number of passengers per year during the two financial years preceding that in which the SGEI was assigned? ²	n.a.	

² The maximum set out in the Decision is:

air transport	=>	300 000 passengers
maritime transport	=>	300 000 passengers
airports	=>	1 million passengers
ports	=>	300 000 passengers