

**RTÉ**

**REGULATED ACCOUNTS**

**MARKET B**

**YEAR ENDED  
31 DECEMBER 2023**

## Regulated Accounts

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## Introduction

In its 2013 Broadcasting Transmission and Distribution Decision (2013 Decision), ComReg reviewed the Broadcasting Transmission and Distribution Markets in Ireland and found that those markets warranted *ex ante*/specific regulation. They were identified as Market A (a national wholesale market) where an upstream terrestrial transmission network provider supplies a transmission and distribution service via its towers/masts infrastructure and relevant associated facilities (including transmission and distribution equipment, buildings etc.) and Market B (a national wholesale market which is downstream from Market A) whereby a DTT Multiplex Operator using wholesale inputs (or self-supplied) in Market A, combined with carriage on its DTT multiplex, supplies a managed digital multiplex service. RTÉ was identified as having SMP (significant market power) in Market A in 2013 and since then RTÉ has been obliged to comply with a range of regulatory obligations as detailed in Decision Instrument Market B which formed part of the 2013 Decision.

ComReg conducted a market analysis of the Broadcasting Transmission and Distribution markets during 2020 having regard to market developments and relevant EC Recommendations. Overall, as a result of that market review, ComReg decided to maintain the same conclusions and regulatory obligations in both markets as were imposed in the 2013 Decision. RTÉ was found to have SMP in Market B with the same suite of regulatory obligations to continue to apply.

This was confirmed by ComReg in Decision No.02/21 (2021 Decision)<sup>1</sup> which followed its market analysis. Decision Instrument Market B, which forms part of the 2021 Decision sets, out the relevant detail and manner in which RTÉ is required to comply with its regulatory obligations of accounting separation and cost accounting. These are similar as those which applied heretofore in the 2013 Decision.

Accordingly Market B Decision Instrument forming part of the 2021 Decision continues to require RTÉ's financial records and accounting systems to be sufficiently detailed and supported by sufficient data to ensure that (i) RTÉ is in a position to comply with the transparency, non-discrimination, accounting separation, price control and cost accounting obligations imposed on it and (ii) RTÉ is in a position to prepare Regulated Accounts which it is obliged to maintain for Market B and, where specified for services.

As specified at Section 3, Separated Accounts are required to be maintained by RTÉ in respect of Market B. This requires that Separated Accounts by RTÉ contain Regulated Accounts which consists of Historical Cost Accounts ("HCA"), Additional Financial Data and Accounting Documentation. The term "Market B Accounting Documentation" is further defined and detailed at Section 5 and outlines the regulatory principles used and the methodologies applied for the purposes of preparing the regulated accounts and the additional financial data. This document sets out the Regulated Accounts for Market B and should be read in conjunction with the Accounting Documentation which is under separate cover.

Regulated Accounts are required to be prepared for the following Market:

Market	Market description
Market B	Market for wholesale access to Digital Terrestrial Television Multiplexing Services

<sup>1</sup> Comreg document No.21/14 entitled "Market Review Broadcasting Transmission Services in Ireland" dated 26 February 2021.

## Statement of Responsibility for preparing the Regulated Accounts Market B

In accordance with the requirements set out at Section 3.5 of Market B Decision Instrument (forming part of the 2021 ComReg Decision) a Suitably Qualified Person approved by the Board of RTÉ and ComReg is responsible for ensuring that RTÉ maintains accounting records which disclose with reasonable accuracy, at any time, the financial position of RTÉ, and for properly preparing the Regulated Accounts, which are required to present fairly, in accordance with the Accounting Documentation and the provisions of Market B Decision Instrument the results and Mean Capital Employed for Market B.

The Regulated Accounts for the year ended 31 December 2023 were prepared further to, and in accordance with, the requirements of Market B Decision Instrument forming part of the 2021 Decision.

I confirm that, to the best of my knowledge and in good faith, the Regulated Accounts for the year ended 31 December 2023 have been prepared in accordance with the requirements of the governing legislation. I also confirm that, to the best of my knowledge and in good faith the Regulated Accounts have been prepared in accordance with the Accounting Documentation for the year ended 31 December 2023.

Mike Fives

RTÉ



Date: 28 June 2024

## Independent auditors' report to RTÉ and the Commission for Communications Regulation

### Opinion

We have audited the Regulated Accounts – Market B of RTÉ (“the Company”), which comprise the Income Statement for the year, Statement of Mean Capital Employed and the related notes 1-2 to the Regulated Accounts – Market B. The relevant financial reporting framework that has been applied in the preparation of the Regulated Accounts – Market B is the Regulatory Accounting Principles and Accounting Policies as set out in the Primary Accounting Documentation, as required by the Final Decision Instrument (ComReg Decision D02/21) (“the Decision Instrument”) issued on 26 February 2021 (“the financial reporting framework”) by the Commission for Communications Regulation (“ComReg”) and note 2 to the Regulated Accounts – Market B.

In our opinion, the accompanying Regulated Accounts - Market B present fairly, in all material respects, the assets, liabilities and mean capital employed of Market B as at 31 December 2023 and the revenue and costs of Market B for the year then ended in accordance with the relevant financial reporting framework.

### Basis for Opinion

We conducted our audit in accordance with International Standards on Auditing (Ireland) (ISAs (Ireland)) including ISA (Ireland) 800. Our responsibilities under those standards are further described in the *Auditors Responsibilities for the Audit of the Regulated Accounts – Market B* section of our report.

We are independent of the Company in accordance with the ethical requirements that are relevant to our audit of the Regulated Accounts – Market B in Ireland, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Emphasis of Matter - Basis of Accounting

We draw your attention to the accounting policies contained in note 2 of the Regulated Accounts - Market B, which describe the basis of accounting. The Regulated Accounts - Market B are prepared to assist the Company to comply with their regulatory reporting requirements to ComReg. As a result, the Regulated Accounts - Market B may not be suitable for another purpose.

The nature, form and content of the Regulated Accounts - Market B and therefore their basis for preparation, is set out by ComReg to assist the Company in meeting its regulatory requirements. We make no assessment as to whether the basis of preparation, as set out on page 9 is appropriate or sufficient for the Company's purposes.

Our opinion is not modified in respect of this matter.

### Other Matter

The Company has prepared a separate set of statutory financial statements for the year ended 31 December 2023 in accordance with International Financial Reporting Standards as adopted by the European Union, on which we issued a separate auditor's report to the members of the Company dated 28 June 2024.

### Other information

The other information comprises the information included in the Introduction and Business Review. The directors are responsible for the other information contained within the Regulated Accounts – Market B. Our opinion on the Regulated Accounts – Market B does not cover the other information and, except to the extent otherwise explicitly stated in our report, we do not express any form of assurance conclusion thereon.

Our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the Regulated Accounts – Market B or our knowledge obtained in the audit or otherwise appears to be materially misstated. If we identify such material inconsistencies or apparent material misstatements, we are required to determine whether there is a material misstatement in the Regulated Accounts – Market B or a material misstatement of the other information. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact.

We have nothing to report in this regard.

## **Independent auditors' report to RTÉ and the Commission for Communications Regulation (continued)**

### **Suitably Qualified Person's Responsibility for the Regulated Accounts – Market B**

As explained more fully in the Statement of Responsibility for preparing the Regulatory Accounts – Market B, the Suitably Qualified Person is responsible for the preparation and fair presentation of the Regulated Accounts - Market B in accordance with the financial reporting provisions of the Decision Instrument issued on 26 February 2021 and the Primary Accounting Documentation, and for such internal control as the directors determine is necessary to enable the preparation of Regulated Accounts – Market B that are free from material misstatement, whether due to fraud or error.

The Suitably Qualified Person is responsible for overseeing the Company's financial reporting process.

### **Auditors Responsibilities for the Audit of the Regulated Accounts – Market B**

Our objectives are to obtain reasonable assurance about whether the Regulated Accounts – Market B as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (Ireland) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

A further description of our responsibilities for the audit of the financial statements is located on IAASA's website at:

<https://iaasa.ie/publications/description-of-the-auditors-responsibilities-for-the-audit-of-the-financial-statements>.

This description forms part of our auditor's report.

### **Use of our Report**

This report is made, on terms that have been agreed, solely to the Company and ComReg in

order to meet the requirements of the Decision Instrument. Our audit work has been undertaken so that we might state to the Company and ComReg those matters that we have agreed to state to them in our report, in order (a) to assist the Company to meet its obligation under the Decision Instrument to procure such a report and (b) to facilitate the carrying out by ComReg of its regulatory functions, and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Company's directors as a body and ComReg, for our audit work, for this report, or for the opinions we have formed.

Our opinion on the Regulated Accounts – Market B is separate from our opinion on the statutory financial statements of the Company for the year ended 31 December 2023 on which we reported on 28 June 2024, which are prepared for a different purpose. Our audit report in relation to the statutory financial statements of the Company (our "Statutory audit") was made solely to the Company's members, as a body, in accordance with Section 391 of the Companies Act 2014. Our Statutory audit work was undertaken so that we might state to the Company's members those matters we are required to state to them in a statutory audit report and for no other purpose. In these circumstances, to the fullest extent permitted by law, we do not accept or assume responsibility for any other purpose or to any other person to whom our Statutory audit report is shown or into whose hands it may come save where expressly agreed by our prior consent in writing.



Richard Howard  
For and on behalf of Deloitte Ireland LLP  
Chartered Accountants and Statutory Audit Firm  
Deloitte & Touche House, Earlsfort Terrace, Dublin 2

28 June 2024

**Income Statement**

Market B Regulated Accounts  
for the year ended 31 December 2023

	2023 €'000	2022 €'000
<b>Revenue</b>		
External Revenue	4,328	3,520
Internal Revenue – Intra	4,645	6,074
<b>Total External and Intra Revenue</b>	<u>8,973</u>	<u>9,594</u>
<b>Operating Costs</b>		
Intra market costs	(9,700)	(9,176)
Other operating costs	(614)	(570)
Mux promotional and end user support costs	(163)	(197)
Mux management and administration costs	(20)	(8)
<b>Total Operating Costs</b>	<u>(10,497)</u>	<u>(9,951)</u>
<b>(Deficit)/Return</b>	<u>(1,524)</u>	<u>(357)</u>

The Market B Regulated Accounts were approved on 28 June 2024 by the Suitably Qualified Person appointed by the Board of RTÉ and approved by ComReg:

Mike Fives  
RTÉ

## Statement of Mean Capital Employed

Market B Regulated Accounts  
as at 31 December 2023

	2023 €'000	2022 €'000
<b>Non Current Assets</b>		
Property, Plant and Equipment	36	36
<b>Total Non Current Assets</b>	<b>36</b>	<b>36</b>
<b>Current Assets</b>		
Trade, other receivables, prepayments and accrued income	1,051	1,765
Cash and cash equivalents	128	136
<b>Total Current Assets</b>	<b>1,179</b>	<b>1,901</b>
<b>Total Assets</b>	<b>1,215</b>	<b>1,937</b>
<b>Current Liabilities</b>		
Liabilities and other payments	(773)	(1,472)
<b>Total Current Liabilities</b>	<b>(773)</b>	<b>(1,472)</b>
<b>Mean Capital Employed</b>	<b>442</b>	<b>465</b>

The Market B Regulated Accounts were approved on 28 June 2024 by the Suitably Qualified Person appointed by the Board of RTÉ and approved by ComReg:

Mike Fives  
RTÉ

## Notes to the Regulated Accounts

### Note 1

#### Definitions of the Markets

The definition of Market B is based on the regulatory decision as set out by ComReg Decision No.21/14, Market Review Broadcasting Transmission Services in Ireland.

**Market B** is the wholesale market which operates downstream from Market A, whereby a DTT Multiplex Operator, using wholesale inputs purchased in Market A, combined with carriage on its own DTT multiplex supplies a managed digital multiplexing service to terrestrial Downstream TV Broadcasters enabling the transmission of their DTT broadcasting signals to end-users.

In accordance with the above Decision Notice, Regulated Accounts are prepared for Market B.

### Note 2

#### Basis of Preparation of Regulated Accounts

These Regulated Accounts are prepared by attributing the balances, as modified in accordance with the Accounting Documentation, in 2rn's general ledger, RTÉ general ledger and other accounting records to the relevant Markets as required by the Decision Instrument.

The purpose of Accounting Separation is to provide an analysis of information to reflect as closely as possible the performance of Market B as if it was operating as a separate business.

The Regulated Accounts have been prepared in accordance with the accounting policies as set out in the Statutory Financial Statements of 2rn and RTÉ ("the Statutory Financial Statements"), unless any specific deviation is required as a result of conforming to this documentation, together with the regulatory accounting principles and attribution methods as set out in the Accounting Documentation dated.

The Statutory Financial Statements of 2rn and RTÉ have been prepared in accordance with International Financial Reporting Standards (IFRS) and their interpretations approved by the International Accounting Standards Board (IASB) as adopted by the European Union (EU) that are effective for the year ended 31 December 2023.

## Appendix I

### Business Review

Market B, *Wholesale supply of Digital Terrestrial Television Multiplexing Services* is regulated under ComReg Decision No.21/14 dated 26 February 2021.

Results for the year show a deficit of €1,524k.

As noted in the Accounting Documentation costs and revenues in Market B will not equate for individual years of the five year Market B smoothed tariff period. It is however anticipated that over the five year period commencing 1 April 2019 the Return on Mean Capital employed for Market B will equate to 5.98% applicable in line with expectations as per the latest ComReg Decision Notice 20/96 published on 14 October 2020.

In 2023, revenue was declined 6% year on year as the tariff decrease from 1 January took effect. Total operating costs increased by 5% in the year mainly due to the increase in Market A costs resulting from the increase in global energy prices. Mux promotion and end user support costs decreased in the year due to a reduction in the level of third party advertising and other savings achieved.