[DE] Agreement between the Federal States on Broadcasting - Change on the Way

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The Agreement between the Federal States on Broadcasting which regulates public and private broadcasting concerns in Germany (originally adopted on 31 August 1991 and last amended by the third revised version of 26 August 1996/11 September 1996 - see IRIS 1996-8: 12) is to be up-dated.

A draft version of a fourth Agreement between the Federal States to amend their existing Agreements on Broadcasting was submitted for discussion by the Länder on 16 January 1998.

In addition to bringing in new regulations on certain forms of advertising, media services and data protection, the new version is primarily intended to incorporate the provisions of the revised "Television without Frontiers" Directive (Directive 97/36/EC of 30 June 1997) into German law.

This is why the draft contains, among other things, regulations on the protection of minors which are based on the EC Directive, and which stipulate that television concerns must in future show certain films at certain times in coded form only. It has not yet been decided whether programmes unsuitable for children are be "tagged" with a sound warning or a visual warning during transmission.

The broadcasting of major events is to be regulated in a new Article 5 of the Agreement. The "major events", which may not be broadcast by one operator only, are the summer and winter Olympics, all European and World Cup matches in which Germany is playing, European and World Cup opening matches, semi-finals and finals, whether or not Germany is playing, the semi-final and final of the German Football League Cup, the German national team's home and foreign matches, and the final of the European Champions' League when Germany is playing.

The Constitutional Court's recent decision on the right to broadcast short reports (see elsewhere in this issue) is already reflected in the draft revised version's stipulation that professional organisers of major events may charge fees for short television reports.

The draft revised version includes regulations on teleshopping. Virtual advertising is to be permitted in future. It has not yet been decided whether the gross or net

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principle is to apply when the intervals between commercial breaks in feature films and television films are being calculated. The draft also allows the ARD and ZDF to offer media services with primarily programme-related content. With regard to digital television, the draft specifies decision-making criteria for the introduction of digital technology on cable channels, and includes rules designed to guarantee equal, appropriate and non-discriminatory access to digital programmes. There are detailed regulations on data protection (including the operator's obligations, protection of use and billing data and the user's right to information).

The draft revised version of the Agreement between he Federal States on Broadcasting will be discussed formally and informally at the Land Presidents' Conference on 18 March 1998. IRIS shall report on developments.

Entwurf eines Vierten Rundfunkänderungsstaatsvertrages (Stand: 16. Januar 1998)

Draft for a fourth amended version of the National Broadcasting Agreement (16 January 1998)

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