[DE] Amendment of the Agreement between Federal States on Broadcasting

IRIS 1999-5:1/10

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On 14 April 1999 the leaders of the State and Senate Chancelleries of the German Bundesländer agreed to amend the Agreement between Federal States on Broadcasting (Rundfunkstaatsvertrag - RStV), which regulates public and private broadcasting in the Federal Republic of Germany. In view of the need to transpose the provisions of the revised "Television without Frontiers" Directive into domestic law, the discussions initiated in January 1998 concerning a revised Agreement (see IRIS 1998-3:10) were concluded. The Land presidents will make a final decision on the amendments on 24 June 1999. Then, once ratified by the regional parliaments, the fourth revised version of the Agreement between Federal States on Broadcasting will enter into force on 1 April 2000.

The most significant amendments concern the fields of advertising, protection of minors, cable services and permission for public broadcasters to carry digital television programmes.

In future, it will be acceptable to split the screen into distinct programme and advertising windows, provided the commercial is clearly separated visually from the main programme and marked as advertising. Split-screen commercials are to be counted as part of the overall time permitted for advertising.

Virtual advertising is also to be permitted under the revised Agreement, on condition that there are announcements before and after the programme concerned that it contains this particular type of advertising. In accordance with the provisions of the "Television without Frontiers" Directive, the rule on block advertising is to be partially relaxed. The broadcasting of individual advertisements or teleshopping commercials will be allowed. The calculation of intervals between commercial breaks will be based on the "gross principle".

In order to improve the protection of minors, programmes which are unsuitable for children will have to be tagged with a sound warning and a visual warning. Individual talkshows whose content is unsuitable for children and young people may have to be shown at certain times of day. Prohibited films may, in principle, not be broadcast, although in special cases, the Land media authorities and organs of the public broadcasting companies may make an exception.

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The public broadcasters ARD and ZDF may broadcast using digital technology and are also entitled to offer digital packages accessible by means of a special electronic programme guide.

Under the new regulations, cable network operators are obliged to put compulsory programmes in digital format onto four channels normally used for analogue broadcasting. Three public digital packages, the local and regional television channels permitted in each of the Länder and "open channels" are all obliged to broadcast certain programmes as part of the public service. Network operators are given a certain amount of freedom to exploit further free cable capacity.

Entwurf - Vierter Staatsvertrag zur Änderung rundfunkrechtlicher Staatsverträge (Vierter Rundfunkänderungsstaatsvertrag) - Stand 31. März 1999

Draft of Fourth Agreement to Amend the Agreement between Federal States on Broadcasting (Vierter Rundfunkänderungsstaatsvertrag) as of 31 March 1999

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