

[DE] The Search for a New Definition of the Notion of Broadcasting

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Amendments of the InterLänder Treaty on broadcasting have brought about debate on a new definition for the notion of broadcasting (IRIS 1995-6:10).

In a paper entitled " Der Rundfunkbegriff als Hemmnis für das Wachstum der deutschen Telekommunikation" ("The notion of broadcasting is a hindrance to the growth of telecommunications in Germany") the association of private network operators, ANGA, declared itself to be in favour of redefining as precisely as possible the notion of broadcasting.

According to them, tele-services such as pay-as-you-view, video on demand and online services should now be removed from the field of application of the InterLänder Treaty on broadcasting (Rundfunkstaatsvertrag), since they can be considered as individual services which can no longer really be qualified as broadcasting services. They claim that a precise definition of broadcasting services is as important to encouraging the growth of the German telecommunications sector as is the removal of the current monopoly and the setting up of fair competitive structures. Multimedia services require a legal structure which do justice to a differentiated system of the various means of communication.

The "changing notion of broadcasting" as it was legally defined by the Federal Constitutional Court (Bundesverfassungsgericht) should be made more functional and each new service should be evaluated individually according to its particular features.

According to the ANGA, the question of what broadcasting is and is not should be decided by a joint working party of cable and other network companies, services and programme suppliers as well as regional media bodies. In difficult cases, an independent telecommunications regulatory official should be asked to settle the matter.

Positionspapier des Verbandes Privater Netzbetreiber (ANGA), "Der Rundfunkbegriff als Hemmnis für das Wachstum der deutschen Telekommunikation" vom Juni 1995.

Position paper by the association of private network operators (ANGA) of June 1995: “Der Rundfunkbegriff als Hemmnis für das Wachstum der deutschen Telekommunikation” (“The notion of broadcasting is a hindrance to the growth of telecommunications in Germany”).

