[DE] Bundesrat Decides on "Television Without Frontiers" Directive

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At its meeting on 23 May 2003, the Bundesrat (upper house of parliament) gave its opinion on the planned revision of the "Television Without Frontiers" Directive (Council Directive 97/36/EC amending Directive 89/552/EEC).

The Bundesrat welcomed the efforts already made by the European Commission to initiate a debate on the potential need for the regulatory framework to be adapted and, as part of the further development of the Directive, to take into account all specific instruments of European audio-visual policy and their interaction with other policy areas. This strategy should help to pursue the Directive's aim of promoting the global competitiveness of the European audio-visual industry while protecting cultural diversity. By this new decision, the Bundesrat essentially reaffirmed the views it expressed in its Resolution of 1 March 2002 (IRIS 20023: 8). Last year, the Bundesrat decided that self-regulatory mechanisms should be recognised as possible instruments for the transposition or implementation of the Directive's provisions. It also called for the abolition of programme quotas laid down in Articles 4 and 5 of the Directive and for the removal of advertising time restrictions, whilst arguing that qualitative advertising regulations should be retained.

In its new Resolution, the Bundesrat also stresses that the Commission does not intend to deal with issues relating to transmission or access to transmission networks, including must-carry. However, the Bundesrat also believes that, as part of the review of the Directive, it should be borne in mind that access to electronic communications networks and related services also affects content access issues; therefore, the principle of non-discriminatory, open access should also be taken into account in the revised Directive. With regard to the protection of minors, the Bundesrat is in favour of the proposal set out in the current revised version of the Directive whereby a common regulatory framework would apply for the protection of minors in all electronic media and information society services which have so far been excluded. This should make it easier to deal with the challenges created by convergence in the information, communication and media sectors.

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Entschließung des Bundesrates zu einer Überarbeitung der Fernsehrichtlinie des Rates 89/552/EWG vom 3. Oktober 1989 in der Fassung der Änderungsrichtlinie vom 19. Juni 1997 zur Koordinierung bestimmter Rechts- und Verwaltungsvorschriften der Mitgliedstaaten über die Ausübung der Fernsehtätigkeit („Fernsehrichtlinie") (BR-Drs. 332/03 vom 15. Mai 2003)

Bundesrat Resolution on the revision of the Directive of 19 June 1997 amending Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities ("Television Without Frontiers" Directive) (Bundesrat doc. 332/03 of 15 May 2003)

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