[DE] Private Commercial Stations Turn to Brussels Regarding Regional Broadcasting Windows

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To ensure diversity of opinion, German television programme stations with full national coverage are obliged pursuant to article 25, section 4 of the Rundfunkstaatsvertrag (German Interstate Broadcasting Agreement, RStV) to broadcast so-called "window programmes" in conformity with provincial legal provisions. These time-limited programmes should be adapted in such a manner as to contain information directly related to the region concerned. Pursuant to article 25, section 2 of the RStV the broadcaster will be granted a bonus of 2% upon reaching legally-significant media concentration threshold values of 25/30% of the viewers, provided that they operate regional broadcasting windows. This new regulation introduced by the 7 amendment of the Interstate Broadcasting Agreement should create an incentive to maintain such regional broadcasting windows.

The broadcasters concerned regard provisions stipulated in the provincial media acts very critically, from the point of view of cost efficiency amongst other issues, as such provisions also oblige them to produce these regional programmes in the respective region. Regarding the reform of the Lower Saxony Media Act the Landstag (provincial assembly) spoke in support of a corresponding stipulation, which was integrated into article 15, section 3 of the Lower Saxony Media Act and came into force on 1 January 2004; a corresponding regulation should also been introduced in Schleswig-Hostein.

For the private broadcasters Sat.1 and RTL this represents a violation of the freedom of establishment and services provided by the Treaty establishing the European Community and they have filed a complaint with the European Commission. The pending action brought against Germany by the Commission regarding the allocation of the third radio broadcasting chain in Rhineland-Palatinate (see IRIS 2003-8: 4) is quite comparable to this dispute.

The conference of directors of the provincial Media Establishments also decided on 3 May 2004 to specify the requirements regarding content and quality that regional window programmes must meet. This arises from a programme analysis carried out on behalf of DLM. At least 20-minute long reports covering regional events are therefore to be broadcast; further criteria are still to be discussed with the broadcasters.

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