[DE] Telemedia Law Reforms

IRIS 2005-2:1/16

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The Federal Government and the Länder, who agreed in 1996 to distinguish between tele- and media services, have decided to abolish the distinction in favour of a common regulatory system in order to take into account media convergence. It was announced at the telecommunications day organised by the industry association Bitkom in Berlin on 14 December 2004 that draft reforms of the law on tele- and media services should be put down for discussion in April 2005. They will include the total abolition of the current Mediendienstestaatsvertrag (Inter-State Agreement on Media Services) and its replacement with a new Telemediengesetz (Telemedia Act - TMG). The new Act will include data protection provisions for providers and e-commerce companies. The Government will take responsibility for these areas as a second step towards a general reform of the legal framework for media policy. The first step was the adoption in 2003 of the Jugendschutzmedienstaatsvertrag (Inter-State Agreement on Protection of Youth in the Media - JMStV), which transferred responsibility for youth protection in broadcasting and telemedia to the Länder. Although the Länder are therefore responsible for youth protection, data protection will in future be a matter for the Federal Government. Under the reforms currently envisaged, the Länder will nonetheless remain responsible for broadcasting in the narrow sense and for implementing the Telemedia Act at Land level. However, it is likely that certain difficulties will remain in terms of distinguishing between broadcasting services and telemedia on the one hand and telemedia and telecommunications on the other. The companies concerned have not been particularly eager to see the introduction of a form of so-called regulated self-regulation in the data protection field (similar to that brought in through the youth protection reforms). As before, they prefer to discuss with the Land data protection agencies the possible creation of a body similar to the Kommission für den Jugendmedienschutz (Commission for Protection of Youth in the Media).

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