[DE] Interstate Broadcasting Agreement Amended

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A "yes" vote by the State Parliament of Baden-Württemberg on 16 March 2005 signals completion of the process of ratification of the Eighth Agreement Amending the Interstate Broadcasting Agreement (8 RfÄStV) by the German Bundesländer. The amendments affect the Interstate Agreements on Broadcasting; Television and Radio Licence Fees; Funding; the ARD; the ZDF; Deutschlandradio; Media Services; and the Protection of Young Persons in the Media. Completion of the ratification process means they can take effect as planned from 1 April 2005. The new Amending Agreement also transposes Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (the Universal Service Directive) insofar as it provides specifically for broadcasting and the relevant matters fall within the legislative competence of the Federal States.

This updating of German media law was preceded by intensive debate, particularly on two questions. The first concerned tighter definition of the role of public-service broadcasting - as, for example, through limitation of the number of radio and television programmes that the broadcasters could produce. New programmes may now be broadcast only to replace previous output, with 1 April 2004 as the reference date for determining the number of programmes permissible. The second issue concerned the fact that licence fees had to be reviewed following expiry of the last licensing period. Any alteration in the level of fees is fixed by the independent Committee for Determining Broadcasters' Financing Requirements (KEF), on the basis of figures supplied by the public-service broadcasters. This time, however, there was a change of procedure. The KEF had already decided that the broadcasters' requirements were considerably less than they claimed. Thereupon and for the first time, the Minister Presidents of the Federal States stepped in to adjust the level proposed by the KEF, fixing on a reduction of around 20%. No decision has yet been taken on whether the broadcasters will challenge the decision in the Federal Constitutional Court.

Achter Staatsvertrag zur Anderung rundfunkrechtlicher Staatsverträge (Achter Rundfunkanderungsstaatsvertrag)

http://www.ard.de/-/id=224832/property=download/ilt25y/index.pdf

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Eighth Agreement Amending the Interstate Broadcasting Agreement of 8-15 October 2004

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