[DE] Draft Telemedia Bill Approved

IRIS 2006-7:1/15

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The Federal Government has set the course for an overhaul of German media law. On 14 June 2006 the Cabinet approved the text of a Bill drafted by the Ministry of Economics, which aims to standardise statutory provisions for a range of information and communication services.

The main component of the legislative package is the new *Telemediengesetz* (Telemedia Act - TMG) (see IRIS 2005-2: 9). The concept of telemedia embraces both tele- and media services - previously covered by separate regulatory systems. Teleservices were provided for at federal level in the *Teledienstegesetz* (Teleservices Act), while media services came under the *Mediendienstestaatsvertrag* (Inter-State Agreement on Media Services).

Abolition of the distinction between tele- and media services, which dates back to a regulatory compromise between the Federal government and the *Länder* in 1996, is intended to take account of media convergence.

Teleservices are specific information services for personal use, whereas media services are directed at the general public and, as a rule, differ from teleservices in that they are produced by journalists.

The planned comprehensive overhaul of German media law will include complete abolition of the existing *Mediendienstestaatsvertrag* . The first evidence of the new approach came with the conclusion of the *Jugendmedienschutzstaatsvertrag* (Inter-State Agreement on the Protection of [...] Young Persons in Broadcasting and Telemedia - JMStV) in 2003 (see IRIS 2002-6: 13). Then at the end of 2004 the Federal Government and the *Länder* agreed further steps in the development of media regulation. In future, media related provisions will apply irrespective of means of transmission, will be framed to allow for new developments and will be simplified. Responsibilities will be allocated according to the substantive purpose of the provisions, rather than the type of transmission or the transmission technology. While provisions for teleservices and media services will be standardised, separate provisions will continue to apply to telemedia and broadcasting on the basis that their respective functions in relation to the formation of opinion are different.

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Pressemitteilung des Bundesministeriums für Wirtschaft und Technologie

http://www.bmwi.de/BMWi/Navigation/Presse/pressemitteilungen,did=140388.html

Federal Ministry of Economics and Technology press release

Entwurf für ein Gesetz zur Vereinheitlichung von Vorschriften über bestimmte elektronische Informations- und Kommunikationsdienste (Elektronischer-Geschäftsverkehr-Vereinheitlichungsgesetz - ElGVG) vom 2006

http://www.bmwi.de/BMWi/Redaktion/PDF/M-O/elgvg-elektronischer-gesch_C3_A4ftsverkehr-vereinheitlichungsgesetz,property=pdf,bereich=bmwi,sprache=de,rwb=true.pdf

Bill concerning the standardisation of provisions in relation to specific electronic information and communication services 2006

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