[DE] Private Broadcasters Propose Rules to Prevent Dominant Opinion-forming Positions

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On 28 November 1994, the vice-president of the German organisation of private broadcasters: `Verband Privater Rundfunk und Telekommunikation e.V. (VPRT)`, sent a position paper to the Prime Ministers of the German Länder in which it proposes a method of preventing the establishment of dominant opinion-forming positions in the media sector.

According to the VPRT the relevant market to be taken into account is the German market of Federation-wide television programmes. Within this market maximum audience share of 33% is proposed as the upper limit of the market share a single media company may have.

In case a company has a more than 50% share in a broadcasting undertaking, the market share of this broadcaster would have to be calculated as part of the market share of this company. Market shares of companies owning between 25 and 50% of the shares in a broadcasting undertaking would have to be calculated on the basis of according to the existing provisions of calculating ownership shares. In case a company owns less than 25% of the shares of a broadcasting undertaking the market share of this undertaking should, according to the VPRT proposal, not be taken into account in calculating the market share of this company.

Furthermore, provisions are proposed: the calculation of the market share of a company in case this company produces more than 25% respectively more than 50% of the programmes of a broadcaster. Sanctions are also proposed: a forced division of the company concerned; the establishment within broadcasting undertakings involved of councils which control and decide on their programming; a strict division of the company concerned into a broadcasting unit with editorial competence and an economic unit deciding: the financial and economic issues involved; the introduction of co-decision procedures for staff members on editorial matters on the basis of editorial statutes; and obligation to share broadcasting frequencies with other broadcasters, independent of the company concerned. Cross-ownership restrictions are said to be unacceptable since these may endanger the economic development of media undertakings.

RTL Television has indicated explicitly that it does not support the VPRT initiative.

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VPRT-Positionspapier.

Position paper of the VPRT.

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