[DE] Draft Discussion Paper on Navigators and Electronic Programme Guides

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On 2 February 2007, the *Gemeinsame Stelle Digitaler Zugang der Landesmedienanstalten* (joint digital access office of the *Land* media authorities - GSDZ) presented a new draft discussion paper on navigators and electronic programme guides (EPGs) (see IRIS 2007-1: 7).

The paper states that there is no competition between the different programme lists currently available, independently of set-top boxes, and that this could lead to discrimination between different services. In order to guarantee freedom of access as required under Art. 53 of the *Rundfunkstaatsvertrag* (Inter-State Broadcasting Agreement - RStV) when such navigators are used, the following navigator standards are proposed. As far as is technically possible, all available channels must be listed and identified. The description of different "services offered via the system" must not only be complete, but should also be equal and free from discrimination where the different services are concerned. Comparable services may not therefore be treated or identified differently. In addition, according to Art. 13.1.3 of the *Zugangssatzung* (Statute on freedom of access to digital services), viewers should be able to use other navigators and EPGs as far as this is technically feasible.

The paper concludes that a variety of forms of channel identification would, in principle, be more likely to provide equality than a standard list. The use of navigators must be reported to the *Landesmedienanstalten* (*Land* media authorities), unless there is no particular potential for discrimination, e.g. for services provided to less than 1,000 households. In these circumstances, a complaints mechanism is sufficient.

Remote controls equipped with a so-called "Hot-Key“ are also covered by Art. 53 RStV, if this function can be used to call up certain channels in preference to others. If this button is functionally linked to the navigator, it represents discrimination.

Since this area is not regulated in the *Rundfunkstaatsvertrag* , advertising on navigator user interfaces is permitted in principle, as long as it does not give preferential treatment to any particular channel. Therefore, the promotion of a particular channel is problematic in view of the need to treat all channels equally.

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The way in which admissible product advertising appears should not therefore discriminate against listed channels (e.g. by concealing them or pushing them further down the list).

Once the feedback, which had to be submitted by 1 March 2007, has been evaluated and another has been workshop held, the GSDZ will further develop the requirements of the *Land* media authorities for navigators in accordance with Art. 13.5 of the *Zugangssatzung* and draw up proposed amendments to the *Rundfunkstaatsvertrag* .

Entwurf des Navigationspapier der GSDZ

http://www.alm.de/fileadmin/Download/Positionen/Navigationspapier_Entw._GSDZ_24.1.07.pdf

GSDZ draft paper on navigation

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