

[DE] Amendment to the Hessian Private Broadcasting Act

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On 30 May 2007, the Hessian Parliament adopted a decision amending the *Hessisches Privatrundfunkgesetz* (Hessian Private Broadcasting Act - HPRG), which is the legal basis for the rights of the private electronic media in the *Land* of Hesse. The amendment extended the Act's scope of application to telemedia comparable to broadcasting (i.e., telemedia directed at the public). This is reflected in the new name of the supervisory authority: *Hessische Landesanstalt für privaten Rundfunk und neue Medien* (Hesse State Authority for Commercial Broadcasting and New Media). The amendment, in particular the modification of the frequency allocation provisions contained in section 3 of the HPRG and the modification of the provision concerning the possession of analogue and digital cable installations (sections 42 and 43 of the HPRG) is in response to the changeover from analogue to digital broadcasting technology. Thus, for example, operators should realise that they are under an obligation to introduce digitisation by being told that the purpose of the frequency allocation is also to promote the digitisation of frequencies that up until now have been used for analogue broadcasting. In addition, they will be required, by the new provisions of section 3(10) of the HPRG, to provide information at the request of the highest Land authority, in this case the Hessian State Chancellery, on the current situation regarding the use of frequencies. If a frequency is not used for a long time, its allocation can be revoked. The new version of section 42 of the HPRG also takes into account the requirements of Article 31(1) ("Must carry" obligations) of the Universal Services Directive 2002/22/EC. The extent to which cable network operators can occupy frequencies has been extended. At the same time, however, a guarantee has been provided that they will distribute programming that reflects diversity of opinion and the range of choice available. The interests of the broadcasters and telemedia comparable to broadcasters will be met by enabling them to participate in the relevant procedures.

Gesetz zur Änderung des Hessischen Privatrundfunkgesetzes und des Gesetzes über den Hessischen Rundfunk vom 5. Juni 2007

<http://starweb.hessen.de/cache/GVBL//2007/00011.pdf>

