

[DE] 4th Structural Paper on the Distinction Between Broadcasting and Media Services Adopted

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On 27 June 2007, the *Direktorenkonferenz der Landesmedienanstalten* (Conference of Regional Media Authority Directors - DLM) adopted a revised version of the third structural paper on the distinction between broadcasting and media services (see IRIS 2004-1: 11). The DLM had asked the *Gemeinsame Stelle Programm, Werbung und Medienkompetenz* (Joint Body on Programming, Advertising and Media Competence - GSPWM) and the *Gemeinsame Stelle Digitaler Zugang* (Joint Body on Digital Access - GSDZ) to revise the paper on 20 March 2007, particularly in the light of the recently adopted 9. *Rundfunkänderungsstaatsvertrag* (9th amendment to the Inter-State Broadcasting Agreement) and *Telemediengesetz* (Telemedia Act - see IRIS 2007-4: 10). The document was also intended to take into account new Internet-based services. New provisions on Internet services and teleshopping were therefore added to the previous structural paper.

The paper expressly explains, for example, that services streamed via the Internet can be considered as broadcasting, while on-demand services such as video-on-demand should, in principle, be treated as telemedia. Services with less than 500 potential users should not be considered as services aimed at the general public. Not every Internet service should require a national licence. The structural paper lays down criteria to determine when services are aimed at a local or regional clientele and describes corresponding approval procedures.

As far as teleshopping is concerned, the paper states that, in view of new programme formats, Art. 2 (1) (4) of the *Rundfunkstaatsvertrag* (Inter-State Broadcasting Agreement) ("Telemedia shall include teletext, radiotext and teleshopping channels") mainly covers traditional forms of teleshopping, which as a rule have little relevance for the formation of opinion. Such relevance depends on the product itself and how it is advertised (from the viewer's perspective). A few examples are given, such as live sports broadcasts, the use of moving pictures and the copying of formats used in broadcasting.

Beschluss der DLM zur Überarbeitung des dritten Strukturpapiers/Internet-Radio und IP-TV vom 27. Juni 2007

http://www.alm.de/fileadmin/forschungsprojekte/GSPWM/Beschluss_IP-TV.pdf

