[DE] Deutschlandradio Forced to Withdraw D-Plus Digital Radio Service

IRIS 2007-8:1/44

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Deutschlandradio was forced to switch off its digital channel *D-Plus* following an order by the *Rundfunkkommission* (Broadcasting Commission) of the *Länder* on 31 July 2007.

D-Plus had been launched on 4 December 2006 in order to supplement the range of DAB digital radio services. Each weekday, the channel repeated four hours of documentary and discussion programmes originally broadcast on radio and television. It was closed down after the *Verband Privater Rundfunk und Telemedien e.V.* (association of private broadcasting and telemedia providers - *VPRT*) lodged a complaint with the *Hessische Staatskanzlei* (Hessen State Chancellery), whose turn it was to monitor compliance with the law under Art. 31(1) of the *DeutschlandRadio-Staatsvertrag* (Inter-State Agreement on *DeutschlandRadio - DLR-StV*), in February 2007. In its complaint, the *VPRT* claimed that *Deutschlandradio* , by broadcasting *D-Plus* , was exceeding the two channels it was allowed to transmit under Art. 2(1) *DLR-StV* , i.e. *Deutschlandfunk* and *Deutschlandradio Kultur* , and was thus in breach of the Inter-State Agreement. The *Rundfunkkommission* upheld the complaint. It disagreed with *Deutschlandradio's* argument that *D-Plus* was a programme-related media service and, given its reorganised content, it considered it to be a third separate *Deutschlandradio* channel, which was forbidden under the *DLR-StV* .

According to media reports, however, the *Rundfunkkommission's* decision was also based on the fact that following the amendment of the *Rundfunkstaatsvertrag* (Inter-State Broadcasting Agreement) and the related demands of the European Commission for greater transparency concerning financial transactions and detailed requirements for new digital services, the experiment launched with *D-Plus* should be stopped. *Deutschlandradio* for its part mentioned that *D-Plus* was, from the outset, only intended to be a test project for digital radio in preparation for the reorganisation of digital broadcasting and that a variety of experiments, such as the splitting of DAB frequencies, had been carried out.

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