

[DE] Land presidents agree to changes in Broadcasting Agreement

IRIS 1996-4:1/15

*Volker Kreutzer
Institute of European Media Law (EMR), Saarbrücken/Brussels*

Germany's Land presidents have reached agreement on a number of previously unsettled questions concerning amendment of the Broadcasting Agreement between the Federal States.

As reported in IRIS 1995-10:13, it was already agreed last autumn that the decisive factor in monitoring media concentrations would in future be the operator's actual share of the market. The aim here is to ensure that no single operator has power to dominate public opinion. In general, a 30% share of the market is to be the upper limit, and full and information programmes will be required to relinquish air-time as soon as their ratings top 10%. For calculation purposes, the operator's own share of the market is added to that of any direct partner with a stake of more than 10% in the operation. The same rule applies, in principle, to members of the same family. However, operators are free to produce proof that no undue influence exists.

It was also decided in the autumn that an investigating committee on concentrations (Konzentrationsermittlungskommission or KEK) would be established, although its legal form was left open.

Another important addition to the National Broadcasting Agreement will be a provision on non-discriminatory access to cable networks for broadcasters. The proposal for the setting-up of an independent media assessment body (Stiftung Medientest, cf. IRIS 1995-5:12) under the agreement was not, however, accepted. The Länder will consider at a later stage whether such a body is needed.

Endgültiges Ergebnisprotokoll des Kamingesprächs der Ministerpräsidenten zu Offenen Medienfragen am 7. März 1996.

Minutes of the informal meeting on "open media questions" held by the Land Presidents on 7 March 1996.

