[DE] New Services Must Be Checked

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At their annual general meeting in September 2007, the directors and chairmen of the internal bodies of the broadcasters that make up the ARD agreed to apply for the first time the so-called three-stage approval procedure for new services offered by public broadcasters.

This procedure was introduced as part of the agreement reached between the European Commission and Germany, under which the preliminary examination of the compatibility of the remit and funding of public service broadcasting with state aid regulations was provisionally discontinued in April 2007 (see IRIS 2007-6: 3 and IRIS 2007-2: 5).

The German Government had promised the Commission that it would introduce an approval procedure for new services, including new media services. This involved checking whether the service formed part of the public service remit and met the democratic, social and cultural needs of a society, whether it contributed to media competition from a qualitative point of view, and whether the required expenditure had been accurately calculated.

The *Länder* , which are responsible for enacting broadcasting law, have until April 2009 to adopt the necessary legislation. They will need to bear in mind that petitions from third parties concerning the market-related effects of new or amended services must be taken into account by the public broadcasting authorities. As regards telemedia, Germany has agreed to define in law, which services are part of the public remit, and which are not.

It appears that the details of the examination procedure have not yet been worked out, either by the *Länder,* or by the broadcasters. Differences resulting from the structure of the ARD on the one hand and ZDF on the other will need to be taken into account.

In this sense, the ARD's initiative can be considered a test run, which should provide information on the internal responsibility for the different parts of the examination process and its practical implementation. The examination will focus on the ARD's *Mediathek* , a centralised online service offered by the regional broadcasters enabling users to download content wherever and whenever they choose. These experiences will be used to draw up a proposal with a more precise description of the approval procedure, to be presented to decision-makers in the

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