[DE] Media Commission's Statement on Local and Regional Television

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On 29 February 2008, the Media Commission of the *Landesanstalt für Medien Nordrhein-Westfalen* (North Rhine-Westphalia Regional Media Authority – LfM) reached decisions on new licences to broadcast local and regional television and awarded seven ten-year licences for regional general-interest channels.

While taking these decisions, the LfM also adopted a declaration on its strategy for avoiding the formation of local monopolies of influence on opinion-forming.

According to section 33(2) of the *Landesmediengesetz Nordrhein-Westfalen* (North Rhine-Westphalia Regional Media Act), press undertakings with a dominant position in the newspaper and magazine market in a particular circulation area must not exert a dominant influence, either directly or indirectly, on broadcasters. As the Act does not lay down any actual limits, the LfM's Media Commission considers its task to be to act as soon as the procedure to award licences is launched in order to prevent the formation of local monopolies of influence on opinion-forming and, consequently, safeguard the diversity of media offerings and/or suppliers as well as editorial independence.

In the Media Commission's opinion, local media diversity must be achieved both via the number of providers and the number of services. Accordingly, it says, the general rule is that the more competition and providers there are the more likely it is that there will be a wide range of services in the case of local television too. However, since usually only one provider is in fact capable of surviving at the local level for economic reasons, television diversity can only come about through competition between public and private services, so that media diversity is of particular importance, i.e., the availability of different media (such as television and newspapers). However, the Media Commission points out that there is a risk of the development of a predominant power to influence public opinion if television providers and publishers form a joint company. Unlike in other markets, in the case of television, as a cultural and economic asset, an ex-post check should not be the first mechanism. A particular undesirable development of concern is that when public access is threatened by economic and/or media influences.

As a concrete mechanism for ensuring diversity and independence, the Media Commission first mentions the possibility of ruling out direct influence by

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introducing specific company-related measures (such as a limit on the size of a shareholding in the company) as an integral part of the broadcasting licence. The question of indirect influence (such as editorial links between the channel and the press undertaking) needs to be examined both in the licensing procedure and after the licence has been awarded, in particular with reference to the programmes that are actually broadcast. If such an examination reveals the possibility of a predominant power to influence public opinion, then, in the Media Commission's view, four instruments are in principle available: the establishment of an independent advisory committee on programming, the reservation of up to 60 minutes per week for independent third programmes, the establishment of editorial statutes and, finally, the withdrawal of the licence.

Pressemitteilung zur Medienkommissionssitzung vom 29. Februar 2008

http://www.lfm-nrw.de/presse/index.php3?id=572#2

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