[DE] The Länder submit the draft of an Agreement on media services

IRIS 1996-5:1/17

Natali Helberger
Institute for Information Law (IViR), University of Amsterdam

The Minister-Presidents of the Länder have agreed in Berlin on the draft of an Agreement between the Länder (Federal States) on media services. The draft was submitted to the groups concerned for the first time on 3.3.1996. From January 1997, this would replace the previously applicable Agreement between the Länder on interactive videotext. The Länder have proposed their own unified regulations for the new services equivalent to the federation's planned legislation on the multi-media.

This would cover all services not included in the Agreement between the Länder on broadcasting. Thus the Agreement between the Länder on media services includes a comparatively general, non-exhaustive list of services which would fall within its field of application, eg tele-shopping, servers, call-up services and text services.

Specific services in the area of personal communications would be excluded.

The Agreement between the Länder provides for an obligation for network operators to contract compared with organisers of media services.

Organisers would be granted basically free access to produce media services. Exceptionally, however, an obligation of notification to an appropriate regional office would apply if the service offered comprised mainly moving images. If the appropriate regional media office believes the service to be significant in forming public opinion in the same way as a broadcast programme within the meaning of the Agreement between the Länder on broadcasting, authorisation under broadcasting legislation would also be necessary.

Further provisions refer to payment for, presentation and content of media services. In keeping with the view that the services covered by the regulations should not be qualified as broadcasting, there are no quantitative requirements concerning advertising and sponsoring in respect of media services, although there are qualitative requirements.

The Agreement between the Länder on media services also contains extensive regulations on the right of reply, use of data and data protection.

© European Audiovisual Observatory (Council of Europe) 2026

Supervision of compliance with the provisions of the Agreement and the assumption of specific measures to punish infringements of the law falls to the appropriate regional office, although these are not specifially named in the Agreement between the Länder. Supervision does not extend to cover the services offered by public-law broadcasting stations.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026