[DE] WDR Broadcasting Council Approves Original Live Streaming Services

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Christian Lewke
Institute of European Media Law (EMR), Saarbrücken/Brussels

On 19 September 2013, the Rundfunkrat (Broadcasting Council) of Cologne-based Westdeutscher Rundfunk (WDR) ruled that the original live streams of major sports events produced by WDR and made available via the online portal of the Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland (association of German public service broadcasters - ARD) at “sportschau.de” were covered by the relevant telemedia concept.

The Broadcasting Council did not consider the three-step test required under Article 11d-11f of the Rundfunkstaatsvertrag (Inter-State Broadcasting Agreement - RStV) was necessary in this case. Its decision related to the obligation of public service broadcasters under Article 11f(4) RStV to submit new or amended telemedia services to the relevant regulatory body (see IRIS 2009-2/15; IRIS 2012-10/8) and to demonstrate that they fall under their public service remit (so-called three-step test). They must explain the extent to which the services meet the democratic, social and cultural needs of society (1st step), how much they contribute to media competition from a qualitative point of view (2nd step) and how much it costs to provide them (3rd step).

In order to avoid every single change to an existing service having to undergo a new three-step test, the test is only required if the general content or target audience of the service is significantly changed, or if the current budget is noticeably exceeded. In the present case, the test only concerned journalistic video material of individual sports events (such as the Olympic Games, World Athletics Championships, summer and winter sports events, the football World Cup and paralympic sports) transmitted via the Internet. Many of these sports events would not have been broadcast due to capacity limits if they had not been shown via the live online channel. Since other parties had not been interested in broadcasting them, the effects on the market had remained small.

The Broadcasting Council confirmed that the content offered did not represent a new or amended service and was covered by the telemedia concept of “sportschau.de”. It had examined the overall legal situation, the possible effects of the service on the market and the related costs.

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Pressemitteilung des WDR-Rundfunkrates zur Entscheidung vom 19. September 2013

http://www.wdr.de/unternehmen/gremien/rundfunkrat/pressemitteilungen/pressemeldung_2013_09_19.jsp

Press release of the WDR Broadcasting Council on the decision of 19 September 2013

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