[DE] New online rules for public service broadcasters enter into force

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Under the amended German Rundfunkstaatsvertrag (Inter-State Broadcasting Agreement - RStV), which came into force on 1 May 2019, some of the rules governing the public service broadcasters' telemedia remit have been revised. The RStV, an agreement between the German Bundesländer concerning broadcasting and telemedia, is one of the legislative cornerstones of Germany's dual broadcasting system.

In the document that entered into force in May, the rules on the retention time of public broadcasters' programmes in online media libraries were relaxed. The so-called "seven-day rule", under which public service broadcasters were normally allowed to make their television and radio programmes available online for only seven days after their linear broadcast, was more or less abolished. However, numerous exemptions had meant that the rule had, in reality, hardly ever been applied.

For the first time, the Rundfunkstaatsvertrag now contains clear instructions on interactive communication and social media use. Provisions have also been added to improve the online linking of the telemedia content of different broadcasters. Public service broadcasters' media libraries are currently separate, which means that search results on one broadcaster's platform do not contain any links to the programmes of other public channels. The reformed telemedia remit is now being seen as the first step towards the creation of a "public service ecosystem".

One point of contention in recent years has been the distinction between public broadcasters' online services and the digital services of newspaper publishers. In accordance with a compromise reached as part of the reforms, the online services of ARD, ZDF and Deutschlandradio will, in future, be required to focus primarily on moving images and sound. Their telemedia offerings will not be allowed to be "press-like", with the exception of overviews of what is on offer, headlines, broadcast transcripts and accessibility measures. Telemedia providing content from a specific broadcast, including background information, are also exempt from this rule. A joint arbitration body with equal representation of broadcasters and press organisations will be set up to deal with disputes.

Another, more comprehensive draft amendment to the Rundfunkstaatsvertrag is already being discussed. As part of this amendment, new rules will be introduced

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for media platforms and programme guides as well as for media intermediaries such as search engines, social networks and blogging portals, including with a view to the implementation of the revised Audiovisual Media Services Directive.

Rundfunkstaatsvertrag in der Fassung vom 1. Mai 2019

https://www.die-medienanstalten.de/fileadmin/user_upload/Rechtsgrundlagen/Gesetze_Staatsvertraege/Rundfunkstaatsvertrag_RStV.pdf

Inter-State Broadcasting Agreement, version of 1 May 2019

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