

[DE] Agreement Lists Events of National Importance / Right to Broadcast Short Reports

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The discussion of measures to safeguard the live transmission of major (sports) events on German public television (see IRIS 1997-10: 7 and IRIS 1997-7: 15) took a new turn in mid-December, when the Minister-Presidents of the Länder agreed to make use of the possibilities offered by Article 3 a of the EC's revised "Television without Frontiers" Directive and draw up a list of events of major public importance. An attempt had initially been made to negotiate a voluntary agreement with the rights-holders, and particularly the Kirch Group. However, when the outcome of a meeting between media representatives and politicians became known and was generally discussed, a public call was raised for inclusion in the agreement of other sports events, in addition to those already covered. The Länder concerned set out to secure better terms unsuccessfully. Kirch

Although the FIFA has stated in the meantime that the agreement concluded with the rights-holders, the Group and the Swiss Company ISL, means that the World Cup matches will be shown on free TV in 2002 and 2006, the Minister-Presidents of the Länder now prefer to draw up a list.

The plan at this stage is to include the following events in the list, which will then be embodied in a national agreement: The Olympic Games, all the German national football team's European and World Cup matches, as well as the opening match, semi-final and final of those competitions, the final and semi-final of the German Football League cup (DFB) and all the national team's home and foreign matches.

The addition of other major events to the list is now being considered, and a final decision can be expected at the next meeting of the Minister-Presidents of the Länder in mid-March.

The debate on sports reporting in Germany is also influenced by other factors, the background to which is the right to report certain items briefly, included in the Inter-State Agreements on Broadcasting in the late 1980s and early 1990s. The current rule is contained in Article 5 of the Agreement on Broadcasting between the Federal States in United Germany, in the third amended version of 26 August - 11 September 1996, which has been in force since 1 January 1997. This states that every licensed television station in Europe has the right to broadcast, free of

charge, brief reports on public events and functions of general interest. The length of these reports is normally limited to one-and-a-half minutes.

The oral stage of the proceedings brought against the agreement by the Federal Government in the Federal Constitutional Court was concluded late last year, and a judgment can be expected in mid-February. In the meantime, the dispute concerning exercise of this right by Sender Freies Berlin (SFB) has been resolved.

By agreement with Berlin-based ice-hockey teams, SFB had broadcast short reports on their home matches one of the few cases in which this right has so far been used. In late autumn, Deutsches Sportfernsehen (DSF), which owns the primary transmission rights, forbade SFB to continue. At the end of December, however, the DSF, ARD and ZDF reached an agreement on these reports, which may now last up to three minutes.

