

# Communication and Media Policy Directives - Summary

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Resolution of the General Meeting on 17th/18th May, 2006

- **New Media Regulations must create legal certainty and security regarding planning**

The regulatory mechanisms from the analogue period only insufficiently take into account the current changes to the media landscape. The digital media world requires new Media Regulations which promote willingness to invest and growth, abolish competitive distortion and bring to an end the present state of legal uncertainty and insecurity regarding planning.

*The core demands of the VPRT in that respect:*

- Stopping the expansion of ARD and ZDF and making a clear distinction between private programmes offered and those offered under public law, financed by fees, in view of the intensity or density of regulations/funding
- Safeguarding fair competition and non-discriminatory access conditions for content providers to rights and infrastructures in relation to the vertically integrated telecommunications/media companies
- Increasing freedom of broadcasting, information and provision of services
- Increasing entrepreneurial responsibility and voluntary self-regulation by reducing state intervention to a minimum
- Co-ordinating and streamlining regulatory responsibilities
- Reducing the density of regulations governing private broadcasting and guaranteeing equal treatment with comparable media offers
- Developing a fair system of graduated density of regulations while reasonably weighting obligations and rights of the providers.

- I. **Analogue/digital changeover requires a binding bridging concept and fair general conditions for competition and access**

The VPRT supports a sustained and rapid digitalisation of the broadcasting transmission channels, as well as the development and extension of the infrastructures for disseminating electronic content.



*The core demands of the VPRT in that respect:*

- Market-orientated extension of the networks fit for the future and guaranteeing of fair competition of the network operators and infrastructures
- Agreeing a binding plan for changing over from analogue to digital, taking into account the special features related to the media genre concerned
- No erosion of analogue capacities at the expense of private broadcasting/media service providers
- Regulatory accompaniment of vertical integration and guaranteeing of non-discriminatory access of the independent media offers to networks and platforms
- No regulatory preference for platform operators over programme and content providers
- Reasonable acknowledgement of the value of content and creation of adequate models for remuneration for the digital world
- Priority access of broadcasting/comparable media services to digital terrestrial frequencies and redistribution of frequencies in the dual broadcasting system
- Integration of the various standards of digital dissemination and creation of a terminal and reception infrastructure that is fit for the future
- Guaranteeing advancement of digitalisation that is neutral technologically and in regard to networks
- Securing of comprehensive protection of content, as well as fair sharing in copyright proceeds

## **II. Advertising regulations must be modernised and made more flexible**

Advertising serves to inform the consumers and is at the same time a significant economic factor. The broadcasting advertising regulations - in particular in the case of television - are unreasonably restrictive in relation to other media. Prohibitions on advertising and obsolete advertising regulations block important potential for innovation and growth.

*The core demands of the VPRT in that respect:*

- Modernisation and deregulation of the advertising regulations on both a European and national level



- Abolition of redundant advertising prohibitions and obsolete television advertising regulations on individual spots, advertising-block requirement and interval control systems
- **Reorganisation of the Dual Broadcasting Regulations is more than overdue**

Digitalisation increases the pressure to fundamentally reorganise the dual broadcasting system, which, over 20 years after its inception, is more than overdue.

*The core demands of the VPRT in that respect:*

- Specification of the Basic Provision Mandate under public law (qualitatively and quantitatively), predominantly focusing on the fulfilment of socially relevant functions
- Mandate-orientated restriction or reduction of public-law radio and TV offers, as well as offers accompanying programmes
- Restriction of public-law frequencies and transmission capacities to defined means of transmission and statutorily appointed programmes
- Abolition of advertising finance and exclusion of additional commercial offers
- Transparency and control of associated and subsidiary companies under public law through extension of the capacities of audit courts and the KEF, the Commission for Ascertaining Financial Requirements [*Kommission zur Ermittlung des Finanzbedarfs*]
- Cessation of purely commercial interests; privatisation of the public law operation of the transmission network

Stuttgart, 17/18 May 2006