

ORGANISATION DE COOPÉRATION ET DE DÉVELOPPEMENT ÉCONOMIQUES



ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

OECD COMMUNICATIONS OUTLOOK 2001
Broadcasting Section

Country: Germany

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BROADCASTING

Broadcasting services available

1. Please provide details of the broadcasting and cable television services available in your country.

Infrastructure provision for following service	Number of licensed operators (2000)	Number of privately owned companies ¹	Number of public service organisations ²
Terrestrial TV (National coverage ³)	16	16	2
Terrestrial TV (Local coverage ⁴ only)	20	12	8
Terrestrial radio (National coverage)	19	18	1
Terrestrial radio (Local coverage only)	190	182	56
Cable television service ⁵		approx. 60	1
Analogue direct broadcast satellite (DBS) service	34	21	15
Digital DBS service	5	3	3

¹ Defined as private sector companies holding one or more licences for service provision.

² Including state-owned corporations or institutions holding one or more licences for service provision.

³ A service with national coverage is defined as a service by a group of television or radio stations distributing a majority of the same programming, that are licensed on a national or regional basis but collectively provide nation-wide coverage. Affiliating companies of the nation-wide broadcast network are included in this category. If new operators have been licensed to provide national coverage in the last three years but are at the stage of rolling out networks please include these operators in the total.

⁴ A service with local coverage is defined as a service by a group of television or radio stations that are licensed on a national or regional basis but distribute the programming in the local area only. If new operators have been licensed to provide local coverage in the last three years but are at the stage of rolling out networks please include these operators in the total.

⁵ Please indicate if more than one organisation is permitted to own and operate cable television infrastructure in the same area.

2. Please provide details on the major terrestrial TV broadcasting companies which have national coverage in your country⁶.

Name of national terrestrial broadcaster	Ownership status (private or public)	Analogue or digital service or both	If digital		Relationship with transmission network owner ⁷
			Free to Air (FTA) ⁸ or subscription	Number of channels	
ARD	public	both	FTA	16	a
ZDF	public	both	FTA	9	a
RTL	private	both	FTA	5	a

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⁷ Options include:

- (a) broadcaster owns network
- (b) broadcaster has a commercial relationship with a privately owned network
- (c) broadcaster has a commercial relationship with state owned network
- (d) broadcaster has non-commercial relationship with state owned network
- (e) other; please describe.

⁸ A free to air (FTA) service is one which is available to viewers without paying a direct fee.

3. Please provide details on the major cable and satellite broadcasters and transmission networks in your country.

	Name of broadcaster	Number of channels in premium service		Does the broadcaster own the transmission network? If not, who does?	Is the transmission network used to deliver more than one broadcasting service?
		Analogue service	Digital service		
CABLE	ARD	7	16	Kabel Deutschland	Yes
	ZDF	1	9	-“-	Yes
	RTL	1	5	-“-	Yes
SATELLITE	ARD	8	16	ASTRA	Yes
	ZDF	1	9	ASTRA	Yes
	RTL	1	5	ASTRA	Yes

4. What was the price of a subscription service in the largest city of your country on 1st January 2000? Basic service corresponds to the least expensive option to a customer and premium service the most expensive option. (Local currency, current prices)

	Name of operator	Connection fee	Basic service		Premium service	
			Monthly subscription fees	Number of cable channels included in the basic option (excluding free services)	Monthly subscription fees	Number of cable channels included in the premium option (excluding free services)
Cable Television services	Premiere World	150,- DM	39,90 DM	8	69,80 DM	26
Satellite television service	Premiere World	150,- DM	39,90 DM	8	69,80 DM	26
Digital terrestrial television service	no pay-TV	—	—	—	—	—

Communication services available on broadcasting networks

5. Please provide details on the communication services available from broadcasting transmission networks in your country.

	Terrestrial	Cable	Satellite
Services provided over the network, e.g. FTA broadcasting, Subscription broadcasting, Telephony, New digital services, Internet access	FTA	FTA Subscription New digital Services	FTA Subscription New digital Services
How many cable and satellite operators are providing telephony and internet access services?	—	not yet	not yet
Regulatory restrictions Does the owner/manager of the transmission network face regulatory requirements in the following areas. If so, please give details. -Access to infrastructure or transmission services -Providing access to conditional access systems -Ownership restrictions -Restrictions on services which can be provided	Yes - must carry rules (§52 <i>Rundfunkstaatsvertrag</i> - Agreement on Broadcasting between the Federal States) Yes - non-discrimination (§ 53 <i>Rundfunkstaatsvertrag</i> - Agreement on Broadcasting between the Federal States) No No		

Digital television

6. (a) Please indicate on which transmission networks digital television is (or will be) available and whether it is provided as a subscription service or FTA. Also indicate the year in which the service first became available (or will become available).

	Terrestrial	Cable	Satellite
FTA	1998		1996
Subscription	—	1996	1996

(b) Please provide data indicating the take-up rate of digital television by consumers, such as percentage of households with a digital television receiver.	approx. 6 % (Premiere World has about 2 million digital subscribers)
(c) Do regulations restrict the type of services which digital broadcasters can provide? If so, please provide details.	No
(d) Are digital terrestrial broadcasters required to provide a simulcast service in analogue and digital? If so, please describe the requirement.	No

Broadcasting regulatory framework

7. Which organisation(s) administer the following services (carriage and content) in your country and what are their main responsibilities? Please mention agencies dealing with spectrum allocation and management, and providing licences.

Terrestrial broadcasting service	
Cable Television service	15 media institutes of the Federal States (Supervisory Authority for (Private) Broadcasters) (programme control, protection of juveniles, provision of licenses for broadcasters)
Direct broadcast satellite (DBS) service	

8. How would a carriage network which delivered television, telephony and internet services be regulated in your country?

Please provide details:

Television services are regulated by the 15 media institutes of the Federal States. The Regulatory Authority for Telecommunications and Posts is responsible for regulating telephony services. There is no special agency that regulates Internet services; these services are governed by general legislation (e.g. competition law, criminal law) and thus fall within the jurisdiction of the authorities or courts responsible for the relevant issues.

9. Please provide a description of significant recent policy changes affecting the provision of broadcasting services, as well as any draft laws, or regulatory proposals to be implemented in 2000-2001.

Please provide details:

The fifth agreement to amend the Interstate Broadcasting Agreement results in an extension of broadcasting law in the Federal States:

- Improved juvenile protection provisions.
- Increased advertising opportunities, mainly for local and regional broadcasters.
- Preferential allocation of digital broadcasting facilities for broadcasters who already provide analogue services.

10. Please indicate whether public service obligations in broadcasting regulations have changed since 1998 and provide details of any changes.

Please provide details:

- Additional juvenile protection provisions (limited broadcasting time, facilitating encryption and programme-lock measures for broadcasters providing digital programmes).
- Events of major significance to the public must be carried by Free TV providers.

11. Please indicate whether regulations concerning content have changed since 1998. Please provide details of any changes in relation to:

Local content requirements	In digital cable systems one channel must be made available for regional or local broadcasters.
Must-carry requirements	Must-carry requirements are provided for in Section 52 of the Interstate Broadcasting Agreement (cf. question 5) and came into effect on 1 April 2000.
Community standards	

12. Please indicate whether regulations concerning ownership and market entry (for terrestrial, cable and satellite) have changed since 1998. Please provide details of any changes in the following areas:

Limitations on number of stations	
Foreign ownership	
Cross media and cross sector provisions	
Other restrictions on ownership	

Convergence

13. Under the communication regulation existing in your country how would services provided over the Internet, which some have likened to broadcasting services (e.g. audio and video services transmitted over the Internet) be defined and treated?

Please provide details:
 The content of the service basically decides whether it is defined as broadcasting (requiring a licence) or as a media service which does not require a licence. If the transmission of broadcasting on the Internet is not regarded as mass communications, it can be assumed that this is a media service accessed by individuals.
 So far, no license is required for television broadcasters on the Internet, although this is the case for audio broadcasters.

14. Would a video-on-demand service be treated differently in terms of regulations, according to the transmission methods (for example, PSTN, cable or satellite)?

Please provide details:
 The transmission method does not basically affect whether video on demand is regarded as broadcasting or is a licence-free media service: it depends on the content and on whether the transmission method has a broad impact in terms of quality and quantity.

15. Under the communication regulation existing in your country how would conditional access services, such as in digital DBS services, be treated?

Please provide details:

Providers of services for which an access entitlement is required which manufacture or market access services for television services must offer technical services to all broadcasting companies at conditions which allow equal opportunities and are appropriate and non-discriminatory, and which permit their television services to be received by entitled viewers using decoders administered by the service providers. This obligation applies similarly to suppliers of systems which also guide the selection of television programmes and which are used as a higher-level user interface for all services offered via the system (navigators). This derives from Section 53 of the Agreement on Broadcasting between the Federal States in United Germany.