

## **ZDF Television Council decides on procedure for public value test Chair Ruprecht Polenz: arrangements clear and transparent**

ZDF's governing body, the Television Council (Fernsehrat), has agreed to introduce a formal approval procedure for telemedia services. This move anticipates the requirements of the 12<sup>th</sup> Amendment to the Interstate Treaty on Broadcasting, which includes a three-step public-value test for approving new or modified as well as existing services. In taking this decision, the governing body has revised the transitional arrangement agreed a year ago, now bringing it into line with the European Commission's expectations and adjusting the procedure accordingly.

Responsibility for the three-step test lies with the Television Council, which "has a special commitment to a clear and transparent procedure", as council chairperson Ruprecht Polenz emphasised in the resolution he proposed to the governing body. Appropriate arrangements would, he said, ensure the independent role of the Television Council within the three-step test.

The starting point for the procedure is a project description, which is to be submitted to the Television Council by the Director-General of ZDF. The project description addresses the criteria for the three-step test, explaining whether a planned offering belongs to the public service remit and whether it constitutes a qualitative contribution to journalistic competition. It must also take into account the scope and quality of the freely accessible services that already exist. Finally, the project description must detail the costs of the service in question, i.e. the information needed for the third step.

The Television Council then decides whether to instigate the public value procedure. If it does so, the project description is first of all published on the ZDF website so that third parties have an opportunity to comment on the service under scrutiny in the three-step test. The Television Council sets a deadline for responses, but it must grant at least six weeks' notice. In evaluating the likely impacts of the project on the media market, the Television Council draws on the expert advice of external consultants.

The three-step test shall be applied to the totality of the services provided and to their basic orientation. Individual programmes or items in an offering are not assessed as such. A decision to go ahead with a new or modified service requires a two-thirds majority of the members present on the ZDF Television Council, which must, however, be no less than the majority of the body's full statutory membership of 77.