[DE] State treaty on public broadcasting reforms agreed

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On 25 October 2024, the heads of government of the German *Länder*, which are responsible for media regulation in Germany, agreed to adopt a draft *Staatsvertrag zur Reform des öffentlich-rechtlichen Rundfunks* (state treaty on the reform of public broadcasting – *Reformstaatsvertrag*). The draft treaty sets out fundamental public broadcasting reforms designed to ensure that the nine regional broadcasters that make up the *Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland* (German Association of Public Service Broadcasters – ARD), *Zweites Deutsches Fernsehen* (ZDF) and *Deutschlandradio* are, in future, "more digital, more streamlined and more modern". Its key provisions concern the confirmation of the public service remit, the amalgamation of administrative structures, the partial reduction of services and the switch to exclusively digital transmission, the tightening of rules prohibiting press-like services, the cost of sports rights, cooperation with private broadcasters and changes to internal supervision.

As far as confirmation of the public service remit is concerned, the draft treaty seeks, in particular, to strengthen interactive and participatory formats, as well as educational skills and media literacy activities, and to promote coverage of the full breadth of sport. Fulfilment of the remit will be regularly monitored against legally defined criteria (e.g. availability and accessibility, usage, impact, balance, etc.). A *Medienrat* (Media Council) comprising six independent experts will be set up for this purpose, and will conduct an extensive external assessment of the entire system every two years.

The reform also includes a number of structural changes, especially in relation to cooperation between the broadcasting authorities that make up the ARD, which should also cut administrative costs. In order to reduce multiple structures and create clear decision-making processes, management teams will be assigned to the key joint services within the ARD and ZDF. Joint services will therefore remain, but mirroring or duplication of decision-making structures (e.g. duplicate management boards) should be prevented. As a general principle, the broadcasting authorities must also work together more closely, in particular by combining operational, technical and human resources, including studios in Germany and abroad. The number of special-interest channels will also be cut: *tagesschau*24, Phoenix, ARD-alpha and ZDFinfo are all linear special-interest channels that focus on news, education and documentary programmes. Under the

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reforms, this number will be reduced from four to two, while the number of radio stations will be cut from 69 to 53.

The requirement that the telemedia services of public service broadcasters should not be press-like will remain in place. Newspaper publishers and publisher associations, in particular, had previously criticised – and taken legal action against – individual services offered by broadcasters on the ground that they were too text-intensive. The new treaty therefore tightens certain rules, stating that the use of text is limited to (1) programme-related text, (2) service overviews, (3) current news headlines, including related real-time reporting, (4) fact-checks, (5) information about the broadcaster concerned, (6) accessibility measures, (7) admissible chats and forums, and (8) information that must be provided according to law. This "positive list" of permitted uses therefore mainly concerns the primary areas of the information remit of public broadcasters and excludes all other forms of text-based reporting.

Meanwhile, the treaty also introduces a spending cap for sports rights (with certain exemptions). Until now, for example, the ARD and ZDF have spent 8 to 10% of their programming budget on sports rights. In future, total expenditure on sports broadcasting “must not exceed a reasonable proportion of overall spending”. It is considered reasonable to devote 5% of total spending to sports rights, although a higher proportion is possible in sport-heavy years.

The treaty also contains new rules designed to strengthen cooperation. In order to fulfil their public service obligations, the state broadcasters that form the ARD, ZDF and *Deutschlandradio* must cooperate with private broadcasters and related companies. The treaty stresses that such cooperation may particularly include embedding or other networking of public service content or offerings, simplified processes for making available public service content or shared use of infrastructure.

Finally, the treaty’s new provisions related to internal supervision mainly concern governance structures. They require broadcasters to develop governance standards within the ARD, ZDF and *Deutschlandradio*. This should help to guarantee comparable quality and scope of governance, as well as to define management and supervision obligations.

The amended state treaty must now be ratified by the *Länder* in an official legislative act that is expected to enter into force in 2025.

Beschlussfassung des Entwurfs für einen Staatsvertrag zur Reform des öffentlich-rechtlichen Rundfunks (Reformstaatsvertrag)

https://rundfunkkommission.rlp.de/fileadmin/rundfunkkommission/Dokumente/ReformStV/Synopse_ReformStV_MPK_Beschlussfassung_2024-10-25_Clear.pdf

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Resolution on the draft state treaty on the reform of public broadcasting

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