[DE] New SWR Inter-State Agreement Enters Into Force

IRIS 2014-3:1/21

Melanie Zur
Institute of European Media Law (EMR), Saarbrücken/Brussels

The new Staatsvertrag über den Südwestrundfunk (Inter-State Agreement on Südwestrundfunk, the public service broadcaster for the Länder of Baden-Württemberg and Rhineland-Palatinate - SWR-StV), entered into force on 1 January 2014.

The purpose of the new agreement is to guarantee a strong, properly functioning SWR in a digitised media world for a younger, trimedial audience. To this end, the agreement gives SWR greater flexibility to create its own business structure and develop multimedia forms of organisation.

SWR's new legal framework in particular makes provision for the clarification of its programming remit, the definition of which expressly mentions the Internet as a medium for the creation and distribution of broadcast services (Art. 3(1) SWR-StV). SWR services should be aimed at all sectors of the population and take particular account of the regional roots of broadcasting in both Länder. Regional identity will be strengthened through future SWR programming, with at least 30% of combined TV programming including separate simultaneous broadcasts for each Land.

Broader participation rights for SWR employees and governing bodies should also help guarantee SWR's journalistic independence. The Board of Directors will include one staff representative with full voting rights from each Land. The agreement also covers the introduction of a so-called editorial statute, which regulates the rights of programme staff to participate in programme-related affairs (Art. 38(2) SWR-StV).

Against the background of the request lodged by the Länder of Rhineland-Palatinate and Hamburg for a judicial review concerning the ZDF Inter-State Agreement to be carried out by the Bundesverfassungsgericht (Federal Constitutional Court), the SWR Broadcasting Council will no longer include representatives of the Land governments. Instead, it will contain one representative of Muslim associations (Art. 14(2)(5) SWR-StV) and one representative of the Verband Deutscher Sinti und Roma (Association of German Sinti and Romanies - Art. 14(3)(13) SWR-StV), and reflect closely the population structure of both Länder. The SWR-StV also confirms the fundamental incompatibility of holding political office at Land, federal or EU level with

© European Audiovisual Observatory (Council of Europe) 2026

membership of the Broadcasting Council (Art. 13(3)(4) SWR-StV). The Board of Directors will also include three additional non-State representatives (Art. 20(1) SWR-StV).

These changes to the composition of SWR's governing bodies are designed to ensure a reasonable level of independence from the State. A minimum quota of female members was also introduced for both bodies (see Articles 14(6) and 20(2) SWR-StV for the Broadcasting Council and Board of Directors respectively). In order to bring about transparency, the Broadcasting Council should, in principle, now meet in public (Art. 17(4) SWR-StV). The debates held and decisions taken at public meetings must be published in an appropriate manner.

According to comments made by the Minister-Presidents of Baden-Württemberg and Rhineland-Palatinate, who signed the agreement, the new SWR-StV should therefore meet the requirements for an Inter-State Broadcasting Agreement that conforms to the Constitution, which are expected to be included in the judgment of the Bundesverfassungsgericht.

Staatsvertrag über den Südwestrundfunk

http://www.rlp.de/fileadmin/staatskanzlei/rlp.de/downloads/medien/Novellierter_SWR-Staatsvertrag.pdf

Inter-State Agreement on Südwestrundfunk

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026