[DE] Federal state governments agree German public broadcasting reforms

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Christina Etteldorf
Institute of European Media Law

On 2 June 2022, the heads of government of the German *Länder* (federal states) agreed to reform the remit and structure of public broadcasting in Germany through the *Dritte Staatsvertrag zur Änderung medienrechtlicher Staatsverträge* (third state treaty amending the state media treaties, 3. MÄndStV), which deals in particular with the definition of the public service remit, programming flexibility, the further development of public broadcasters' online mandate and the strengthening of their supervisory bodies.

In concrete terms, the latest reforms extend the public service broadcasters' remit so they can contribute to media diversity through their own initiatives and ideas. All sections of the population should be able to participate in the information society. In particular, due consideration should be given to all age groups, especially children, teenagers and young adults, while the interests of disabled people and families should also be reflected in the content provided. Significantly, the amended treaty expressly states that the public service remit includes entertainment, as long as it corresponds to a public service profile. A full range of entertainment programmes should therefore be easy to find on the home portals of general interest channels at all times of the day. The treaty's provisions on the fulfilment of the public service remit are also clarified: Article 26(2) of the amended version requires public broadcasters to provide independent, objective, truthful and comprehensive information and reporting, to respect privacy rights and to offer content that reflects the broadest possible diversity of topics and opinions.

As regards to their supplementary channels, tagesschau24, EinsFestival (both ARD), ZDFinfo and ZDFneo (both ZDF), and the special interest channels ARD-alpha (Bayerischer Rundfunk), Phoenix and Ki.Ka (ARD), the broadcasters will be free to either completely or partially close them down, or to turn them into online offerings with similar content.

As far as the public broadcasters' online (telemedia) services are concerned, a joint platform strategy involving all the public broadcasters will be adopted. The broadcasters will be able to trial new telemedia concepts with restricted audiences rather than having to follow the current approval procedure (the so-called 'three step test'). They will also be able to provide access to their

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telemedia content outside their own portals if, for journalistic and editorial reasons, this is necessary in order to reach the target audience. Any recommendation systems used in telemedia services should facilitate an open opinion-forming process and broad media discourse. Meanwhile, the on-demand offer of purchased European and non-European feature films and purchased episodes of TV series which are not commissioned will remain limited to 30 days after their linear broadcast and be further restricted to educational and cultural programmes. Such content may also be offered on demand as independent audiovisual content without a direct programming purpose for up to 30 days – restricted to Germany – although this period may be extended in individual cases for editorial or programming reasons, if doing so significantly contributes to the public-service profile. The offer of non-European works will also need to be specifically justified, in the sense that it should contribute to the profile of public service broadcasting.

The powers of the broadcasters' supervisory bodies will also be extended in relation to their monitoring of remit fulfilment and cost control. They will also be able to issue directives. The broadcasters will also need to be in "constant dialogue with the public, in particular with regard to the quality, provision and further development of their services".

Financial matters are not covered by the 3. MÄndStV and will be dealt with in a second round of reforms. The amendments will now be formally adopted by the heads of government of the *Länder* through written correspondence. The state parliaments will then be given prior notice, with the intention that the amended treaty will be signed before the Conference of Minister-Presidents on 20 October 2022. The 3. MÄndStV will then enter into force once all the *Länder* have ratified it on 1 July 2023.

Pressemitteilung der Rundfunkkommission

https://www.rlp.de/de/aktuelles/einzelansicht/news/News/detail/aenderungen-des-medienstaatsvertrags-angenommen-markenkern-des-oeffentlich-rechtlichen-rundfunks-ges/

Broadcasting Commission press release

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