[DE] Broadcasting Commission resolution on the current state of public broadcasting

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Following its meeting on 22 September 2022, the Broadcasting Commission of the German *Länder* published a resolution on the current state of public broadcasting in Germany. The Broadcasting Commission provides a permanent forum for the state and senate chancelleries of the *Länder* to discuss issues relating to media policy and legislation in and for Germany.

In its resolution, the Broadcasting Commission agreed that recent events within individual ARD broadcasting companies, including RBB (Rundfunk Berlin-Brandenburg) following allegations against its former director and the former chair of its board, posed a threat to public service broadcasting as a whole (i.e. the nine ARD broadcasters, ZDF and Deutschlandradio). The *Länder* demanded that these allegations be fully investigated. They believed that the broadcasting companies – "especially" their respective directors and boards, and in some cases, their staff representatives – had a duty to draw the correct conclusions from these events and to take appropriate action. Careful, responsible and transparent use of licence fee revenue was, in the opinion of the *Länder*, a prerequisite for the acceptance of public broadcasting. The broadcasters should also offer voluntary undertakings in financial matters. The resolution did not specify how such voluntary commitments should fit in with the constitutional law requirement for funding to be aligned with the broadcasters' remit.

The Broadcasting Commission urged all public broadcasters to review their internal supervisory and compliance structures. Each should report the results of this process and the measures it intended to take to the *Länder*. These reports should be submitted by all broadcasters to all *Länder* and not just to those in which the broadcaster operated.

The *Länder* thought that a common set of high standards, in relation to transparency and compliance matters, was required across the entire public broadcasting sector. They were evaluating possible amendments to legislative provisions in order to meet "best-practice" requirements. These could include general provisions of the *Medienstaatsvertrag* (state media treaty) and *ARD-Staatsvertrag* (state treaty on the ARD), or of the state treaties and laws establishing the individual broadcasting companies.

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In relation to the planned third amendment of the state media treaty, the Broadcasting Commission focused in particular on the boards of the public broadcasting companies, which the *Länder* considered to be an essential pillar of an independent public broadcasting sector, anchored at the centre of society. According to the resolution, they should meet their responsibilities and be capable of doing so. Under the third amendment, the boards would, in future, draw up quality and programming guidelines for all broadcasting companies and lay down standards for sound, rigorous financial management. The Broadcasting Commission encouraged the boards to continue the process established for this purpose in an ambitious way. The *Länder* believed that the broadcasters were therefore duty-bound to ensure that their board offices were suitably equipped, and were assessing the relevant legal framework. The resolution did not explain what "suitably equipped" meant in this context, whether it differed from one broadcaster to another, and how improvements to board offices related to the strengthening of expertise within the boards themselves.

The Broadcasting Commission will invite the directors of the ARD, ZDF and Deutschlandradio to discuss its resolution and expects the reports on supervisory and compliance structures and proposed measures in this regard to be submitted in the meantime.

Beschlussdokument der Rundfunkkommission der Länder

https://www.rlp.de/fileadmin/rlp-stk/pdf-Dateien/Medienpolitik/2022-09-22_RFK-Beschluss_zum_OERR.pdf

Broadcasting Commission resolution

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