[DE] Public broadcasting reforms adopted

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At their meeting on 21 October 2022, the Minister-Presidents of the German *Bundesländer* adopted the *3. Medienänderungsstaatsvertrag* (third state treaty amending the state media treaty), which, among other things, sets out the framework for public service broadcasting in Germany, defines the remit of the broadcasters that make up the ARD, ZDF and Deutschlandradio, and contains guidelines for jointly organised channels and additional services.

At the heart of the reforms is a new definition of the remit of public broadcasters. Under their remit, the public broadcasters are to act as a medium and factor in the process of the formation of free individual and public opinion through the production and transmission of their offers, thereby serving the democratic, social and cultural needs of society. In their offers, the public-service broadcasting corporations must provide a comprehensive overview of international, European, national and regional events in all major areas of life. In so doing, they must further international understanding, European integration, social cohesion and dialogue involving the whole of society at federal and state levels. According to the treaty's explanatory memorandum, the new definition of the programming remit is designed to be much more detailed than before. It takes into account the case law of the *Bundesverfassungsgericht* (Federal Constitutional Court), under which the *Länder* are responsible for determining the programming remit, as well as taking relevant media policy and programming decisions. The revised treaty includes a new provision emphasising the importance of public broadcasting as a platform for dialogue involving the whole of society. The explanatory memorandum states that the diversity of offers should "also include aspects that extend beyond standard formats aimed at mass audiences, and keep a journalistic eye on the entire spectrum of different perspectives and realities. At the same time, public broadcasters should aim to reach all sections of civil society with an overall offer and create for all these social groupings an inclusive space for communication and debate characterised by public-service quality standards".

The amended treaty also highlights the important role that a public broadcasting system, that is broadly embedded in society, can play in promoting democracy. Not least in an effort to close the generation gap in terms of the use of public broadcasting services. It specifically states that all age groups, especially children, adolescents, young adults and families, should be targeted. Insofar as public broadcasters should not only address aspects of culture, education,

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information and advice, but also provide entertainment, such offerings should reflect the public-service profile of the broadcasters.

Public broadcasters' online remit is also developed further, with broadcasters permitted to move certain channels onto the Internet. Their supervisory bodies are also given additional responsibilities. In particular, they must ensure "economical and efficient budgetary and financial management", lay down "quality standards for content and form" and develop "standardised inspection processes".

As a result of the amendments, there could be fewer linear channels and more purely online broadcasters in the future. The only linear television channels that remain mandatory are Das Erste, ZDF, the Dritte channels that make up the ARD, and the cultural channels 3sat and Arte. All other TV channels can now be moved online with the agreement of the supervisory bodies. These mainly include special-interest public-service channels such as the Kinderkanal or channels such as tagesschau24 or ZDFinfo, which mainly broadcast documentaries or news programmes. It is currently unclear whether broadcasters will take this opportunity to move these channels onto the Internet.

The draft must now be ratified by the 16 state parliaments and is expected to enter into force on 1 July 2023.

Dritter Staatsvertrag zur Änderung medienrechtlicher Staatsverträge (Dritter Medienänderungsstaatsvertrag)

https://www.rlp.de/fileadmin/rlp-stk/pdf-Dateien/Medienpolitik/Rechtsgrundlagen__Staatsvertraege_/3_MAEStV_final_Druckfassung.pdf

Third state treaty amending the state media treaty

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