

[DE] Broadcasting Commission decision on public service broadcasting reforms

IRIS 2023-3:1/26

*Christina Etteldorf
Institute of European Media Law*

On 20 January 2023, the *Rundfunkkommission* (Broadcasting Commission) adopted a decision on public broadcasting reforms in Germany, in which it laid down some key elements of the necessary overhaul of rules governing German public broadcasters. The Broadcasting Commission comprises representatives of the State and Senate Chancelleries of the *Länder*, which are responsible for media policy and legislation, acts as a permanent forum for the discussion of issues relating to media policy and lays the ground for future regulation in the form of state treaties. It decided to focus on three main aspects of the proposed reforms, which have been in the pipeline for some time: “Shaping digital transformation and increasing quality”, “Enhancing public service broadcasting structures and cooperation and ensuring licence fee stability” and “Further improving good governance”.

In its decision, the Broadcasting Commission began by emphasising that public service broadcasting continued to play an important role for democracy and society. However, it could only fulfil that role if the public had confidence in its structure and content, which therefore needed to be attractive, reliable and fact-based, however it was distributed. It was true that the *Dritte Medienänderungsstaatsvertrag* (third state treaty amending the state media treaty), which was currently undergoing ratification by the individual state parliaments, had taken important steps in terms of digitisation, public dialogue and strengthening the governing bodies of the public service broadcasters. However, compliance, transparency and supervision needed to be improved further in order to future-proof public service broadcasting from content-related, financial and technical points of view. This should be achieved through the proposed *Vierte Medienänderungsstaatsvertrag* (fourth state treaty amending the state media treaty), the main elements of which were laid out in the decision.

The reforms on “Shaping digital transformation and increasing quality” were designed to increase regionality, pluralism and journalistic quality. At the same time, however, services also needed to be more attractive and innovative, and the German broadcasters’ existing joint platform strategy could not achieve this on its own. The Broadcasting Commission therefore recommended going a step further by including 3sat and ARTE in a European platform. A number of recent events within individual broadcasting companies in Germany, relating to their use

of licence fee revenue, had been the subject of considerable public debate and criticism. The decision therefore proposed, in particular, revising the state treaties in relation to the streamlining of organisational structures, the joint bodies of the ARD, the subsidiaries of broadcasting companies and supervisory structures. Existing management structures should also be scrutinised in accordance with good governance principles and payroll budgets should be stabilised, in particular by adopting appropriate salary structures for staff exempt from collective pay agreements, such as broadcasting company executives. In addition, the use of licence fee revenue should be monitored more closely by the *Kommission zur Ermittlung des Finanzbedarfs der Rundfunkanstalten* (Commission for Determining the Financial Requirements of Broadcasters – KEF) and audit offices.

However, the Broadcasting Commission considered the creation of public-oriented conditions for public service broadcasting as the responsibility not only of the legislator, but also of the broadcasters themselves. It therefore expected them to step up their efforts to forge ahead with the reform process and make use of the restructuring opportunities provided under the *Dritte Medienänderungsstaatsvertrag*. This particularly included the possibilities that would be available, once the new state treaty was in force, to create greater programming flexibility by shifting from linear to online services. Moreover, existing structures should be replaced with centres of expertise, duplicate structures within the broadcasting companies should be abolished and programme frames should be designed with regional diversity in mind. The broadcasters should also develop a joint, common controlling system in order to increase the efficient use of resources.

Finally, the Broadcasting Commission decided to create what it called a “*Zukunftsrat*” (future council), which would act as an advisory body and develop further recommendations for the future of public service broadcasting and its acceptance.

Beschluss der Rundfunkkommission, 19./20. Januar 2023

https://www.rlp.de/fileadmin/rlp-stk/pdf-Dateien/Medienpolitik/Beschluesse_der_Rundfunkkommission/Beschluss_der_RFK_vom_20.1.23_zur_Reform_des_oeffentlich-rechtlichen_Rundfunks.pdf

Broadcasting Commission decision, 19/20 January 2023

