[DE] Baden-Württemberg Media Act amended

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The *Landesmediengesetz Baden-Württemberg* (Baden-Württemberg Media Act), like the media laws of all the German *Länder*, supplements the *Medienstaatsvertrag* (state media treaty), which covers national media-related matters. It regulates in detail the organisation and distribution of broadcasting (radio and television), as well as the designation and allocation of capacity suitable and intended for the transmission of broadcasting and similar telemedia (i.e. telemedia aimed at the general public) in Baden-Württemberg, unless otherwise stipulated in state treaties or legislative provisions.

The *Gesetz zur Änderung des Landesmediengesetzes (LMedienG) Baden-Württemberg* (Act amending the Baden-Württemberg Media Act), which entered into force on 10 December 2022, contains the amendments required to bring the Media Act and other state regulations into line with the *Medienstaatsvertrag* (state media treaty), which entered into force in November 2020, and amended federal legislation, in particular the *Telemediengesetz* (Telemedia Act) and *Telekommunikation-Telemedien-Datenschutzgesetz* (Telecommunications, Telemedia and Data Protection Act), as well as editorial adaptations.

In addition to ad hoc amendments, made necessary as a result of the practical implementation of the law, the amending Act states that radio and television broadcasters do not require a licence if they reach fewer than 20,000 simultaneous users and have little importance for opinion formation. In future, all broadcasting licences in Baden-Württemberg will be permanent, regardless of whether they are for radio or television, or for national, state-wide, regional or local programmes. Terrestrial transmission capacity, however, will continue to be allocated for ten-year periods. In addition, all VHF and DAB radio services will be able to renew their allocations once until the end of 2032, creating the conditions needed to maintain the existing radio landscape.

Under the new Act, transparency obligations are laid down for the first time for the *Landesanstalt für Kommunikation* (state communication authority – LfK), the media regulator for Baden-Württemberg, while rules are also introduced requiring meetings of the *Medienrat* (media council) to be held in public. Exceptions apply to staff-related matters, the protection of trade secrets, elections, and committee meetings. Media council agendas, decisions and other meeting outcomes must be published. If the media council and the LfK board disagree on a matter that requires them to agree on a decision, the amended Act stipulates how such a

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situation should be resolved.

The chair of the LfK board will no longer be elected by the state parliament, but by a majority of media council members in a secret ballot, a process independent of state authorities, as required by the EU Audiovisual Media Services Directive. An election committee formed by the media council from respondents to a public vacancy notice will propose a shortlist of no more than three suitable candidates who meet the legal requirements. The chair may not be re-elected more than twice and may be dismissed by a two-thirds majority of media council members before the end of their term of office.

Landesmediengesetz Baden-Württemberg zuletzt geändert durch das Gesetz zur Änderung des Landesmediengesetzes vom 6. Dezember 2022 (GBl. S. 622)

https://www.lfk.de/fileadmin/PDFs/Dokumente_und_Rechtsgrundlagen/Gesetzestexte/landesmediengesetz_dezember-2022.pdf

Baden-Württemberg Media Act, last amended by the Act amending the Baden-Württemberg Media Act of 6 December 2022 (Official Gazette p. 622)

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