[DE] Hessian Media Act amended

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On 17 November 2022, the *Hessische Landtag* (Hessian state parliament) adopted a law modernising Hesse's media laws, which was published in the *Hesse Law and Ordinance Gazette* on 29 November 2022 and entered into force on 30 November 2022. The *Gesetz über den privaten Rundfunk in Hessen* (Act on Private Broadcasting in Hesse – HPRG), which had remained largely unchanged for 34 years, was therefore replaced with the *Hessische Gesetz über privaten Rundfunk und neue Medien* (Hessian Private Broadcasting and New Media Act – HPMG).

First and foremost, the amendment brings Hessian media laws into line with the current *Medienstaatsvertrag* (state media treaty) of the *Länder* and takes into account recent changes to the media landscape in Hesse from factual, linguistic and conceptual points of view. A modern, independent media authority that is separate from the state and entrusted with a wider range of regulatory responsibilities is central to the new Act. This is reflected in the renaming of the Hessian audiovisual regulator, previously known as the *Landesanstalt für privaten Rundfunk Hessen* (Hessian authority for private broadcasting), as the *Medienanstalt Hessen* (Hessian media authority).

The Act only applies to the organisation of private broadcasting (radio and television) and private telemedia. It also regulates the allocation of terrestrial transmission capacity by the *Hessische Staatskanzlei* (Hessian state chancellery), the highest state authority. The state treaties agreed between all the *Länder* and ratified under state law apply unless the Act contains provisions to the contrary. Such provisions are only allowed if the state media treaty makes provision for exemption clauses. On the basis of similar rules in other media laws, the amendment lays down a de minimis limit for its application. It does not apply to the organisation and retransmission of programmes through cable systems limited to a single building or building complex and functionally related to the tasks carried out there (e.g. broadcasts in hotels, hospitals, schools, residential homes or business premises) or serving no more than 100 residential units within a single building or building complex.

In line with the state media treaty's provisions, the amended Act states that non-nationwide broadcasting services are exempt from the licence requirement. Such services can be launched without a licence only if a corresponding notification is submitted. This applies to (1) broadcasting services that have little importance to individual and public opinion formation, (2) broadcasting services that, on

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average, reach fewer than 20,000 simultaneous users over a period of six months or which will not reach that number with their anticipated development, and (3) event broadcasting.

As well as its traditional regulatory responsibilities, the amendment defines, for the first time, a framework for the Hessian media authority's prevention activities and how they are funded. It contains large-scale amendments to the provisions on support for media literacy, with media education falling under the media authority's remit. The Act also gives the media authority the opportunity to set up so-called media education centres and to fund their operations in cooperation with two public-access channels, partly in order to foster local diversity. It also ensures that non-commercial local radio broadcasters can participate in the digital revolution, especially in relation to technical transmission.

Media education and media literacy programmes, including those provided by media education centres, should not just be aimed at children and young people. Rather, all age groups, especially parents, teachers and other education professionals, must be taken into account as part of a holistic and sustainable approach. The new Act places a stronger focus on the state-wide orientation of such programmes and projects.

Gesetz zur Modernisierung medienrechtlicher Vorschriften vom 21. November 2022

https://starweb.hessen.de/cache/GVBL//2022/00037.pdf

Act modernising media law provisions of 21 November 2022

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