[DE] Greater compliance, transparency and monitoring: fourth state media treaty enters into force

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On 1 January 2024, the amendments to the *Medienstaatsvertrag* (state media treaty – MStV) that were brought in under the *Vierte Medienänderungsstaatsvertrag* (fourth state treaty amending the state media treaty – *4. MÄStV*) entered into force after being ratified by the parliaments of the 16 German *Länder* (federal states). Among other things, the MStV sets out the legal framework for public service broadcasting in Germany. The latest amendments are designed to strengthen the compliance, transparency and monitoring of public service broadcasters.

In order to promote good governance, the amended treaty requires public broadcasters to meet common standards and requirements in the fields of compliance, transparency and monitoring. Firstly, they are obliged to provide the highest possible level of public transparency. For example, without breaking data protection and trade secrecy rules, they must publish information about their organisational structures, statutes, directives and procedural rules on the Internet. Their annual reports must also list the salaries of individual directors-general and directors, broken down into expenses, attendance fees and other non-cash benefits. In particular, benefits either promised or received in relation to the premature or scheduled termination of a director's contract and remuneration for work carried out on behalf of subsidiary and affiliated companies must be disclosed. Payments received for ancillary activities must also be declared, although only if they are related to the recipient's work as a director-general or director and if the sum received exceeds EUR 1 000 per month. The state treaties of the broadcasters ZDF and Deutschlandradio have contained virtually identical transparency requirements regarding the disclosure of director-general and director salaries since 2016, and these will now be replaced by the umbrella provisions of the MStV. As well as these salaries, broadcasters must publish details of collective pay-scale structures and non-collective pay-scale agreements. These transparency obligations should be seen as minimum requirements for all public service broadcasters, subject to stricter rules being introduced by the *Länder*.

Broadcasters are also required to provide and develop a compliance management system that meets recognised standards. They must create an independent compliance body or compliance officer who reports directly to the director-

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general, the board of directors and, if relevant, the supervisory body. As well as an internal compliance body, each broadcaster must appoint an independent external ombudsperson as a point of contact for confidential and anonymous reporting of legislative and regulatory infringements.

Joint institutions, e.g. shared services such as websites or training centres, and affiliated companies such as production or advertising companies, must provide their supervisory bodies with regular transparency and compliance reports. Broadcasters without a majority shareholding in affiliated companies must at least work towards providing such reports.

The supervisory bodies of public service broadcasters will also be strengthened. In order to provide effective supervision from an organisational and staffing point of view, they must include experts on auditing, business management, law and the media industry or media science. Their members must undergo regular training, funded by the broadcasters. They should have their own offices in order to increase their independence from the broadcaster's other structures. Their members must be independent and should not have any financial or other interests that could jeopardise their supervisory responsibilities. As with the transparency obligations mentioned above, the MStV's provisions on supervision and conflicts of interest should be seen as minimum standards, with state legislators able to impose stricter rules if they so wish.

Vierter Medienänderungsstaatsvertrag

https://www.revosax.sachsen.de/vorschrift_gesamt/20243/45866.html

Fourth state treaty amending the state media treaty

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