

[DE] Broadcasting Commission agrees on second part of Digital Media State Treaty

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On 16 September 2026, the Broadcasting Commission (*Rundfunkkommission*), which is responsible for media legislation in the German federal states, agreed on the final draft of the second part of the so-called Digital Media State Treaty (*Digitale Medien-Staatsvertrag* - DMStV II-E), which it submitted for public consultation on 28 September. The package addresses a wide range of issues and sets out regulations with seven key objectives: improving media refinancing, enhancing media visibility and protecting the media from algorithmic displacement, enabling an informed society even in the age of AI, promoting local media diversity, protecting the formation of public opinion from technical manipulation, modernising and streamlining media supervision, and reforming media concentration law, including in the light of the European Media Freedom Act (EMFA).

The objectives relating to refinancing and visibility involve, firstly, changes to advertising regulation. For instance, the DMStV II-E provides for greater flexibility regarding block advertising and advertising times, bringing German rules into line with the less strict provisions of Article 23 of the Audiovisual Media Services Directive (AVMSD). It also proposes a liberalisation of the ban on regionalised advertising currently in place in Germany. Whilst maintaining the ban on political advertising in broadcasting, the draft creates opportunities for non-commercial advertising and government communications. To this end, the term "commercial advertising" is also introduced and is to be distinguished from other types of advertising, including in regulatory contexts. Furthermore, the "public value" concept currently in force in Germany, which aims to promote relevant content on media platforms that safeguards diversity, is to be further developed, for example by rewarding investment in news or journalism. To this end, the existing definition of a media platform will also be amended to include, as protected entities, media libraries operated by broadcasters which, whilst primarily offering their own programmes, also provide third-party content. In future, media platforms will no longer be required to provide public-value categories (tiles); instead, one in every five algorithmic recommendations must promote public-value content.

In the field of AI, AI-based services are to be held more accountable. A new telemedia category is proposed, mainly so AI services can be fully regulated. "AI information systems" are defined as telemedia which, regardless of the degree of

personalisation in their actual use, are aimed at a fundamentally undefined group of users and which, on the basis of journalistically designed and managed third-party content, automatically provide new, personalised content to the respective user. This is likely to include services such as AI Overviews. Providers of AI information systems will be held responsible for the content they generate; for example, they must respond with appropriate countermeasures to orders issued by the supervisory authorities. They must also ensure that content generated in the field of news and political information accurately reflects the meaning of the sources used, and they will be subject to increased transparency obligations and banned from discriminating against journalistic content. In addition, a new provision is to be introduced to prevent telemedia providers artificially boosting their reach in a coordinated manner, such as through the artificial, automated generation of views or likes, which are perceived by users as indicators of the content's relevance. The imitation of journalistic and editorial content is also to be prohibited under media law.

Local media diversity will be strengthened through improved funding opportunities for local information services and incentives under media concentration law. In addition, regional and local services will be given special consideration within the framework of the (new) public value concept. Media content will also be better protected against manipulation. To this end, the DMStV II-E provides for measures against technical manipulation campaigns, as well as the extension of the State Treaty on the Protection of Minors in the Media (*Jugendmedienschutzstaatsvertrag*) to include further relevant criminal offences and content from prohibited organisations, which is inadmissible in media services for reasons linked to the protection of minors. This includes, for example, adding Sections 111 (public incitement to commit criminal offences), 126 (disturbance of the peace by threatening to commit criminal offences), 126a (dangerous disclosure of personal data) and 140 (rewarding and condoning of criminal offences) of the German Criminal Code (*Strafgesetzbuch* – StGB) to the catalogue of prohibited content.

Media supervision is to become faster and more efficient through the establishment of decision-making chambers, the digitisation and simplification of proceedings, and greater cooperation and division of labour. Existing commissions will be rebranded as expert councils.

New provisions in media concentration law are also to be introduced in line with the requirements of the EMFA. The existing system of concentration control, which has so far been limited to broadcasting, will be extended to the entire media market, including platforms, AI providers and the press. Advertising and distribution revenues will be the key indicators for assessing threats to media diversity (reach and financial power). The turnover threshold above which dominant influence over public opinion must be comprehensively reviewed will be set at EUR 4 billion for the previous financial year. However, the DMStV II-E also

aims to rely on a dialogue-based process and flexible instruments to ensure that a balance can be struck between business growth on the one hand and safeguarding diversity on the other.

Diskussionsentwurf der Rundfunkkommission für einen „Digitale Medien-Staatsvertrag (DMStV) Teil 2“

https://rundfunkkommission.rlp.de/fileadmin/rundfunkkommission/Dokumente/DMStV_2/Dokumente/2026-09-28_ANHOERUNG_DMStV_II_RFK.pdf

Broadcasting Commission discussion draft on part 2 of a State Digital Media Treaty

https://rundfunkkommission.rlp.de/fileadmin/rundfunkkommission/Dokumente/DMStV_2/Dokumente/2026-09-28_ANHOERUNG_DMStV_II_RFK.pdf

