

Germany

Introduction

Under the German Constitution, broadcasting – be it provided by public-service broadcasters or commercial service providers – is regulated by the German states in a model of public control. As a consequence, broadcasting is organised and controlled by society on the basis of interstate treaties (Interstate Broadcasting Treaty and Interstate Treaty on the Protection of Minors in the Media) and state media legislation. Content providers have to fulfil the requirements on content as specified in these laws. The road to the dual broadcasting system in Germany under which public-service broadcasting and commercial broadcasting co-exist alongside was paved by the 1987 Interstate Broadcasting Treaty which has since been repeatedly amended. For public-service broadcasting, the legislators of the states established a self-regulatory regime with internal councils while for commercial broadcasting, independent media authorities of the states ensure that the provisions are adhered to. As regards telemedia, in particular the internet, the state media authorities are responsible for ensuring that specific requirements are met, for instance in relation to the protection of minors in the media.

For a great number of issues relating to broadcasting, rules apply across Germany, e.g. for licensing and supervising nationally-operated services. The 14 state media authorities therefore cooperate in different decision-taking councils and commissions coordinating and aligning matters on a national level.

The Commission on Licensing and Supervision ("[Kommission fuer Zulassung und Aufsicht – ZAK](#)") consists of the legal representatives under state law of the 14 state media authorities and deals with issues related to the licensing and supervision of national broadcasters, platform regulation and the development of digital broadcasting. The remit is specified in Art. 36 (2) of the Interstate Broadcasting Treaty. In conducting its work, the ZAK has appointed two representatives, the representative for content and advertising and the representative for platform regulation and digital access.

The Commission on Concentration in the Media ("[Kommission zur Ermittlung der Konzentration im Medienbereich – KEK](#)") is in charge of monitoring and enforcing compliance with the provisions on plurality in national commercial television. It consists of six experts specified in the Interstate Broadcasting Treaty and six directors of media authorities. Concerning licensing procedures for content provision and changes of the ownership structures of national television providers, the KEK will determine whether a provider achieves a dominant position as regards the formation of opinion or with a change in the ownership structures with its services.

The Commission for the Protection of Minors in the Media ("[Kommission fuer Jugendmedienschutz – KJM](#)") is in charge of assessing commercial broadcasting and telemedia content with a view to the protection of minors. It acts as the central organisation dealing with the protection of minors on commercial television and radio as well as in the internet. Its decisions are implemented by the state media authority in charge of the respective content or service provider. The KJM consists of six directors, four representatives of the supreme state youth authorities and two representatives of the Federal youth authority.

The Conference of Chairpersons of the Decision-Taking Councils ("[Gremienvorsitzendenkonferenz – GVK](#)") unites the chairpersons of the 14 state media authorities (media council, media commission, assembly etc.). The GVK takes the selection decisions on the designation of wireless transmission capacities to commercial service providers and on the allocation of platform capacities and consults on issues of particular relevance for media policy and the cooperation of the state media authorities.

The Conference of Directors of the media authorities ("[Direktorenkonferenz der Landesmedienanstalten – DLM](#)") deals with the interests of its members concerning broadcasting issues on the national and international levels. It exchanges views, opinions and information with broadcasters and also deals with common matters over and above the licensing and supervision of audiovisual media. It commissions expert views and surveys on matters of principal relevance for the member authorities and monitors and analyses the development of programmes and content. Developments of media policy on the European level are dealt with by one of the directors acting as the European affairs commissioner on behalf of the DLM. In addition, the media authorities consult on matters of technology and planning through their technical conference ("[Technische Konferenz der Landesmedienanstalten - TLKM](#)") which is made up of the technical representatives of the media authorities.

The day-to-day business of the decision-taking councils and commissions of the state media authorities is coordinated by the [joint management office of the media authorities](#).

Name of Regulatory Authority : **Direktorenkonferenz der Landesmedienanstalten (DLM)
Directors' Conference of the State Media Authorities**

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(ALM GbR, Friedrichstr. 60, 10117 Berlin)

Basis for operation

Legal framework : **Rundfunkstaatsvertrag – RStV (Interstate Treaty on Broadcasting and Telemedia) of 31 August 1991, as last amended by the Eighteenth Amendment in force from 01.01.2016**

General remit : TV radio networks and infrastructures
 others: **Protection of minors from unsuitable content on radio and TV,
but also in all other electronic audiovisual on-line media**

Funding mechanisms ⁱ : licence fee industry fee state budget
 mixed funding (please specify):
 other (please specify):

Composition:

In general, a State Media Authority consists of an administration and a council. The legal representative and the head of the authority is the director. The council is usually pluralistically composed; in a few authorities, a council of experts exists. The members of pluralistically composed councils are appointed by societal groups laid down in the media law of the respective state. The members of an expert council are usually appointed by the state parliament. The number of members in these bodies varies from seven (council of experts) to more than 40 (pluralistically composed council). The terms of office, re-eligibility and other details vary. A revocation of mandate is possible whenever a member commits a breach or neglect of duty or loses his or her ability to pursue the duties according to the rules.

Number of members: Term of office: years Re-election possible:

Proposal of members:

Appointment of members:

Revocation of mandate possible: based on:

Number of staff:

Chairman:

As of 01.01.2016, the DLM- Chairman is Siegfried Schneider – President of the Bavarian BLM

Vice Chairman:

Vice chairmen are

- ***Jochen Fasco (State Media Authority of Thuringia – TLM) and***
- ***Cornelia Holsten (State Media Authority of Bremen – brema)***

Competences

		national	Regional*	local
Granting of licences	terrestrial analogue broadcasters*	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	terrestrial digital broadcasters*	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	satellite analogue broadcasters**	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	satellite digital broadcasters**	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	cable analogue broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	cable digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	others(please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

in the areas where your authority is not competent to grant licences, please specify the authority in charge:

The retransmission of radio and TV channels does not require a licence. However, in some states the regulatory authority allocates the cable networks' channels to public service and private broadcasters according to the provisions contained in the respective state media law. In other states, the state media law leaves the allocation of channels to the cable network operator who has to respect rules laid down in the respective media law.

* "regional" is understood as state-wide

Please add any other relevant information:

Granting of declarations	terrestrial analogue broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	terrestrial digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	satellite analogue broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	satellite digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	cable analogue broadcasters*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	cable digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	others(please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
in the areas where your authority is not competent to grant declarations, please specify the authority in charge:				
Please add any other relevant information:				
* only valid for some states				
Frequency allocation	<input checked="" type="checkbox"/> The legal situation in Germany distinguishes between the allocation of transmission capacities to a network operator and the granting of broadcasting licences to a broadcaster giving him the right to use one or more specific transmission capacities for a specific channel (programming). The first is a procedure regulated by national telecommunications law and carried out by the Bundesnetzagentur (Federal Network Agency), a federal body. The latter is regulated by state media laws including the RStV, and carried out by the State Media Authorities.			
Supervision of	private broadcasters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	public broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Others: PSB has its own supervisory bodies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Handling complaints	<input checked="" type="checkbox"/>			
Sanctioning	<input checked="" type="checkbox"/> issue warning	<input checked="" type="checkbox"/> impose fine	<input type="checkbox"/> demand to broadcast announcement	
	<input checked="" type="checkbox"/> revoke licence	<input checked="" type="checkbox"/> suspend licence	<input type="checkbox"/> reduction in the licensing period	
	<input type="checkbox"/> suspend a programme / broadcast			
	<input type="checkbox"/> other (please specify):			
Rule making	<input checked="" type="checkbox"/> codes	<input checked="" type="checkbox"/> rules (please specify):		
	Adoption of guidelines and statutes, for example:			
	<ul style="list-style-type: none"> • guidelines concerning advertising in commercial TV and radio, • guidelines concerning the protection of minors, • statutes regarding free access to digital services 			
Consultative powers	<input type="checkbox"/> other (please specify):			
	<input checked="" type="checkbox"/> please specify the areas covered: participation in state legislative hearings related to state broadcasting legislation and similar.			
Power of nomination (e.g. chair of PSB)	<input type="checkbox"/> please specify:			
Monitoring	<input checked="" type="checkbox"/> programming			
	<input type="checkbox"/> financial performance			
	<input type="checkbox"/> others (please specify):			

others

Please specify:

Please add any information you deem important:

ⁱ By “licence fee” we refer to the public service licence fee usually paid by the entire population, whereas the term “industry fee” implies all those funding mechanisms based on a contribution from broadcasters themselves, including, for example, licensing fees (i.e. an amount of money that is paid by the broadcaster for it to be able to carry out its broadcasting operations) and frequency taxes.