

## Germany

*In Germany, the individual Länder (states) have jurisdiction over radio and television broadcasting. As a result there is no centralized regulatory authority for broadcasting. Instead, there are 15 state regulatory authorities, the so-called Landesmedienanstalten – (State Media Authorities for Broadcasting), which deal with regulatory issues at the state level.*

*The Landesmedienanstalten – LMAs – are independent public bodies and do not fall under the hierarchy of any administrative body or government. The prefix “Land” (state) does not refer to state government but indicates that the LMAs are primarily responsible for the media landscape of its respective Land. The state independence of the LMAs is also stressed by the fact that they are not financed from the state budget but rather by a portion of the general licensing fees. The LMAs’ primary objectives are licensing and monitoring of private radio and television channels throughout Germany to ensure content diversity, pluralism of opinions and compliance with regulation concerning the protection of minors and advertising. Nationwide issues are addressed by the Direktorenkonferenz der Landesmedienanstalten - DLM (Directors’ Conference of the State Media Authorities for Broadcasting). The organisation, the remit and the power as well as the procedures of the regulatory authorities are regulated by specific state media acts, which vary with regard to the details. However, with a view toward establishing a common set of regulations for public service and private broadcasting a series of interstate treaties has been set up, the most important of which is the Rundfunkstaatsvertrag – RStV (Interstate Treaty on Broadcasting).*

*Furthermore, there is an umbrella organisation of the LMAs, the so-called Arbeitsgemeinschaft der Landesmedienanstalten in der Bundesrepublik Deutschland – ALM (Association of State Media Authorities for Broadcasting in the Federal Republic of Germany). Within the ALM the LMAs cooperate on matters of principle and on nationwide issues. The DLM is the ALM’s executive body.*

*In order to achieve a higher level of executive cooperation, the state legislatures have established two joint commissions of the LMAs by means of interstate treaties and assigned certain tasks exclusively to them. Thus, the Kommission zur Ermittlung der Konzentration im Medienbereich – KEK (Commission on Concentration in the Media) is responsible for monitoring and enforcing compliance with the legal provisions designed to ensure diversity of opinion in nationwide commercial television on a case by case basis on request of the LMA under whose jurisdiction the case in question falls. The Kommission für Jugendmedienschutz – KJM (Commission on the Protection of Minors from Unsuitable Media Content) is responsible for the protection of minors from harmful content in radio, television and other electronic audiovisual on-line media. In general, it decides on a case by case basis for the LMA under whose jurisdiction the case falls.*

*The answers to this questionnaire represent the congruences between the states’ media laws. For more specific information please refer to the DLM’s European Affairs Commissioner.*

Name of Regulatory Authority : ***Direktorenkonferenz der Landesmedienanstalten (DLM)***

Address : ***c/o Europabeauftragter (European Affairs Commissioner)  
Unabhängige Landesanstalt für Rundfunk und neue Medien (ULR)  
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### **Basis for operation**

Legal framework : ***Rundfunkstaatsvertrag – RStV (Interstate Treaty on Broadcasting) of 31 August 1991, as last amended by the Seventh Amendment from 01 April 2004***

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<sup>i</sup> :  licence fee  industry fee  state budget  
 mixed funding (please specify):  
 other (please specify):

### **Composition**

***In general, a state regulatory authority consists of an administration and a council. The legal representative and the head of the authority is the director. The council is either a pluralistically composed council or it is a council of experts. The members of pluralistically composed councils are appointed by societal groups mentioned in the media laws. The members of an expert council are in general appointed by the state parliament. The number of members in these bodies varies from nine (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:

Vice Chairman:

**The DLM's chairman is Prof. Wolfgang Thaenert, the director of the Hessische Landesanstalt für privaten Rundfunk, - LPR, the regulatory authority of the State of Hessen.**

- Vice chairmen are**
- **Dr. Victor Henle, the director of the Thüringer Landesmedienanstalt – TLM, the regulatory authority of the state of Thüringen and**
  - **Reinhold Albert, the director of the Niedersächsische Landesmedienanstalt – NLM, the regulatory authority of the state of Niedersachsen.**

Please describe your authority's structure if it doesn't have a board:

### 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 is licence-free. 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 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 statewide**

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  **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 Regulierungsbehörde für Post und Telekommunikation – RegTP (Regulatory Authority for Telecommunications and Post), a federal agency. The latter is regulated by state media laws including the RStV, and carried out by the state regulatory 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PSB has its own supervisory bodies.**

Handling complaints

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): <b>guidelines concerning advertising</b>
<input type="checkbox"/> other (please specify):	

Consultative powers  please specify the areas covered:  
**participation in state legislative hearings related to state broadcasting legislation and similar.**

Power of nomination  please specify:  
(e.g. chairman of PSB)

Monitoring  programming  
 financial performance  
 others (please specify):

others  Please specify:

Please add any information you deem important:

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<sup>i</sup> 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.

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