

INDIREG

FINAL REPORT – ANNEX

Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)

Annex II – Country Tables – Germany

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I. GENERAL INFORMATION

Table 1 - Market data

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Germany	374 www.alm.de/55.html	< 300 notified	23 35 non linear services under the responsibility of ARD-PSB

Table 2 - Audiovisual laws and regulatory bodies

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Germany	Information requirements (art. 5 AVMS Directive)	§ 9 (b) Interstate Broadcasting Treaty, August 31, 1991. 13th amendment: 10.03.2010 (vgl. GBl. S. 307) (Rundfunkstaatsvertrag – RStV)	14 State Media Authorities (Landesmedienanstalten - LMA)	Competent State Media Authority (LMA)	Internal supervisory bodies of the public service broadcasters (Rundfunkräte, Gremienvorsitzenkonferenz – GVK, ZDF-Fernsehrat)
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	§§ 7, 7a, 8, 15, 44 RStV	Competent State Media Authority (LMA)	Competent State Media Authority (LMA)	Internal supervisory bodies
	Accessibility to people with a disability (Art. 7 AVMS Directive)	§ 3 (2) RStV	Competent State Media Authority (LMA)	Competent State Media Authority (LMA)	Internal supervisory bodies
	Broadcasting of major events (Art. 14 AVMS Directive)	§ 4 RStV	Competent State Media Authority (LMA)	Competent State Media Authority (LMA)	Internal supervisory bodies
	Access to short news	§ 5 RStV	Competent State Media Authority	Competent State	Internal supervisory bodies

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	reports (Article 15 AVMS Directive)		(LMA)	Media Authority (LMA)	
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	§ 6 RStV; Filmförderungsgesetz	Competent State Media Authority (LMA)	Competent State Media Authority (LMA)	Internal supervisory bodies
	Hate speech (Art. 12 and 6 AVMS Directive)	§ 3 RStV; § 4, 5 JMStV	Competent State Media Authority (LMA) ; KJM (Commission for the Protection of Minors in the Media)	Competent State Media Authority (LMA)	Internal supervisory bodies
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	§§ 7, 7a, 8; 15, 45, 45a RStV	Competent State Media Authority (LMA)	Competent State Media Authority (LMA)	Internal supervisory bodies
	Protection of minors (Art. 27 AVMS Directive)	Interstate Treaty for the Protection of Minors in the Media, September 22, 2002 in the version of the 11 th Treaty for amending the Interstate Treaties with regard to broadcasting law (13h Interstate Broadcasting Treaty) in force since April 1, 2010 (Jugendmedienschutz-Staatsvertrag – JMStV)	Competent LMA and Commission for the Protection of Minors in the Media (Kommission für Jugendmedienschutz, KJM) as a central regulatory body; KJM is responsible for the investigation of programming complaints and serves the respective competent State Media Authority as an organ in the fulfilment of its tasks; the KJM shall be in charge of the definitive assessment of content pursuant to this Interstate Treaty (§ 16 JMStV); the decisions of the KJM shall be binding upon the other bodies of the competent State Media Authority and they shall be taken as a basis for the decisions of the State Media Authority (§ 17 (1) JMStV)	Competent LMA and KJM	Internal supervisory bodies
	Right of reply (Art. 28 AVMS Directive)	§ 56 RStV and state broadcasting laws (e.g. § 44 LMG NRW; § 9 WDR-law)	According to § 56 (3) RStV: enforcing the claim to the right of reply by civil courts	According to § 56 (3) RStV: enforcing the claim to the right of reply by civil courts	According to § 56 (3) RStV: enforcing the claim to the right of reply by civil courts
	Communication and	§ 9 RStV	Competent State Media Authority	Competent State	Internal supervisory bodies

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)		(LMA)	Media Authority (LMA)	
	Interstate Broadcasting Treaty (RStV)		www.alm.de/fileadmin/Download/Gesetze/13_RStV-englisch.pdf		
	Interstate Treaty on the Protection of Human Dignity and the Protection of Minors in Broadcasting and in Telemedia (JMStV)		www.kjm-online.de/files/pdf1/_JMStV_Stand_13_RStV_mit_Titel_english.pdf		
	State Media Law of Baden-Württemberg (LMedienG)		www.lfk.de/fileadmin/media/recht/04-2010/2010_April_LmedienG.pdf		
	Bavarian Media Law (BayMG)		www.blm.de/apps/documentbase/data/pdf1/BayMG_2009-12-10.pdf		
	Interstate Treaty on Media in Berlin and Brandenburg (MStV)		www.mabb.de/fileadmin/user_upload/pdf/Rechtsgrundlagen_pdf/01-MStV_Fassung_4_Novelle.pdf		
	State Media Law of Bremen (BremLMG)		www.bremische-landesmedienanstalt.de/images/BREMAL/DLR2005/BremLMGGB.pdf		
	Interstate Treaty on Media in Hamburg and Schleswig-Holstein (Medienstaatsvertrag HSH)		www.ma-hsh.de/cms/upload/downloads/Rechtsvorschriften/3_MStV_Internet.pdf		
	State Media Law of Hesse (HPRG)		www.lpr-hessen.de/files/hprg_190609.pdf		
	State Media Law of Mecklenburg-Western Pomerania (RundfG M-V)		www.medienanstalt-mv.de/media/legal/48/RundfunkgesetzMVzuletztgeaendert11Maerz2010.pdf		
	State Media Law of Lower Saxony (NMedienG)		www.nlm.de/fileadmin/dateien/infothek/pdf/NMedien_13.05.09.pdf		
	State Media Law of Northrhine-Westfalia (LMG NRW)		www.lfm-nrw.de/downloads/medienrecht/lmg2009.pdf		
	State Media Law of Rhineland-Palatinate (LMG)		www.lmk-online.de/service/rechtsgrundlagen/landesmediengesetz/		
	State Media Law of Saarland (SMG)		www.lmsaar.de/die-lms/rechtsgrundlagen/l_1_SMG_Stand_2008.pdf		
	State Media Law of Saxony (SächsPRG)		www.slm-online.de/psk/slmo/dokukategorien/dokumanagement/psfile/docfile/85/S_chsische4a9526aa5ba0f.pdf		
	State Media Law of Saxony-Anhalt (MedienG LSA)		www.lra.de/download/MedienG_LSA-10-2008.pdf		
	State Media Law of Thuringia (ThürLMG)		www.tlm.de/tlm/die_tlm/rechtsgrundlagen/gesetze/thueringer_landesmediengesetz/TLMG_neu.pdf		

Table 3 - Regulatory bodies – general information

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Germany	Commission on the Protection of Minors from harmful Media Content	www.kjm-online.de	2003	München, Erfurt

Country	Name of regulatory body	Link to website	Date of establishment	Location
	(Kommission für Jugendmedienschutz, KJM)			
	State Media Authority of Baden-Württemberg (Landesanstalt für Kommunikation Baden-Württemberg, LFK)	www.lfk.de	1986	Stuttgart
	Bavarian regulatory authority for commercial broadcasting (Bayerische Landeszentrale für neue Medien, BLM)	www.blm.de	1984	München
	Media Authority Berlin-Brandenburg (Medienanstalt Berlin-Brandenburg, mabb)	www.mabb.de	1992	Berlin
	State Media Authority of Bremen (Bremische Landesmedienanstalt, brema)	www.bremische-landesmedienanstalt.de	1989	Bremen
	Media Authority Hamburg/Schleswig-Holstein (Medienanstalt Hamburg/Schleswig-Holstein, MA HSH)	www.ma-hsh.de	2007	Norderstedt
	Regulatory Authority for Commercial Broadcasting Hesse (Hessische Landesanstalt für privaten Rundfunk und neue Medien, LPR Hessen)	www.lpr-hessen.de	1988	Kassel
	Media Authority Mecklenburg-Western Pomerania (Medienanstalt Mecklenburg-Vorpommern, mmv)	www.medienanstalt-mv.de	1991	Schwerin
	The State Media Authority of Lower Saxony (Niedersächsische Landesmedienanstalt, NLM)	www.nlm.de	1984	Hannover
	Media Authority of Northrhine-Westfalia (Landesanstalt für Medien Nordrhein-Westfalen, LfM)	www.lfm-nrw.de	1987	Düsseldorf
	The State Media Authority of Rhineland-Palatinate (Landeszentrale für Medien und Kommunikation Rheinland-Pfalz,	www.lmk-online.de	1987	Ludwigshafen

Country	Name of regulatory body	Link to website	Date of establishment	Location
	LMK)			
	State Media Authority of Saarland (Landesmedienanstalt Saarland, LMS)	www.lmsaar.de	1984	Saarbrücken
	Saxon regulatory authority for commercial broadcasting and new media (Sächsische Landesanstalt für privaten Rundfunk und neue Medien, SLM)	www.slm-online.de	1991	Leipzig
	Media Authority of Saxony-Anhalt (Medienanstalt Sachsen-Anhalt, MSA)	www.lra.de	1991	Halle/Saale
	Thuringian State Media Authority (Thüringer Landesmedienanstalt, TLM)	www.tlm.de		Erfurt
	Broadcasting Council of Bayerischer Rundfunk (Rundfunkrat des Bayerischen Rundfunks)	www.br-nline.de/rundfunkrat	1949	München
	Rundfunkrat (Broadcasting Council) des Westdeutschen Rundfunks Köln	www.wdr-rundfunkrat.de	1955	Köln
	Rundfunkrat (Broadcasting Council) of Mitteldeutschen Rundfunks	www.mdr-rundfunkrat.de	04.11.1991	Leipzig
	Rundfunkrat (Broadcasting Council) of Rundfunk Berlin-Brandenburg (rbb)	www.rbb-rundfunkrat.de	01.05.2003	Berlin
	Broadcasting Council of Südwestrundfunk (SWR)	www.swr-rundfunkrat.de	1998	Stuttgart
	Broadcasting Council of Hessischen Rundfunk (HR)	www.hr-rundfunkrat.de	1948	Frankfurt am Main
	Broadcasting Council of Norddeutschen Rundfunk (NDR)	www.ndr-rundfunkrat.de	1991	Hamburg
	Broadcasting Council of Radio Bremen (RB)	www.radiobremen.de/unternehmen/gremien/rundfunkrat	1993	Bremen
	Broadcasting Council of Saarländischer Rundfunk (SR)	www.sr-online.de/dersr/608/	1957	Saarbrücken

Country	Name of regulatory body	Link to website	Date of establishment	Location
	Television Council of Zweites Deutsches Fernsehen (ZDF)	www.fernsehrat.zdf.de	1991	Mainz

Table 4 - Sectors covered

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Germany	Respective State Media Authority	Yes	Together with Federal Network Agency (BNetzA)	Yes	Federal Network Agency Bundesnetzagentur (BNetzA)	Federal Network Agency Bundesnetzagentur (BNetzA)	Federal Network Agency Bundesnetzagentur (BNetzA)
	Broadcasting Council	Yes (only for PSB)	No	No	No	No	No

Table 5 - Staff and overall budget

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Germany	State Media Authority of Baden-Württemberg (Landesanstalt für Kommunikation Baden-Württemberg, LFK)	No information available	No information available	Mainly financed from the licensing fee (§ 46 (1) Lmedieng; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €9.18m (€8.49m share of the license fee)	2009; ALM yearbook 2008 (www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf)

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
	Bavarian regulatory authority for commercial broadcasting (Bayerische Landeszentrale für neue Medien, BLM)	No information available	No information available	Mainly financed from the licensing fee (§ 21 (1) BayMG; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €26.19m (€22.6m share of the license fee)	2009; ALM yearbook 2008 (www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf)
	Media Authority Berlin-Brandenburg (Medienanstalt Berlin-Brandenburg, mabb)	No information available	No information available	Mainly financed from the licensing fee (§ 15 (1) MStV; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €8.4m (€6.89m share of the license fee)	2009; ALM yearbook 2008 (www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf)
	State Media Authority of Bremen (Bremische Landesmedienanstalt, brema)	No information available	No information available	mainly financed from the licensing fee (§ 54 (1) BremLMG; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €1.84m (€1.59m share of the license fee)	2009; ALM yearbook 2008 (www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf)
	Media Authority Hamburg/Schleswig-Holstein (Medienanstalt Hamburg/Schleswig-Holstein, MA HSH)	No information available	No information available	mainly financed from the licensing fee (§ 48 (1) Medienstaatsvertrag HSH; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €3.09m (€1.99m share of the license fee)	2009; ALM yearbook 2008 (www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf)
	Regulatory Authority for Commercial Broadcasting Hesse (Hessische Landesanstalt für privaten Rundfunk und neue Medien, LPR Hessen)	No information available	No information available	mainly financed from the licensing fee (§ 57 HPRG; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €7.75m (€6.72m share of the license fee)	2009; ALM yearbook 2008 (www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf)
	Media Authority Mecklenburg-Western Pomerania (Medienanstalt Mecklenburg-Vorpommern, mmv)	No information available	No information available	mainly financed from the licensing fee (§§ 59,60 LRundfG M-V; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €2.65m (€2.58m share of the license fee)	2009; ALM yearbook 2008 (www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf)
	The State Media Authority of Lower Saxony	No information available	No information available	mainly financed from the licensing fee (§ 51 (1) NMedienG; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €9.36m (€8.6m share of the license fee)	2009; ALM yearbook 2008 (www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf)

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
	(Niedersächsische Landesmedienanstalt, NLM)			RStV with regard to § 10 RFinSt)		
	Media Authority of Northrhine-Westfalia (Landesanstalt für Medien Nordrhein-Westfalen, LfM)	No information available	No information available	mainly financed from the licensing fee (§ 116 (1) LMG NRW; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €21.59m (€16.11m share of the license fee)	2009; ALM yearbook 2008 (www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf)
	The State Media Authority of Rhineland-Palatinate (Landeszentrale für Medien und Kommunikation Rheinland-Pfalz, LMK)	No information available	No information available	mainly financed from the licensing fee (§ 48 (1) LMG; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €7.95m (€7.37m share of the license fee)	2009; ALM yearbook 2008 (www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf)
	State Media Authority of Saarland (Landesmedienanstalt Saarland, LMS)	No information available	No information available	mainly financed from the licensing fee (§ 61 SMG; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €2.4m (€2.22m share of the license fee)	2009; ALM yearbook 2008 (www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf)
	Saxon regulatory authority for commercial broadcasting and new media (Sächsische Landesanstalt für privaten Rundfunk und neue Medien, SLM)	No information available	No information available	mainly financed from the licensing fee (§ 35 (1) SächsPRG; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €6.62m (€5.85m share of the license fee)	2009; ALM yearbook 2008 (www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf)
	Media Authority of Saxony-Anhalt (Medienanstalt Sachsen-Anhalt, MSA)	No information available	No information available	mainly financed from the licensing fee (§ 51 MedienG LSA; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €4.89m (€4.32m share of the license fee)	2009; ALM yearbook 2008 (www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf)
	Thuringian State Media Authority (Thüringer Landesmedienanstalt, TLM)	No information available	No information available	mainly financed from the licensing fee (§ 53 ThürLMG; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €4.79m (€4.29m share of the license fee)	2009; ALM yearbook 2008 (www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf)

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
	Broadcasting Council of Bayerischer Rundfunk (Rundfunkrat des Bayerischen Rundfunks)	No information available	No information available	No information available	€955m (PSB in total, budget of council unknown)	2009; ARD yearbook 2008 (www.ard.de/intern/publikationen)
	Rundfunkrat (Broadcasting Council) des Westdeutschen Rundfunks Köln	No information available	No information available	No information available	€1.342m (PSB in total, budget of council unknown)	2009; ARD yearbook 2008 (www.ard.de/intern/publikationen)
	Rundfunkrat (Broadcasting Council) of Mitteldeutschen Rundfunks	No information available	No information available	No information available	€636m (PSB in total, budget of council unknown)	2009; ARD yearbook 2008 (www.ard.de/intern/publikationen)
	Rundfunkrat (Broadcasting Council) of Rundfunk Berlin-Brandenburg (rbb)	No information available	No information available	No information available	€395m (PSB in total, budget of council unknown)	2009; ARD yearbook 2008 (www.ard.de/intern/publikationen)
	Broadcasting Council of Südwestrundfunk (SWR)	No information available	No information available	No information available	€1.119m (PSB in total, budget of council unknown)	2009; ARD yearbook 2008 (www.ard.de/intern/publikationen)
	Broadcasting Council of Saarländischer Rundfunk (SR)	No information available	No information available	No information available	€116m (PSB in total, budget of council unknown)	2009; ARD yearbook 2008 (www.ard.de/intern/publikationen)
	Broadcasting Council of Hessischen Rundfunk (HR)	No information available	No information available	No information available	€464m (PSB in total, budget of council unknown)	2009; ARD yearbook 2008 (www.ard.de/intern/publikationen)
	Broadcasting Council of Norddeutschen Rundfunk (NDR)	No information available	No information available	No information available	€1.056m (PSB in total, budget of council unknown)	2009; ARD yearbook 2008 (www.ard.de/intern/publikationen)
	Broadcasting Council of Radio Bremen (RB)	No information available	No information available	No information available	€97m (PSB in total, budget of council unknown)	2009; ARD yearbook 2008 (www.ard.de/intern/publikationen)
	Television Council of Zweites Deutsches	No information available	No information available	No information available	€1.959m (PSB in total, budget of council unknown)	2009; ZDF yearbook 2008 (I. Jahresabschluss 2007);

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
	Fernsehen (ZDF)	available				(www.zdf-ahrbuch.de/2008/finanzen/abschluss_2007)

II. INSTITUTIONAL FRAMEWORK

Table 6 - Legislation establishing and governing the regulatory body

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Germany	competent State Media Authority (LMA)	§ 35 (1) RStV;; § 48 HPRG; §§ 10,11 BayMG; § 45 BremLMG; § 55 SMG; § 38 LMG; §§ 29,30 LMedienG; §§ 87,88 LMG NRW; §§ 7,8 MStV; §§ 40,41 MedienG LSA; §§ 38,39 Medienstaatsvertrag HSH; §§ 38,39 NMedienG; § 51 RundfG M-V; §§ 27,28 SächsPRG; §§ 44, 44a Thür LMG	§ 35 ff. RStV with regard to individual state media or broadcasting laws
	ZAK; KJM	§ 35 (2) RStV; § 14 (2) JMStV	§ 35 ff. RStV, § 13 ff. JMStV
	Broadcasting Council of the BR	Articles 6 and 7 BayRG (Bayerisches Rundfunkgesetz) and Art. 5 BR-Satzung	
	Broadcasting Council of the WDR	§§ 13 ff WDR-Gesetz and WDR-Satzung	
	Broadcasting Council of rbb	§§ 12 ff. rbb-Interstate Treaty on Broadcasting	
	Rundfunkrat (Broadcasting Council) of Mitteldeutschen Rundfunks	§§ 18 ff. MDR-interstate treaty	
	Broadcasting Council of Südwestrundfunk (SWR)	§§ 13 ff. SWR-interstate treaty	
	Broadcasting Council of Saarländischer	§§ 25 ff. SMG	

Country	Body	Legislation setting-up the regulatory body	Governing legislation
	Rundfunk (SR)		
	Broadcasting Council of Hessischen Rundfunk (HR)	§§ 4 ff. HR-law	
	Broadcasting Council of Norddeutschen Rundfunk (NDR)	§§ 16 ff. NDR-interstate treaty	
	Broadcasting Council of Radio Bremen (RB)	§§ 7 ff. RB-law	
	Television Council of Zweites Deutsches Fernsehen (ZDF)	§§ 19 ff. ZDF-interstate treaty	

Table 7 - Legal status

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Germany	State Media Authorities	legal entities under public law (Anstalten des öffentlichen Rechts)	Yes		Regulation bodies are organized as independent legal entities under public law and they are authorized to self-government; the state government provides a legal supervision with only limited powers	e.g. § 29 (1) LMedienG, 19.07.1999
	Public Service Broadcasting Councils	Broadcasting councils are internal organs of the public service broadcaster (with the broadcasters themselves being legal entities under	No		Councils are organized as internal organs; The Constitutional Court stated in the first broadcasting judgement that the public service broadcasting corporations must be free of governmental influence and at the most under governmental supervision limited to the question of legality of administrative activities. Based on that statement, the supervision of the federal states is limited in essential points: they only supervise compliance with the (media) law, not the suitability of decisions.	e.g. § 54 WDR-Gesetz; c.f. Art. 24 Abs. 1 BayRG

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
		public law)			One again, it should be noted that the measures of the governmental supervision can only be taken in case the internal supervision is not effective or sufficient	

Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Germany	Public Service Broadcaster, State Media Authorities		<p>√ Constitutional Court has upheld the principle that broadcasting should be independent from the state (1961, BVerfGE 12, 205). This independence is explained by principle of broadcasting freedom as set out article 5, para. 1, sentence 2 of the Constitution. Broadcasting freedom applies to public service broadcasters, which include internal supervisory bodies, and State Media Authorities.</p> <p>§ 38 sec. 1 NMedienG § 40 Abs. 7 S. 2 LMG Rh-Pf § 95 Abs. 1 S. 2 LMG NRW § 40 Abs. 2 S. 1 MedienG LSA § 44 Abs. 2 ThürLMG § 34 Abs. 3 LMedienG B-W § 54 Abs. 2 RundfG M-V Art. 13 Abs. 2 BayMG § 28 Abs. 4 SMG § 9 Abs. 2MStV § 48 Abs. 2 HPRG; § 49 Abs. 6 S. 2 HPRG § 27 Abs. 2; § 29 Abs. 7 SächsPRG § 45 Abs. 2 BremLMG § 44 Abs. 2 Medienstaatsvertrag HSH</p>	Art. 5 (1) S. 2 of the Constitution (GG)

III. POWERS OF THE REGULATORY BODIES

Table 9 - Regulatory powers

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Germany	LMA	Tick boxes	No	√ (Legally binding guidelines issued by the State Media Authorities, very narrow and specific)	√
		Areas		Directives for Advertising, for the Implementation of the Separation of Advertising and Programme and for Sponsoring, for Protection of Human Dignity and the Protection of Minors	If the competent state media authority finds that a provider has violated the provisions of the RStV or respective state media law, it shall take the measures required. Measures include in particular admonition, prohibition, withdrawal and revocation. They are legally effective administrative acts.
		Source		Joint Directives of the State Media Authorities on the Guarantee of the Protection of Human Dignity and the Protection of Minors) dating from 8th/9th March 2005, effective June 2, 2005 Joint Directives of the State Media Authorities for Advertising, for the Implementation of the Separation of Advertising and Programme and for Sponsoring in Television/Radio, 21.02.2000	§ 38 RStV; e. g. § 32 LMedienG
	Broadcasting Councils	Tick boxes	No	√ (Internal binding guidelines decided by the board, issued by the "intendant", again very specific)	√
		Areas		The Broadcasting Councils possess advisory and supervisory powers. They may focus on both individual programmes as well as the general	Take part in programming-related decisions on personnel, organization and budgetary matters are therefore endowed with considerable

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
				structure of programming (decisions on guidelines for programming).	powers of intervention.
		Source		Article 6 Abs. 1 and article 7 Abs. 3 BayRG; § 20 Abs. 4 S. 2 MDR-interstate treaty	Article 6 Abs. 1 and article 7 Abs. 3 BayRG; § 20 Abs. 4 S. 2 MDR-interstate treaty

Table 10 - Supervision and monitoring power

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)	
Germany	LMA	Quotas	√	√	√			§ 31 LMedienG	
		Advertising	√ (competent LMA and Regulatory Affairs Commission (ZAK))	√	√	√	√ Monitoring not only after complaints		§§ 21-23, 35,36 RStV; e. g. § 31 LMedienG
		Protection of minors	√ (competent LMA and KJM)	√	√	√	√ Monitoring not only after complaints		§§ 35,36 RStV, § 14 JMStV, § 31 LMedienG
	Broadcasting Councils	Protection of minors and separation of advertisement and programme				√	√	Advisory and supervisory powers	§§ 13,14 NDR-Interstate treaty

Table 11 - Powers of sanctions

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Germany		Quotas	√					
	LMA	Advertising	√	√ €50,000 up to €500,000	√	√	√ Up to €500,000	
		Protection of minors	√	√ Up to €500,000	√	√	√ Up to €500,000	
	Broadcasting Councils		N/A	N/A	N/A	N/A	N/A	Broadcasting Councils are entitled by the respective Landesrundfunkgesetz (e.g Art. 7 Abs. 3 Nr. 8 BayRG, § 20 MDR-interstate treaty) to “advise” the PSB Chairman or to order him to remedy an ascertained breach of the law or the programming principles. While the advice has no binding character (in contrast to an order), past experience has shown that its factual influence can hardly be overestimated. Mostly the Broadcasting Councils together with the Administrative Board select and dismiss the PSB Chairman. Thus, a strong factual pressure is on the head.

Table 12 - De facto use of formally granted competences and monitoring powers

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Germany	LMA	No The states (Länder) have jurisdiction over broadcasting. State parliaments adopt the media laws.	√	√	√	√	√	√
	Broadcasting Councils			√			√	√

Table 13 - De facto use of formally granted sanction powers

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Germany	LMA	√	√		√	√

Table 14 - Complaints handling

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Germany	State Media Authority (LMA)	Everyone has the right to complain about the program organized by commercial broadcasters, and in which someone suspect that their content legally questionable can be (e.g. § 42 LMG NRW, § 17 BayMG, § 25 (3) HPRG).	www.programmbeschwerde.de
	BR	For BR such a procedure is laid down in Art. 19 BayRG and especially in § 8 Geschäftsordnung des BR-Rundfunkrats. According to that procedure everyone has the right to complain about the program. First the head has to check the complaint. If the program complaint is not rectified, the Broadcasting Council has	No special website available

Country	Body	Do complaints handling procedures exist?	Link to website
		to be informed.	
	WDR	For WDR such a procedure ("Programmbeschwerde" = programming complaint) is laid down in § 10 WDR-Gesetz in combination with § 33 WDR-Satzung. According to that procedure everyone has the right to complain about the program. First the head has to check the complaint. If the program complaint is not rectified within one month, the Broadcasting Council has to be informed.	No special website available
	rbb	For rbb such a procedure ("Programmbeschwerde" = programming complaint) is laid down in § 10 rbb-Interstate Treaty on Broadcasting in combination with § 23 rbb-Satzung. According to that procedure everyone has the right to complain about the program. First the head has to check the complaint. If the program complaint is not rectified within one month, the Broadcasting Council has to be informed.	No special website available
	SWR	For SWR such a procedure ("Programmbeschwerde" = programming complaint) is laid down in § 11 SWR-interstate treaty. According to that procedure everyone has the right to complain about the program. First the head has to check the complaint. If the program complaint is not rectified within two months, the Broadcasting Council has to be informed.	No special website available
	HR	For HR such a procedure ("Programmbeschwerde" = programming complaint) is laid down in § 4 HR-Satzung. According to § 9 HR-law the Broadcasting Council decides final on complaints.	No special website available
	MDR	For MDR such a procedure ("Programmbeschwerde" = programming complaint) is laid down in § 16 MDR-interstate treaty. According to that procedure everyone has the right to complain about the program. First the head has to check the complaint. If the program complaint is not rectified within two months, the Broadcasting Council has to be informed.	No special website available
	NDR	For NDR such a procedure ("Programmbeschwerde" = programming complaint) is laid down in § 13 NDR-interstate treaty and in § 6 Geschäftsordnung des NDR-Rundfunkrates. According to that procedure everyone has the right to complain about the program. The complaint has to be addressed to the Head or the Broadcasting Council.	No special website available
	RB	For RB such a procedure ("Programmbeschwerde" = programming complaint) is laid down in § 23 RB-law. According to that everyone has the right to complain about the program. According to § 8 Abs. 4 RB-Geschäftsordnung the Broadcasting Council decides on complaints.	No special website available
	SR	For SR such a procedure ("Programmbeschwerde" = programming complaint) is laid down in §§ 8, 28 SR-law. According to that the Broadcasting Council decides on complaints.	No special website available
	ZDF	For ZDF such a procedure ("Programmbeschwerde" = programming complaint) is laid down in § 15 ZDF-interstate treaty. According to that everyone has the right to complain about the program. According to § 28 ZDF-Satzung the head has to	No special website available

Country	Body	Do complaints handling procedures exist?	Link to website
		check the complaint. If the program complaint is not rectified within one month, the Broadcasting Council has to be informed and decides on the complaint.	

IV. INTERNAL ORGANISATION AND STAFFING

Table 15 - Highest decision-making organ – composition

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source	
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)			
Germany	Executive Board (Vorstand) of the LfK	Board	5	No	No	No	No	No	No	No	No information available	§ 34 LMedienG
	Media council of the BLM	Board	47	34	1	12	No	No	No	No	No information available	§ 13 BayMG
	Media council of the mabb	Board	7	No	No	No	No	7	No	No	No information available	§ 9 (1) MStV
	State broadcasting committee of the brema	Board	26	21	No	5	No	No	No	No	No information available	§ 49 (1) BremLMG
	Media council of the MA HSH	Board	14	No	No	No	No	14	No	No	No information available	§ 41 (1) Medienstaatsvertrag HSH
	Assembly of the LPR Hessen	Board	30	25	No	5	No	No	No	No	No information available	§ 49 (1) HPRG
	Media council of	Board	11	11	No	No	No	No	No	No	No information available	§ 52 (1) RundfG M-

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
	the mmv									available	V
	Assembly of the NLM	Board	23	18	No	5	No	No	No	No information available	§ 40 (1) NMedienG
	Media commission of the LfM	Board	23	18	No	5	No	No	No	No information available	§ 93 LMG NRW
	Assembly of the LMK	Board	42	35	No	7	No	No	No	No information available	§ 40 (1) LMG
	Broadcasting council of the LMS	Board	35	29	1	5	No	No	No	No information available	§ 27 (1) SMG
	Assembly of the SLM	Board	33	28	1	4	No	No	No	No information available	§ 29 (1) SächsPRG
	Media Council of the SLM	Board	5	No	No	No	No	5	No	No information available	§ 31 (1) SächsPRG
	Assembly of the MSA	Board	25	20		5	No	No	No	No information available	§ 42 (1) MedienG LSA
	Assembly of the TLM	Board	25	21	1	3	No	No	No	No information available	§ 45 (1) ThürLMG
	Broadcasting council of the Bayerische Rundfunk (BR)	Board	47	34	1	12	No	No	No	No information available	§ 6 (3) Bavarian Broadcasting Law, BayRG
	Broadcasting council of the Südwestrundfunk (SWR)	Board	74	59	3	12	No	No	No	No information available	§ 14 Interstate treaty for SWR
	Broadcasting council of the Hessischen Rundfunk (HR)	Board	30	23	1	6	No	No	No	No information available	§ 5 (2) HR-law
	Broadcasting council of the Mitteldeutschen Rundfunk (MDR)	Board	43	31	3	9	No	No	No	No information available	§ 19 (1) Interstate Treaty for MDR
	Broadcasting council of the	Board	58	49	No	9	No	No	No	No information available	§ 17 (1) Interstate

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
	Norddeutschen Rundfunk (NDR)									available	Treaty for NDR
	Broadcasting council of the Rundfunk Berlin-Brandenburg (rbb)	Board	30	23	No	7	No	No	No	No information available	§ 14 (1) Interstate Treaty for rbb
	broadcasting council of the Radio Bremen (RB)	Board	26	21	No	5	No	No	No	No information available	§ 9 (1) RB-law
	Broadcasting council of the Westdeutsche Rundfunk Köln (WDR)	Board	47	34	No	13	No	No	No	No information available	§ 15 WDR-law
	Television council of the Zweites Deutsches Fernsehen (ZDF)	Board	77	46	19	12	No	No	No	No information available	§ 21 (1) Interstate Treaty for ZDF
	Regulatory Affairs Commission (ZAK)	Board	14	No	No	No	No	No	Comprises the legal representatives (Directors, Presidents) of the 14 State Media Authorities	Comprises the legal representatives (Directors, Presidents) of the 14 State Media Authorities	§ 36 (2) RStV (interstate broadcasting treaty)
	Commission for the Protection of Minors in the Media (KJM)	Board	12	No	No	No	No	Yes. 6 (delegated by the highest state or federal authorities for the protection of minors)	6 delegated by the state media authorities	Six of twelve members of the commission are Directors of the State Media Authorities.	Art. 14 (3) JMStV (protection of minors treaty)

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ						Implicit representation structures?	Source	
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts			Others (e.g. regions)
	Commission on Concentration in the Media (KEK)		12	N/A				Yes, 6	6 representatives of the regional media authorities	Comprises the legal representatives (Directors, Presidents) of the Media Authorities	interstate broadcasting treaty

Table 16 - Highest decision-making organ – competences and decision-making process and transparency

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Germany	Executive Board of directors (Vorstand) of the LfK	<p>Vorstand carries out the following tasks of the LfK (§§ 32,35 LMedienG):</p> <ul style="list-style-type: none"> Licensing and supervision of commercial broadcasting Control of compliance with freedom of speech and protection of minors and advertising regulations Assignment of broadcasting capacities and regulation of broadcasting distribution on cable networks (decision to be approved by Media Council) Provision of rules on protection of minors (to be approved by Media Council) and advertising Imposition of sanctions in case of infringements of laws Determination of general broadcasting requirements and measures to guarantee diversity of opinions and freedom of speech Ensuring diversity of opinion and protection 	<p>The following decisions require approval of the Media Council: allocation of transmission capacity and its withdrawal and revocation, adoption of directives and decisions in individual cases, submission of proposals for decisions.</p> <p>The media council decides on rules of procedure with a majority of two thirds of his members (§ 45 (5) LMedienG).</p> <p>The media council adopts decisions with the majority of the votes cast (simply majority). (§ 45 (3) LMedienG).</p>	<p>No protocols available until now.</p> <p>Neither statute nor rules of internal procedure are available.</p>	No, except general annual reports.

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		<ul style="list-style-type: none"> of minors Approval of the annual budget The media council decides rules of procedure.			
	Media council of the BLM	<ul style="list-style-type: none"> Decides on the transmission and retransmission of broadcasting services licensed under the Bavarian Media law Adopts directives on programme organisation Approves the annual budget Decides on the promotion of programmes and technical infrastructure The Council has the right to determine its own rules of procedure (§ 10 (3) BayMG)	The media council takes decisions with the majority of the votes cast. (§ 5 (2) rules of procedure of the media council of the BLM)	Rules of procedure are available	Reports and results of the meetings published
	Media council of the mabb	The Media Council carries out the tasks of the mabb (§ 12 MStV). It has the right to determine its own rules of procedure (§ 12 (6) MStV) and approves the annual budget (§ 16 (1) MStV).	Decisions of the media council require the approval of at least four members (§ 12 (4) MStV).	Rules of procedure are available	Only general reports and press releases are published
	State broadcasting committee of the brema	The Media Council carries out the tasks of the mabb (§ 51 BremLMG). It has the right to determine its own rules of procedure.	In general the state broadcasting committee adopts decisions by simply majority; at least ten members have to be present.	No information available	Decisions are released as press releases
	Media council of the MA HSH	The Media Council carries out the tasks of the MA HSH (§ 39 Abs. 2 Medienstaatsvertrag HSH). It has the right to determine its own rules of procedure and approves the annual budget.	In general the media council takes decisions by simply majority.	No information available	Decisions are released as reports and press releases
	Assembly of the LPR Hessen	<ul style="list-style-type: none"> Licensing, withdrawing or revoking licences (§ 51 Abs. 1 HPRG) Right to determine its own rules of procedure Approval of the annual budget 	In general the assembly takes decisions by simply majority.	No information available	Decisions are released as reports and press releases
	Media council of the mmv	<ul style="list-style-type: none"> Licensing, withdrawing or revoking licences (§ 53 RundfG M-V) Assigning broadcasting capacities Right to determine its own rules of procedure Approving the annual budget 	In general the media council takes decisions by simply majority.	No information available	Decisions are released as press releases
	Assembly of the	<ul style="list-style-type: none"> Licensing, withdrawing or revoking licences 	In general the assembly takes decisions by	No information available	Decisions are released as

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
	NLM	(§ 44 NMedienG) <ul style="list-style-type: none"> Assigning broadcasting capacities Right to determine its own rules of procedure Approving the annual budget 	simply majority.		reports and press releases
	Media commission of the LfM	<ul style="list-style-type: none"> Decisions on broadcasting capacities (§ 42 LMG) Right to determine its own rules of procedure Approval of the annual budget 	In general the media commission takes decisions by simply majority.	No information available	Only general reports and press releases are published
	Assembly of the LMK	<ul style="list-style-type: none"> Right to determine its own rules of procedure Approval of the annual budget 	In general the assembly takes decisions by simply majority.	No information available	Decisions are released as press releases
	Broadcasting council of the LMS	<ul style="list-style-type: none"> Licensing, withdrawing or revoking licences (§ 57 SMG) Assigning broadcasting capacities Decisions on violation of media law Right to determine its own rules of procedure Approving the annual budget 	In general the broadcasting council takes decisions by simply majority.	No information available	Decisions are released as press releases
	Media council of the SLM	<ul style="list-style-type: none"> Licensing, withdrawing or revoking licences (§ 32 Abs. 7 SächsPRG) Decisions on supervisory measures and complaints Right to determine its own rules of procedure Approving the annual budget Decisions on staff issues/human resources 	In general the media council takes decisions by simply majority.	No information available	Decisions are released as annual reports and press releases
	Assembly of the MSA	<ul style="list-style-type: none"> Licensing of commercial broadcasters (§ 43 MedienG LSA) Right to determine its own rules of procedure Approval of the annual budget 	In general the assembly takes decisions by simply majority.	No information available	Decisions are released as press releases
	Assembly of the TLM	<ul style="list-style-type: none"> Right to determine its own rules of procedure Approval of the annual budget Monitoring of program principles <p>The director decides on supervisory measures and complaints; the decisions require the approval of the board of the assembly.</p>	In general the assembly takes decisions by simply majority. Half of all members of the assembly have to be present.	No information available	Decisions are released as press releases
	Broadcasting council of the Bayerische	<p>Tasks of the broadcasting council in general:</p> <ul style="list-style-type: none"> Monitoring the legal requirements and ensuring that diversity in programming is 		The Broadcasting Council generally meets publicly, but is entitled to exclude the public, if he	There is no obligation to publish agendas and minutes of the meetings, but the agenda is always published on

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
	Rundfunk (BR)	<p>achieved</p> <ul style="list-style-type: none"> Advising the Intendant on program-related decisions <p>Regarding internal organisation and procedures and human and financial resources:</p> <ul style="list-style-type: none"> Election and dismissal of the Intendant (head) and executive staff Approves the annual budget Determine its own rules of procedure 		considers it necessary or if it deals with personnel matters.	the homepage of the Broadcasting Council.
	Broadcasting council of the Südwestrundfunk (SWR)	<ul style="list-style-type: none"> Approves the annual budget Determines its own rules of procedure 	In general the broadcasting council takes decisions by simply majority.	No information available	No information available
	Broadcasting council of the Hessischen Rundfunk (HR)	<ul style="list-style-type: none"> Approves the annual budget Determines its own rules of procedure 	In general the broadcasting council takes decisions by simply majority.	No information available	No information available
	Broadcasting council of the Mitteldeutschen Rundfunk (MDR)	<ul style="list-style-type: none"> Approves the annual budget Determines its own rules of procedure 	In general the broadcasting council takes decisions by simply majority.	No information available	There is no obligation to publish agendas and minutes of the meetings.
	Broadcasting council of the Norddeutschen Rundfunk (NDR)	<ul style="list-style-type: none"> Approves the annual budget Determines its own rules of procedure 	In general the broadcasting council takes decisions by simply majority.	No information available	No information available
	Broadcasting council of the Rundfunk Berlin-Brandenburg (rbb)	<ul style="list-style-type: none"> Approves the annual budget Determines its own rules of procedure 	In general the broadcasting council takes decisions by simply majority.	No information available	There is no obligation to publish agendas and minutes of the meetings.
	Broadcasting council of the Radio Bremen (RB)	<ul style="list-style-type: none"> Approves the annual budget Determines its own rules of procedure 	In general the broadcasting council takes decisions by simply majority.	No information available	No information available
	Broadcasting council of the Westdeutsche Rundfunk Köln (WDR)	<ul style="list-style-type: none"> Approves the annual budget Determines its own rules of procedure 	In general the broadcasting council takes decisions by simply majority.	The Broadcasting Council is entitled to decide if it wants to meet publicly.	There is no obligation to publish agendas and minutes of the meetings.

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
	Broadcasting council of the Saarländischer Rundfunk (SR)	<ul style="list-style-type: none"> Approves the annual budget Determines its own rules of procedure 	In general the broadcasting council takes decisions by simply majority.	No information available	No information available
	Television council of the Zweites Deutsches Fernsehen (ZDF)	<ul style="list-style-type: none"> Approves the annual budget Determines its own rules of procedure 	In general the television council takes decisions by simply majority.	No information available	No information available
	Regulatory Affairs Commission (ZAK)	<p>According to § 36 Abs. 2 S.1 Nr. 1 - 9 RStV:</p> <ul style="list-style-type: none"> Licensing, withdrawing or revoking the licences of national service providers Supervisory measures concerning national commercial broadcasters Development of common standards for all states <p>Regarding internal organisation and procedures and human and financial resources:</p> <ul style="list-style-type: none"> Approves own budget Determines its own rules of procedure 	The commission takes decisions with the majority of the votes of the statutory members.	No information available	Only general reports and press releases are published.
	Commission for the Protection of Minors in the Media (KJM)	<ul style="list-style-type: none"> Serving the State Media Authority in the fulfilment of their tasks to verify compliance with the provisions of the JMStV (§ 14 (2) JMStV) Monitoring the application of the provisions of the JMStV (§ 16 JMStV) Certifying voluntary self-regulation organisations and taking back or revoking the certification (§ 16 JMStV). <p>Regarding internal organisation and procedures and human and financial resources:</p> <ul style="list-style-type: none"> Approves own budget Determines its own rules of procedure 	The commission takes decisions with the majority of the votes of the statutory members; in the case of parity of votes, the chairperson has the decisive vote.	No information available	Only general reports and press releases are published.

Table 17 - Highest decision-making organ – appointment process

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Germany	LfK	Chairman (head of the authority)	Yes	Election by parliament of the State	Election by parliament of the State and is appointed by the Minister President of the State.	No	§ 36 LMedienG BW
		Board of Directors (Vorstandsmitglieder)	No		Board members are elected by the State Parliaments with a majority of two thirds of the parliamentary members.	N/A	§ 36 LMedienG BW
	BLM	Chairman (head of the authority)	Yes	Members of the media council bring proposals	Election of the president (head) by the media council	No	§ 15 BayMG in accordance to § 18 GOMR (rules of procedure)
		Board members	No		Socially relevant groups and parliamentary groups choose representatives.	N/A	§ 13 (1) BayMG
	mabb	Chairman (head of the authority)	No		The chairman is elected by both the State Parliaments of Berlin and Brandenburg	N/A	§ 13 (1) MStV

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
					with a majority of two thirds of the votes of the statutory members.		
		Board members	No		Experts are elected by the State Parliament of Berlin (3 persons) or the State Parliament of Brandenburg (3 persons) with a majority of two thirds of the votes of the statutory members.	N/A	§ 10 (1) MStV
	brema	Chairman (head of the authority)	No		The director of the brema is elected by the state broadcasting comitee.	N/A	§ 53 BremLMG
		Board members	Yes. Nomination stage for 13 members	Socially relevant groups and organizations propose representatives to the State Parliament.	Socially relevant groups and parliamentary groups send representatives to the state broadcasting committee; representatives who are proposed by socially relevant	No information available	§ 49 BremLMG

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
					groups are elected by the State Parliament.		
	MA HSH	Chairman (head of the authority)	No		The director of the MA HSH is elected by the media council.	N/A	§ 47 Medienstaatsvertrag HSH
		Board members	Yes	Socially relevant groups and organizations proposes representatives (= experts) to the State Parliament.	Representatives are elected by the State Parliament.	No information available	§ 42 Medienstaatsvertrag HSH
	LPR Hessen	Chairman (head of the authority)	Open call		The director of the LPR is elected by the assembly with a majority of the votes of the statutory members.	N/A	§ 53 HPRG
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the assembly.	N/A	§ 49 HPRG
	mmv	Chairman (head of the authority)	Open call		The director of the mmv is elected by the by the board with a majority	N/A	§ 57 RundfG M-V

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
					of the votes of the statutory members.		
		Board members	No		Socially relevant groups send representatives to the board.	N/A	§ 52 RundfG M-V
	NLM	Chairman (head of the authority)	No		The director is elected by the board.	N/A	§ 48 NMedienG
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 40 NMedienG
	LfM	Chairman (head of the authority)	Open call		The director is elected by the board.	N/A	§ 100 LMG NRW
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 93 LMG NRW
	LMK	Chairman (head of the authority)	No		The director is elected by the board.	N/A	§ 44 LMG
		Board members	No		Socially relevant groups and parliamentary groups send representatives	N/A	§ 40 LMG

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
					to the board.		
	LMS	Chairman (head of the authority)	No		The director is elected by the State Parliament with a majority of two thirds of the votes of the statutory members.	N/A	§ 58 SMG
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 56 SMG
	SLM	President (head of the authority)	Yes	Socially relevant groups and organizations proposes representatives (= experts) to the State Parliament.	The representatives are elected by the State Parliament. Following they elect the President from their midst.	No information available	§ 32 SächsPRG
		Board members	Yes	Bodies of the SLM, media organisations of supra-regional importance and socially relevant groups and organizations, who are authorized to send representatives	The members of the Media Council are elected by the State Parliament with a majority of two thirds of the votes of the statutory members.	No information available	§ 31 SächsPRG

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
				to the board.			
	MSA	Chairman (head of the authority)	No		The director is appointed by the board.	N/A	§ 43 (3) MedienG LSA
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 42 MedienG LSA
	TLM	Chairman (head of the authority)	Open call		The director is elected by the board with the majority of the votes of the statutory members.	N/A	§ 49 Thür LMG
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 45 Thür LMG
	BR	Chairman (Intendant)	No		Intendant is elected by the board with simply majority.	N/A	§ 12 BR-law; Art. 7 Abs. 1 BayRG combined with § 2 Geschäftsordnung des BR-Rundfunkrats
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board in their own responsibility.	N/A	§ 6 BR-law

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
	SWR	Chairman (Intendant)	No		Intendant is elected by the media council and the administrative council together with the majority of the votes of the statutory members.	N/A	§ 26 SWR-interstate treaty
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 14 SWR-interstate treaty
	HR	Chairman (Intendant)	No		Intendant is elected by the media council with simply majority.	N/A	§ 16 HR-law
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 5 HR-law
	MDR	Chairman (Intendant)	Yes	Proposal by the administrative board.	Intendant is elected by the media council with the majority of the votes of the statutory members.	No information available	§ 30 MDR-interstate treaty
		Board members	No		Socially relevant groups	N/A	§ 19 MDR-interstate treaty

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
					and parliamentary groups send representatives to the board.		
	NDR	Chairman (Intendant)	Yes	Proposal by the administrative board.	Intendant is elected by the media council.	No information available	§ 28 NDR-interstate treaty
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board in their own responsibility.	N/A	§ 17 NDR-interstate treaty
	rbb	Chairman (Intendant)	No		Intendant is elected by the media council.	N/A	§ 22 rbb-interstate treaty
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board in their own responsibility.	N/A	§ 14 rbb-interstate treaty
	RB	Chairman (Intendant)	Yes	Finding commission is set up	Intendant is elected by the media council.	N/A	§ 15 RB-law
		Board members	No		Socially relevant groups and parliamentary groups send	N/A	§ 10 RB-law

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
					representatives to the board.		
	WDR	Chairman (Intendant)	No		Intendant is elected by the media council.	N/A	§ 24 WDR-law
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 15 WDR-law
	SR	Chairman (Intendant)	No		Intendant is elected by the media council with a majority of two thirds of the votes of the statutory members.	N/A	§ 34 SMG
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board in their own responsibility.	N/A	§ 27 SMG
	ZDF	Chairman (Intendant)	No		Intendant is elected by the media council with the majority of three fifth of the votes of the statutory members.	N/A	§ 26 ZDF-interstate treaty

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
		Board members	Yes	Socially relevant groups and organizations propose representatives.	Representatives of the socially relevant are appointed by the respective Minister President.	No information available	§ 14 ZDF-interstate treaty
	ZAK	Chairman	N/A		The chairman of ZAK is the chairman of the Directors' Conference of the State Media Authorities (DLM)	N/A	§ 2 (2) rules of procedure (GVO-ZAK)
		Board members	N/A		Comprises the legal representatives (Directors, Presidents) of the 14 State Media Authorities	N/A	§ 2 (1) rules of procedure (GVO-ZAK)
	KJM	Chairman	No information available		A director of a State Media Authority shall act as chairman.	No information available	§ 14 JMStV
		Board members	N/A		The KJM consists of 12 experts. Of these, six members shall be delegated by the directors of the State Media Authorities following	N/A	§ 14 JMStV

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
					consensual appointment by the State Media Authorities, four members shall be delegated by the supreme state youth authorities in charge of the protection of minors, two members shall be delegated by the supreme federal authority in charge of the protection of minors.		

Table 18 - Term of office and renewal

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Germany	LfK	Chairman of the LfK	6 years	No information available	Once	§ 36 LMedienG BW

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
		Board members	6 years	No information available	Once	§ 36 LMedienG BW
	BLM	Chairman (head of the authority)	5 years	No information available	No information available	§ 15 BayMG
		Board members	5 years	No information available	No information available	§ 13 BayMG
	mabb	Chairman (head of the authority)	5 years		Yes	§ 13 MStV
		Board members	5 years	No information available	No information available	§ 9 MStV
	brema	Chairman (head of the authority)	5 years	No information available	Yes	§ 53 BremLMG
		Board members	4 years	No information available	No information available	§ 49 BremLMG
	MA HSH	Chairman (head of the authority)	5 years	No information available	Yes	§ 48 Medienstaatsvertrag HSH
		Board members	5 years	No information available	No information available	§ 44 Medienstaatsvertrag HSH
	LPR Hessen	Chairman (head of the authority)	No information available	No information available	No information available	
		Board members	4 years	No information available	No information available	§ 49 HPRG
	mmv	Chairman (head of the	6 years	No information	No information available	§ 57 RundfG M-V

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
		authority)		available		
		Board members	5 years	No information available	No information available	§ 54 RundfG M-V
	NLM	Chairman (head of the authority)	5 years	No information available	Yes	§ 48 NMedienG
		Board members	6 years	No information available	No information available	§ 40 NMedienG
	LfM	Chairman (head of the authority)	6 years	No information available	Yes	§ 100 LMG NRW
		Board members	6 years	No information available	No information available	§ 96 LMG NRW
	LMK	Chairman (head of the authority)	6 years	No information available	No information available	§ 44 LMG
		Board members	5 years	No information available	No information available	§ 40 LMG
	LMS	Chairman (head of the authority)	7 years	No information available	Yes.	§ 58 SMG
		Board members	4 years	No information available	No information available	§ 56 SMG
	SLM	President	6 years	No information available	Yes. Once.	§ 31 SächsPRG
		Board members	6 years	No information available	Yes. Once.	§ 31 (10) SächsPRG

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
	MSA	President of the board of the directors	6 years	No information available	No information available	§ 45 MedienG LSA
		Board members	6 years	No information available	No information available	§ 42 MedienG LSA
	TLM	Chairman (head of the authority)	6 years	No information available	No information available	§ 49 Thür LMG
		Board members	4 years	No information available	No information available	§ 45 Thür LMG
	BR	Chairman (Intendant)	5 years	No information available	Yes	§ 12 BR-law
		Board members	5 years	No information available	No information available	§ 6 BR-law
	SWR	Chairman (Intendant)	5 years	No information available	Yes	§ 26 SWR-interstate treaty
		Board members	5 years	No information available	No information available	§ 14 SWR-interstate treaty
	HR	Chairman (Intendant)	5-9 years	No information available	Yes	§ 16 HR-law
		Board members	4 years	No information available	No information available	§ 5 HR-law
	MDR	Chairman (Intendant)	6 years	No information available	Yes	§ 21, 30 MDR-interstate treaty
		Board members	6 years	No information available	No information available	§ 19 MDR-interstate treaty

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
				available		
	NDR	Chairman (Intendant)	6 years	No information available	Yes	§ 28 NDR-interstate treaty
		Board members	5 years	No information available	No information available	§ 17 NDR-interstate treaty
	rbb	Chairman (Intendant)	5 years	No information available	Yes	§ 22 rbb-interstate treaty
		Board members	4 years	No information available	No information available	§ 14 rbb-interstate treaty
	RB	Chairman (Intendant)	5 years	No information available	Yes	§ 15 RB-law
		Board members	4 years	No information available	Yes. Twice.	§ 10 RB-law
	WDR	Chairman (Intendant)	6 years	No information available	Yes	§ 24 WDR-law
		Board members	6 years	No information available	No information available	§ 15 WDR-law
	SR	Chairman (Intendant)	6 years	No information available	No information available	§ 34 SMG
		Board members	4 years	No information available	No information available	§ 27 SMG
	ZDF	Chairman (Intendant)	5 years	No information available	Yes	§ 26 ZDF-interstate treaty

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
		Board members	4 years	No information available	No information available	§ 14 ZDF-interstate treaty

Table 19 - Professional expertise/qualifications

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Germany	LMA (LfK)	Chairman of the board	The chairman of the board shall have the qualification for judgeship	Not required	§ 34 (2) LMedienG
		Board members	Not required	Not required	N/A
	BLM	Chairman (head of the authority)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	mabb	Chairman (head of the authority)	Shall have the qualification for judgeship	Not required	§ 13 (2) MStV
		Board members	The chairman of the board shall have the qualification for judgeship	Requisite professional expertise explicit as necessary stated	§ 9 (1); § 12 (3) MStV
	brema	Chairman (head of the authority)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	MA HSH	Chairman (head of the	Shall have the qualification for judgeship	Not required	§ 47 Medienstaatsvertrag HSH

Country	Body		Qualifications	Professional expertise	Source
		authority)			
		Board members	Shall have the qualification for judgeship	Requisite experience in the media sector	§ 41 (1) Medienstaatsvertrag HSH
	LPR Hessen	Chairman (head of the authority)	Not required	Requisite experience in the media sector	§ 53 (1) HPRG
		Board members	Not required	Not required	N/A
	mmv	Chairman (head of the authority)	Not required	Expertise necessary	§ 57 (1) RundfG M-V
		Board members	Not required	Not required	N/A
	NLM	Chairman (head of the authority)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	LfM	Chairman (head of the authority)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	LMK	Chairman (head of the authority)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	LMS	Chairman (head of the authority)	Shall have the qualification for judgeship	Not required	§ 58 SMG
		Board members	Not required	Not required	N/A
	SLM	President (head of the authority)	Shall have the qualification for judgeship	Not required	§ 32 (1) SächsPRG
		Board	Not required	Requisite professional expertise in the media	§ 31 (1) SächsPRG

Country	Body		Qualifications	Professional expertise	Source
		members		sector explicit as necessary stated	
	MSA	Chairman (head of the authority)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	TLM	Chairman (head of the authority)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	BR	Chairman (Intendant)	Not required	Not required	Verordnung über die Wahlen zum Rundfunkrat des Bayerischen Rundfunks und zum Medienrat der Bayerischen Landeszentrale für Medien (act on elections to the broadcasting council and the media board of the Bavarian regulatory authority for commercial broadcasting)
		Board members	Not required	Not required	N/A
	SWR	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	HR	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	MDR	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	NDR	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	rbb	Chairman (Intendant)	Not required	Not required	N/A

Country	Body		Qualifications	Professional expertise	Source
		Board members	Not required	Not required	N/A
	RB	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	WDR	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Requisite experience in the broadcasting sector	15 Abs. 12 WDR-Gesetz
	SR	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	ZDF	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A

Table 20 - Rules to guard against conflicts of interest – Appointment process

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Germany	LfK	Chairman of the board	Yes		Yes Cannot be members of the federal and state constitutional	No	Yes Cannot be members of the governing bodies or employees of public	Yes, but there is a set of exceptions: see incompatibilities in left columns plus officials of the	No information available	§ 34 (4) LMedienG

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
					organs.		broadcasting entities, commercial broadcasters or telemedia providers	European Union		
		Board members	Yes		Yes	No	Yes	Same as above (s.o.)	No information available	§ 34 (4) LMedienG BW
	BLM	Chairman (head of the authority)	Yes		Yes	No	Yes	s.o. (LfK)	No information available	§ 15 BayMG
		Board members	Yes		Yes (except from one member from government that has to be appointed)	No	Yes		Prohibition to represent interests that are in conflict with board objectives	§ 13 BayMG
	mabb	Chairman (head of the authority)		No						
		Board members	Yes		Yes	No	Yes	s.o. (LfK)	No information available	§ 11 MStV
	brema	Chairman (head of the authority)		No						
		Board members	Yes		Yes	No information available	Yes	s.o. (LfK)	No information available	§ 50 BremLMG
	MA HSH	Chairman (head of the authority)		No						
		Board members	Yes		Yes	No	Yes	s.o. (LfK)	No information available	§ 43 Medienstaatsvertrag HSH
	LPR Hessen	Chairman (head of the	Yes		Yes	No	Yes	s.o. (LfK)	No information available	§ 54 HPRG

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
		authority)								
		Board members	Yes		No	No	Yes		No information available	§ 49 HPRG
	mmv	Chairman (head of the authority)		No						
		Board members	Yes		Yes	No information available	Yes	s.o. (LfK)	No information available	§ 54 RundfG M-V
	NLM	Chairman (head of the authority)		No						
		Board members	Yes		Yes	No	Yes	s.o. (LfK)	No information available	§ 41 NMedienG
	LfM	Chairman (head of the authority)	Yes		Yes	No	Yes	s.o. (LfK)	No information available	§ 101 LMG NRW
		Board members	Yes		Yes	No	Yes		No information available	§ 91 LMG NRW
	LMK	Chairman (head of the authority)	Yes		Yes	No	Yes	s.o. (LfK)	No information available	§ 44 LMG
		Board members	Yes		Yes	No	Yes		No information available	§ 41 LMG
	LMS	Chairman (head of the authority)		No						
		Board members	Yes		Yes	No information available	Yes	s.o. (LfK)	No information available	§ 56 SLM
	SLM	President (head of the authority)	Yes		Yes	No information available	Yes	s.o. (LfK)	No information available	§ 31 (5) SLM
		Board	Yes		Yes	No	Yes		No information available	§ 31 (5) SLM

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
		members				information available			available	
	MSA	Chairman (head of the authority)		No						
		Board members	Yes		Yes	No	Yes	s.o. (LfK)	No information available	§ 42 MedienG LSA
	TLM	Chairman (head of the authority)	Yes		Yes	No	Yes	s.o. (LfK)	Not possible in case of person's negative past (in particular Stasi-past)	§ 45 ThürLMG
		Board members	Yes		No	No	Yes		Not possible in case of person's negative past (in particular Stasi-past) Centre of life to be in Thuringia	§ 50 ThürLMG
	BR	Chairman (Intendant)			No					
		Board members	Yes		Yes. Certain members (non-government representatives) may not be members of the state government.	No	Yes	No information available	No information available	§ 6 BR-law
	SWR	Chairman (Intendant)		No						
		Board members	Yes		No	No	Yes	No information available	No information available	§ 13 SWR-Interstate Treaty

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
	HR	Chairman (Intendant)		No						
		Board members	Yes		No	No	Yes	No information available	Prohibition to represent interests that are in conflict with board objectives	§ 5 HR-law
	MDR	Chairman (Intendant)		No						
		Board members	Yes		Yes (except for members from government that have to be appointed)	No	Yes	No information available	Not possible in case of person's negative past (in particular Stasi-past)	§ 18 MDR-Interstate Treaty
	NDR	Chairman (Intendant)		No					No information available	
		Board members	Yes		Yes	No	Yes	No information available	Centre of life to be in NDR's broadcasting area	§ 16 NDR-Interstate Treaty
	Rbb	Chairman (Intendant)	Yes		Yes	No	Yes	No information available	No information available	§ 12rbb_Interstate Treaty
		Board members	Yes		Yes	No	No		No information available	§ 12 rbb-Interstate Treaty
	RB	Chairman (Intendant)		No						
		Board members	Yes		Yes	No	No	No information available	No information available	§ 9 RB-law
	WDR	Chairman (Intendant)		No						
		Board members	Yes		Yes	No	Yes	s.o. (LfK)	No information available	§ 13 WDR-law

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
	SR	Chairman (Intendant)	Yes		Yes	No	Yes	No information available	No information available	§ 6 SMG
		Board members	Yes		Yes (except for one member from government that has to be appointed)	No	Yes		No information available	
	ZDF	Chairman (Intendant)		No						
		Board members	Yes		No	No information available	Yes	No information available	Prohibition to represent interests that are in conflict with board objectives	§ 21 (9) ZDF-Interstate Treaty
	KJM	Chairman		No						
		Board members	Yes		Yes	No information available	Yes	No information available	No information available	§ 14 JMStV

Table 21 - Rules to guard against conflicts of interest – during term of office

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Germany	Competent State Media Authorities	Chairman	Yes		Yes	No	Yes	§ 37 LMedienG BW See Table 20: Following persons may not be Chairman or members of the board: members and employees of

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source	
			Yes	No					
								the institutions of the European Union, the federal and state constitutional organs, members of the governing bodies and employees of the public broadcasting entities and the commercial broadcasters or telemedia providers.	
		Board members	Yes		Yes	No	Yes	see above	
		Senior staff		No					
		BR	Chairman and Board Members	Yes		Yes. Certain members (non-government representatives) may not be members of the state government.	No	No	Art. 6 Abs. 3 - 5 BayRG; Verordnung über die Wahlen zum Rundfunkrat des Bayerischen Rundfunks und zum Medienrat der Bayerischen Landeszentrale für Medien (act on elections to the broadcasting council and the media board of the Bavarian regulatory authority for commercial broadcasting)
		WDR	Chairman and Board Members	Yes		Yes	No	Yes	§ 13 Abs. 3 – 4 WDR-Gesetz
		Rbb	Chairman and Board Members	Yes		Yes	No	Yes	§ 12 rbb Interstate Treaty on Broadcasting
		SWR	Chairman and Board Members	Yes		Yes	No	No	§ 13 SWR-Interstate Treaty
		HR	Chairman and Board Members	Yes		Yes	No	No	§ 5 HR-law
		MDR	Chairman and Board Members	Yes		Yes	No	No	§ 18 MDR-Interstate Treaty
		NDR	Chairman and Board Members	Yes		Yes	No	No	§ 16 NDR-Interstate Treaty
		RB	Chairman and Board Members	Yes		Yes	No	No	§ 9 RB-law
	SR	Chairman and Board Members	Yes		Yes	No	No	§ 6 SMG	
	ZDF	Chairman and Board Members	Yes		No information available	No	Yes	§ 21 (9) ZDF-Interstate Treaty	

Table 22 - Rules to guard against conflicts of interest – after term of office

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Germany	competent State Media Authorities (no evidences found)	Chairman		No		
		Board members		No		
		Senior Staff		No		
	BR			No		
	WDR			No		
	rbb			No		
	SWR			No		
	HR			No		
	MDR			No		
	NDR			No		
	RB			No		
	SR			No		
	ZDF			No		

Table 23 - Rules to protect against dismissal

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Germany	LfK	Chairman of the board	Yes		Parliament	Violation of obligations	Only individual members	§ 36 LMedienG
		Board members	Yes		Parliament (dismissal by qualified two third-majority vote)	Violation of obligations		§ 36 LMedienG
	BLM	Chairman	Yes		Media council (board)	Dismissal for an important reason.	Only individual members	§ 15 BayMG
		Board members	Yes		Socially relevant groups and organizations	Leaving the respective organization or group.		§ 13 BayMG
	mabb	Chairman	Yes		Media council (board)	Dismissal for an important reason.	Only individual members	§ 10 MStV
		Board members	Yes		Media council (board)	Subsequent occurrence of incompatibility.		§ 13 MStV
	brema	Chairman	Yes		State broadcasting committee (board)	Subsequent occurrence of incompatibility; violation of obligations	Only individual members	§§ 50, 53 BremLMG
		Board members	Yes		State broadcasting	Subsequent occurrence of incompatibility		§§ 49, 50 BremLMG

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
					committee (board); Socially relevant groups and organizations			
	MA HSH	Chairman	Yes		President of the respective State Parliament	Subsequent occurrence of incompatibility	No information available	§ 43 Medienstaatsvertrag HSH
		Board members	No information available					
	LPR Hessen	Chairman	Yes		A majority of two third of the assembly may dismiss the Chairman	No information available		§ 53 HPRG
		Board members	Yes		Socially relevant groups and organizations	Leaving the respective organization or group	Only individual members	§ 49 HPRG
	mmv	Chairman	Yes		Media council	Dismissal for an important reason		§ 57 RundfG M-V
		Board members	No information available					

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
	NLM	Chairman	No information available					
		Board members	Yes		Assembly	Subsequent occurrence of incompatibility	Only individual members	§ 41 NMedienG
	LfM	Chairman	No information available					
		Board members	Yes		Media commission; socially relevant groups and organizations	Subsequent occurrence of incompatibility; leaving the respective organization or group	Only individual members	§§ 91, 96 LMG NRW
	LMK	Chairman	No information available					
		Board members	Yes		Socially relevant groups and organizations	Leaving the respective organization or group	Only individual members	§ 40 LMG
	LMS	Chairman	Yes		Upon application by the board, the State Parliament may dismiss the director	Violation of obligations		§ 58 SMG
		Board members	No information available					
	SLM	President	Yes		Media council	Subsequent occurrence of incompatibility	No information available	§ 31 (5) SächsPRG

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
		Board members	Yes		Media council	Subsequent occurrence of incompatibility		§ 31 (5) SächsPRG
	MSA	Chairman	No information available					
		Board members						
	TLM	Chairman	Yes		A majority of two third of the assembly may dismiss the Chairman	No information available	No information available	§ 49 ThürLMG
		Board members	No information available					
	BR	Chairman (Intendant)	Yes		Broadcasting council;	Dismissal for an important reason	Only individual members	§ 12 BR-law; § 2 Abs. 6 Geschäftsordnung BR-Rundfunkrat (rules of internal procedure of the Bavarian Broadcasting Council)
		Board members	Yes		Socially relevant groups and organizations and State parliament	Leaving the respective organization, group or party		§ 6 BR-law
	SWR	Chairman (Intendant)	Yes		Joint decision of broadcasting council and administra	No information available	Only individual members	§ 26 SWR-Interstate Treaty

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
					ive council			
		Board members	Yes.		Broadcasting council or administrative council	Conflicts of interest		§ 13 SWR-Interstate Treaty
	HR	Chairman (Intendant)	Yes.		Joint decision of broadcasting council and administrative council	No information available	No information available	§ 16 HR-law
		Board members	No information available					
	MDR	Chairman (Intendant)			Upon proposal by the administrative board, the broadcasting council may dismiss the Intendant	No information available	Only individual members	§ 30 MDR-Interstate Treaty
	Board members	Yes.		Socially relevant groups and organizati	Leaving the respective organization or group		§ 19 MDR-Interstate Treaty	

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
	NDR	Chairman (Intendant)	Yes		ons Upon proposal by the administrative board, the broadcasting council may decide the dismissal of the Intendant	No information available	No information available	§ 28 NDR-Interstate Treaty
		Board members	No information available					
	Rbb	Chairman (Intendant)	Yes		Broadcasting council	No information available	Only individual members	§ 22 rbb- Interstate Treaty
		Board members	Yes		Broadcasting council	Incompatibility		§ 14 rbb- Interstate Treaty
	RB	Chairman (Intendant)	Yes		broadcasting council		Only individual members	§ 15 RB-law
		Board members	Yes		Socially relevant groups and organizations	Leaving the respective organization or group		§ 10 RB-law
	WDR	Chairman (Intendant)	Yes		Broadcasting council	dismissal for an important reason	No information available	§ 24 WDR-law; § 14 WDR-law
		Board members	Yes		Broadcasting council; socially	subsequent occurrence of incompatibility; leaving the respective organization or group		§§ 14,15 WDR-law

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
					relevant groups and organizations			
	SR	Chairman (Intendant)	Yes		Broadcasting council	No information available	Only individual members	§ 34 SMG
		Board members	Yes		Broadcasting council	Subsequent occurrence of incompatibility		§ 27 SMG
	ZDF	Chairman (Intendant)	Yes		Broadcasting council and administrative council	No information available	Only individual members	§ 26 ZDF-Interstate Treaty
		Board members	Yes		Broadcasting council; socially relevant groups and organizations	Conflict of interest		§ 21 ZDF-Interstate Treaty

Table 24 - Dismissal before term

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Germany	competent State Media Authorities	2008-2009	Chairman		No		
			Individual board members		No		
		2007	Chairman	Yes		Hamburg and Schleswig-Holstein because of the fusion of the two media authorities	
			Individual board members	Yes		Hamburg and Schleswig-Holstein because of the fusion of the two media authorities	
		2005-2006	Chairman		No		
			Individual board members		No		
	BR				No		There have been no dismissals before term in the past 5 years
	WDR				No		There have been no dismissals before term in the recent past
	MDR				No		There have been no dismissals before term in the recent past
	rbb			Yes			Once – The rbb Broadcasting Council does not know the reasons for this
	SWR						Unknown
	HR						Unknown
	NDR						Unknown
RB						Unknown	
SR						Unknown	

V. FINANCIAL RESOURCES

Table 25 - Sources of income

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Germany	State Media Authority of Baden-Württemberg (Landesanstalt für Kommunikation Baden-Württemberg, LFK)	€8.49m (92.5%)	No	No	Licence fees are included in "other fees" and not published specifically. The highest decision-making organ decides on the scale of fees.	No	Administration fees, revenue from reserves, cost revenues (see § 46 (1) LMedienG; Gebühren VO)	ALM annual report 2008
	Bavarian regulatory authority for commercial broadcasting (Bayerische Landeszentrale für neue Medien, BLM)	€22.6m (86.3%)	No	No	See above	No	See above	ALM annual report 2008
	Media Authority Berlin-Brandenburg (Medienanstalt Berlin-Brandenburg, mabb)	€6.89m (82%)	No	No	See above	No	See above	ALM annual report 2008
	State Media Authority of Bremen (Bremische Landesmedienanstalt, brema)	€1.59m (86.4%)	No	No	See above	No	See above	ALM annual report 2008
	Media Authority Hamburg/Schleswig-Holstein (Medienanstalt Hamburg/Schleswig-Holstein, MA HSH)	€1.99m (64.4%)	No	No	See above	No	See above	ALM annual report 2008
	Regulatory Authority for Commercial Broadcasting Hesse (Hessische Landesanstalt für privaten Rundfunk und neue Medien,	€6.72m (86.7%)	No	No	See above	No	See above	ALM annual report 2008

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
	LPR Hessen)							
	Media Authority Mecklenburg-Western Pomerania (Medienanstalt Mecklenburg-Vorpommern, mmv)	€2.58m (97.4%)	No	No	See above	No	See above	ALM annual report 2008
	The State Media Authority of Lower Saxony (Niedersächsische Landesmedienanstalt, NLM)	€8.6m (91.2%)	No	No	See above	No	See above	ALM annual report 2008
	Media Authority of Northrhine-Westfalia (Landesanstalt für Medien Nordrhein-Westfalen, LfM)	€16.11m (74.6%)	No	No	See above	No	See above	ALM annual report 2008
	The State Media Authority of Rhineland-Palatinate (Landeszentrale für Medien und Kommunikation Rheinland-Pfalz, LMK)	€7.37m (92.7%)	No	No	See above	No	See above	ALM annual report 2008
	State Media Authority of Saarland (Landesmedienanstalt Saarland, LMS)	€2.22m (92.5%)	No	No	See above	No	See above	ALM annual report 2008
	Saxon regulatory authority for commercial broadcasting and new media (Sächsische Landesanstalt für privaten Rundfunk)	€5.85m (88.3%)	No	No	See above	No	See above	ALM annual report 2008

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
	und neue Medien, SLM)							
	Media Authority of Saxony-Anhalt (Medienanstalt Sachsen-Anhalt, MSA)	€4.32m (88.3%)	No	No	See above	No	See above	ALM annual report 2008
	Thuringian State Media Authority (Thüringer Landesmedienanstalt, TLM)	€4.29m (89.6%)	No	No	See above	No	See above	ALM annual report 2008
	Broadcasting Council of WDR	Indirectly	No	No	No	No	The WDR Broadcasting Council is financed through the broadcasting fees income of WDR	
	Bavarian Broadcasting Council	Indirectly	No	No	No	No	The BR Broadcasting Council is financed through the broadcasting fees income of BR	
	rbb Broadcasting Council	Indirectly	No	No	No	No	The rbb Broadcasting Council is financed through the broadcasting fees income of rbb	
	Broadcasting council of the Südwestrundfunk (SWR)	Indirectly	No	No	No	No	The SWR Broadcasting Council is financed through the broadcasting fees income of SWR	
	Broadcasting council of the Hessischen Rundfunk (HR)	Indirectly	No	No	No	No	The HR Broadcasting Council is financed through the broadcasting fees income of HR	
	Broadcasting council of the Mitteldeutschen Rundfunk (MDR)	Indirectly	No	No	No	No	The MDR Broadcasting Council is financed through the broadcasting fees income of MDR	

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
	Broadcasting council of the Norddeutschen Rundfunk (NDR)	Indirectly	No	No	No	No	The NDR Broadcasting Council is financed through the broadcasting fees income of NDR	
	Broadcasting council of the Radio Bremen (RB)	Indirectly	No	No	No	No	The RB Broadcasting Council is financed through the broadcasting fees income of RB	
	Television council of the Zweites Deutsches Fernsehen (ZDF)	Indirectly	No	No	No	No	The ZDF Television Council is financed through the broadcasting fees income of ZDF	

Table 26 - Annual budget

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Germany	State Media Authorities and public broadcasting entities	The annual budget is prepared by the director and is approved by the decision-making body of the respective State Media Authority. They mainly financed by the broadcasting fee, the licence fees as well as administrative fees and fines. Less than two percent of the licensing fee is used for the funding the bodies set up to supervise the private broadcasters (§§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt).	Yes	head of the authority and the decision-making board(s)	No	e.g. § 16 MStV; §§ 15,25,34 SWR-Interstate Treaty
	BR	The annual budget for BR (including the budget allocated to the Broadcasting Council) is prepared by the BR chairman. It is then transmitted to the Administrative Council, which prepares an assessment for the Broadcasting Council. This assessment can include changes and additions. The Budget and Finance	Yes	Chairman, Administrative Council, Broadcasting Council, The Budget and Finance committee	No	Art. 7 Abs. 3 Nr. 6 BayRG

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
		committee (Ausschuss für Wirtschaft und Finanzen) does a preliminary examination for the Broadcasting Council. It is then up to the Broadcasting Council to approve the budget.				
	WDR	The annual budget for WDR (including the budget allocated to the Broadcasting Council) is prepared by the WDR chairman. It is then transmitted to the Administrative Council, which prepares an assessment for the Broadcasting Council. This assessment can include changes and additions (including the budget allocated to the Broadcasting Council). It is then up to the Broadcasting Council to approve the budget	Yes	Chairman, Administrative Council, Broadcasting Council	No	§ 35 esetz
	rbb	The annual budget for rbb (including the budget allocated to the Broadcasting Council) is prepared by the rbb chairwoman. It is then transmitted to the Administrative Council, which prepares an assessment for the Broadcasting Council. This assessment can include changes and	Yes	Chairman, Administrative Council, Broadcasting Council	No	§ 26 rbb Interstate Treaty

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
		additions. It is then up to the Broadcasting Council to approve the budget				
	MDR	See above	Yes	Chairman, Administrative Council, Broadcasting Council	No	§§ 20,26,32 ff. MDR-interstate treaty
	SWR	See above	Yes	Chairman, Administrative Council, Broadcasting Council	No	§ 34 SWR-interstate treaty
	HR	See above	Yes	Chairman, Administrative Council, Broadcasting Council	No	§§ 9,15 HR-law
	NDR	See above	Yes	Chairman, Administrative Council, Broadcasting Council	No	§ 33 NDR-interstate treaty
	RB	See above	Yes	Chairman, Administrative Council, Broadcasting Council	No	§§ 8,13 RBG
	SR	See above	Yes	Chairman, Administrative Council, Broadcasting Council	No	§ 38 SRG
	ZDF	See above	Yes	Chairman, Administrative Council, Broadcasting Council	No	§§ 20,23 ZDF- interstate treaty

Table 27 - Financial accountability – auditing

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Germany	State Media Authorities and public broadcasting entities	Yes	Annual	State audit offices/financial auditor and audit court	No	No	e. g. § 17 MStV
	BR as body itself	Yes	Annual	Highest court of	No	No	Art. 13 Abs. 2 BayRG

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
	(including Broadcasting Council)			auditors.			
	WDR as body itself (including Broadcasting Council)	Yes	Annual	Federal state government and respective court of auditors	No	No	§ 41 Abs. 7 WDR-Gesetz
	rbb as body itself (including Broadcasting Council)	Yes	Annual	Federal state government and respective court of auditors	No	No	§ 30 rbb-Interstate Treaty on Broadcasting
	MDR as body itself (including Broadcasting Council)	Yes	Annual	Respective court of auditors	No	No	§ 35 MDR-interstate treaty
	SWR as body itself (including Broadcasting Council)	Yes	Annual	Respective court of auditors	No	No	§ 35 SWR-interstate treaty
	HR as body itself (including Broadcasting Council)	Yes	Annual	Respective court of auditors	No	No	§§ 19 HR-law
	NDR as body itself (including Broadcasting Council)	Yes	Annual	Respective court of auditors	No	No	§ 34 NDR-interstate treaty
	RB as body itself (including Broadcasting Council)	Yes	Annual	Respective court of auditors	Accountant	No	§ 21 RBG
	SR as body	Yes	Annual	Respective court of	No	No	§ 21 SRG

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
	itself (including Broadcasting Council)			auditors			
	ZDF as body itself (including Broadcasting Council)	Yes	Annual	Respective court of auditors	No	No	§ 30 Abs. 3 ZDF-Interstate treaty

VI. CHECKS AND BALANCES

Table 28 - Formal accountability

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Germany	State Media Authorities and public broadcasting entities	Parliament	No	N/A	N/A
		Government as a whole	No	State government provides a legal supervision with limited powers	e.g. § 18 MStV BB; § 37 MDR-Interstate Treaty
		Specific ministers (e.g. Media, finance, etc.)	Yes	The regulation bodies are under legal supervision of certain state ministries, usually the State Chancellery of the Minister President ("Staatskanzlei"); respective government agency is responsible for ensuring that the regulatory bodies exercise their powers within the framework of the established legal and regulatory provisions. Reports	e.g. § 18 MStV BB; § 37 MDR-Interstate Treaty
		Public at large	Yes	Reports	Media laws
		Other	No	N/A	N/A

Country	Body	Body accountable to		Accountability means	Legal basis
	BR council	Public at large	Yes	There is no formal means of reporting, such as reports or parliamentary questions	Art. 6 Abs. 1 BayRG
	WDR council	Public at large	Yes	There is no formal means of reporting, such as reports or parliamentary questions	§ 15 Abs. 12 Satz 2 WDR-Gesetz
	MDR council	Public at large	Yes	There is no formal means of reporting, such as reports or parliamentary questions	
	Rbb council	Public at large	Yes	There is no formal means of reporting, such as reports or parliamentary questions	§ 12 rbb-Interstate Treaty on Broadcasting
	(...)				

Table 29 - Reporting obligation

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Germany	SMA	Parliament/ministry/body/sect or/public (if more than one, cover in separate rows)	Between annual and five years	<i>No information available</i>	Yes	No	No	reports on financing and activities; see e.g. www.lpr-hessen.de/default.asp?m=309 or the "Schlussberichte" at http://www.alm.de/258.html
	BR council	no formal reporting obligation to a parliament, ministry, government body or specific sector exists	N/A	N/A	N/A	N/A	N/A	N/A
	WDR council	no formal reporting obligation to a parliament, ministry, government body or specific sector exists	N/A	N/A	N/A	N/A	N/A	N/A
	rbb council	no formal reporting obligation to a parliament, ministry, government body or specific sector exists	N/A	N/A	N/A	N/A	N/A	N/A

Table 30 - Auditing of work undertaken

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Germany	SMA	Yes	<i>No information available</i>	Yes	No	No	e.g. § 113 LMedienG NRW; § 54

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
				Audit court			Abs. 2 ThürLMG; § 49 Abs. 4 MStV HSH
	BR as body itself (including Broadcasting Council)	Yes	Annual	Yes Audit court	No	No	Art. 13 BR-G
	WDR as body itself (including Broadcasting Council)	Yes	Annual	Yes Audit court	No	No	§ 42 WDR-G
	rbb as body itself (including Broadcasting Council)	Yes	Annual	Yes Audit court	Possible:, audit courts decides	No	§ 30 rbb StV

Table 31 - Power to overturn/instruct

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Germany	State Media Authorities and Public Broadcasting Entities	Does anybody have the power to overturn decisions of the regulator?	No LMA are independent of the state and outside of the control of the government.	No	No	No	No	e.g. § 18 MStV; § 37 MDR-Interstate Treaty
		Does anybody have the power to give instructions to the	No Legal supervision by state government is limited to obvious	No	No	No	No	<i>No information available</i>

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		regulatory body?	breaches of legal provisions (limited ex post supervision, no ex ante instructions)					
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	BVerfGE 73, S. 118ff. (165).
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A
	BR	There is no authority that can instruct the BR Broadcasting Council or its members to make a specific decision or give a specific order; the Bavarian State Ministry of Sciences, Research and the Arts is only entitled to take measures, if the competent organs of the BR (including the internal pluralistic supervisory body of the Broadcasting Council) have failed to fulfil at all or sufficiently their duties within an adequate period of time.						<i>No information available</i>
	WDR	No, see above						
	rbb	There is no authority that can instruct the rbb Broadcasting Council or its members to make a specific decision or give a specific order.						

Table 32 - Number of stages in appeal procedure

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Germany	SMA	Internal	1	Respective SMA	Objection (procedures based on administration laws)	Addressee of the measures	Media and administration laws
		External	1	Administrative court			Court proceedings
			2	Higher Administrative Court (Appeal)			
			3	Federal Administrative Court (Appeal)			
	PSBs	No appeal procedure Decisions by the council are not binding third parties; hence, there are no external addresses; internally the head of the broadcaster (Intendant) is bound to the decision of the board		N/A	N/A	N/A	N/A

Table 33 - Does the regulator's decision stand pending appeal?

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Germany	SMA			√	N/A
	BR (No external appeals)	N/A	N/A	N/A	N/A
	WDR (No external appeals)	N/A	N/A	N/A	N/A
	Rbb (No external appeals)	N/A	N/A	N/A	N/A

Table 34 - Accepted grounds for appeal

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Germany	State Media Authorities	√	√	√ mostly	Scope of court examination depends on grounds and type of body decisions of the Law of Administrative Proceedings of the State
	BR (No external appeals)	N/A	N/A	N/A	N/A
	WDR (No external appeals)	N/A	N/A	N/A	N/A
	Rbb (No external appeals)	N/A	N/A	N/A	N/A

Table 35 - Does the appeal body have power to replace the original decision with its own?

Country	Body	Appeal stage	Yes	No	Comments
Germany	State Media Authorities	1 Body itself (SMA)	√		Situation depends on interpretation of the Law of Administrative Proceedings of the State.
		2 Administrative court		√	Court can repeal decision of SMA. SMA is obliged to decide again.
		3 Higher administrative court		√	Court can repeal decision of administrative court; administrative court is obliged to decide again
	BR	No external appeals	N/A	N/A	N/A
	WDR	No external appeals	N/A	N/A	N/A
	Rbb	No external appeals	N/A	N/A	N/A

VII. PROCEDURAL LEGITIMACY

Table 36 - External advice regarding regulatory matters

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Germany	SMA	No concrete budget foreseen, SMA decides	Depending on needs of SMA	Yes (above certain amounts of money)	Administrative Procedures Act	Yes
	BR	No concrete budget foreseen, council decides	Depending on needs of council	Yes (above certain amounts of money)	The Broadcasting Council can solicit external advice or expertise, if it deems so necessary in regard to the fulfilment of its duties. In carrying out the Public-Value-Test (Drei-Stufen-Test) it is even obliged to order an external report of experts for a market impact assessment (c.f. § 11 f Abs. 5 RStV).	Yes
	WDR	No concrete budget foreseen, council decides	Depending on needs of council	Yes (above certain amounts of money)	According to § 16 Abs. 8 WDR-Gesetz, the Broadcasting Council can solicit external advice or expertise, if it deems so necessary in regard to the fulfilment of its duties.	Yes
	Rbb	No concrete budget foreseen, council decides	Depending on needs of council	Yes (above certain amounts of money)		Yes

Table 37 - Public consultations

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Germany	SMA	Formally: none; de facto consultations take place in the fields of allocation of channels; regulations & guidelines; no single decisions	Formally: none de facto: Broadcasters, media associations and consumers / public at large			Yes	Media laws
	BR	Prior public consultation requirements are foreseen since June 1, 2009 if PSB plans a new online services (telemédia)	Public at large (online consultation)	At least 6 weeks		Yes	§ 11 f RStV
	WDR	Prior public consultation requirements are foreseen since June 1, 2009 if PSB plans a new online services (telemédia)	Public at large (online consultation)	At least 6 weeks		Yes	§ 11 f RStV
	MDR	Prior public consultation requirements are foreseen since June 1, 2009 if PSB plans a new online services (telemédia)	Public at large (online consultation)	At least 6 weeks		Yes	§ 11 f RStV
	Rbb	Prior public consultation requirements are foreseen since June 1, 2009 if PSB plans a new online services (telemédia)	Public at large (online consultation)	At least 6 weeks		Yes	§ 11 f RStV

Table 38 - Public consultations – figures

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Germany	SMA	2009	All in all about 1-5; see www.alm.de

Country	Body	Year	Number of public consultations
		2008	All in all about 1-5; see www.alm.de
		2007	All in all about 1-5; see www.alm.de
		2006	All in all about 1-5; see www.alm.de
		2005	All in all about 1-5; see www.alm.de
	BR	2005-2009	No public consultation has taken place despite the consultation within the § 11 f RStV procedure, which is not in the range of the application of the AVMS directive
	WDR	2005-2009	Same as above
	MDR	2005-2009	Same as above
rbb	2005-2009	Same as above	

Table 39 - Publication of regulator's decisions

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Germany	SMA	None	Yes, general administrative law requires reasoning and naming grounds for decisions.	Yes, impact assessment has to be considered, especially in view of proportionality of decision; however, publication of this is not necessary; basis is general administrative law	
	BR	None	Yes, internal statutes require reasoning	No	
	WDR	None	Yes, internal statutes require reasoning	No	
	rbb	None	Yes, internal statutes require reasoning	No	

VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Germany	State Media Authorities	<p>Cooperation with the Regulatory Authority for Telecommunications (Federal Network Agency – BNetzAg) and with the Federal Cartel Office (§ 39a (1) RStV); the technical aspect (frequency management) is regulated by the BNetzAg, whereas the State Media Authorities have the competence for allocating spectrum to private broadcasters</p> <p>For the coordination and agreement on basic questions of national importance the State Media Authorities work together within the framework of the Association of State Media Authorities in the Federal Republic of Germany (ALM)</p> <p>The Commission on the Protection of Minors from harmful Media Content (KJM) is responsible for the investigation of programming complaints and serves the relevant responsible State Media Authority as an organ in the fulfillment of its tasks and provides for the implementation of the JMStV in commercial broadcasting and telemedia; the KJM shall be in charge of the definitive assessment of content pursuant to this Interstate Treaty (§ 16 JMSTV); the decisions of the KJM shall be binding upon the other bodies of the competent State Media Authority. They shall be taken as a basis for the decisions of the State Media Authority (§ 17 (1) JMStV)</p> <p>The Regulatory Affairs Commission (ZAK) has the competence for licensing national broadcasters (§ 36 (2) RStV); the State Media Authorities shall provide the bodies pursuant with the necessary human and material resources</p> <p>The State Media Authorities also cooperate with the</p>	<p>- §§ 35-38 RStV, § 17 JMStV: cooperation concerning protection of minors and concerning licensing and supervision of national broadcasters require national regulation</p> <p>- § 39a RStV: cooperation with the Regulatory Authority for Telecommunications (BNetzA)</p>	<p>- KJM- decisions shall be binding upon the other bodies of the competent State Media Authority</p>	

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
		Representative for Programme and Advertising regarding observation and analysis of programming ALM GVK			
	Public Broadcasting Entities	The regional public broadcasters formed an association of public-service broadcasters in Germany ("Arbeitsgemeinschaft der Landesrundfunkanstalten, ARD"). The Committee Chairpersons' Conference and of the ARD coordinates the work of the broadcasting councils and the administrative council, e.g. organization and budgetary matters			§ 5a Statue of the ARD
	BR	The Broadcasting Councils of ARD's regional Broadcasters cooperate via the so called "Gremienvorsitzendenkonferenz" (GVK)		No	
	WDR	The Broadcasting Councils of ARD's regional Broadcasters cooperate via the so called "Gremienvorsitzendenkonferenz" (GVK)		No	
	MDR	The Broadcasting Councils of ARD's regional Broadcasters cooperate via the so called "Gremienvorsitzendenkonferenz". Other cooperations and interactions with other regulatory authorities are conducted informally.			
	rbb	The Broadcasting Councils of ARD's regional Broadcasters cooperate via the so called "Gremienvorsitzendenkonferenz". Other cooperations and interactions with other regulatory authorities are conducted informally and in an ad-hoc manner.			

Table 41 - International cooperation

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Germany	ALM/DLM	EPRA; Tripartite; in single cases with Switzerland and Austria	European rules and regulations	The Directors' Conference of the State Media Authorities (DLM) has established a Commissioner for European Affairs.