

MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN MEMBER STATES AND CANDIDATE COUNTRIES IN 2023

Country report: Germany

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Research Project Report

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1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool that is designed to identify potential risks to media pluralism in the Member States of the European Union and in Candidate Countries. This narrative report has been produced on the basis of the implementation of the MPM that was carried out in 2023. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This year a part of the MPM has also been piloted in Bosnia and Herzegovina and Moldova. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological notes

• Authorship and Review

The CMPF partners with experienced, independent national researchers to carry out the data collection and to author the narrative reports. The research is based on a standardised questionnaire that was developed by the CMPF.

In Germany the CMPF partnered with Jan Christopher Kalbhenn (University of Münster, ITM), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert. Risks to media pluralism are examined in four main thematic areas: Fundamental Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1).

• The Digital Dimension

The Monitor does not consider the digital dimension to be an isolated area but, rather, as being intertwined with the traditional media and the existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digitally specific risk scores, and the report contains a specific analysis of the risks that related to the digital news environment.

• The Calculation of Risk

The results for each thematic area and Indicator are presented on a scale from 0 to 100%.

- *Scores between 0% and 33%: low risk*
- *Scores between 34% and 66%: medium risk*
- *Scores between 67% and 100%: high risk*

With regard to the Indicators, scores of 0 are rated as 3%, while scores of 100 are rated as 97%, by default, in order to avoid an assessment that offers a total absence, or certainty, of risk.

Fundamental Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of the media	Representation of minorities
Protection of right to information	Plurality of media providers	Editorial autonomy	Local/regional and community media
Journalistic profession, standards and protection	Plurality in digital markets	Audiovisual media, online platforms and elections	Gender equality in the media
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to the media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Editorial independence from commercial and owners' influence	Independence of PSM	Protection against disinformation and hate speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

- **Methodological Changes**

For every edition of the MPM, the CMPF updates and fine-tunes the questionnaire, based on the evaluation of the tool after its implementation, the results of previous data collection and the existence of newly available data. The results obtained for these indicators are therefore not strictly comparable with those results obtained in the previous edition of the MPM. The methodological changes are explained on the CMPF website at <http://cmpf.eui.eu/media-pluralism-monitor/>.

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It represents the views of the national country team who carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2024 scores may not be fully comparable with those in the previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2024, which is available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

2. Introduction

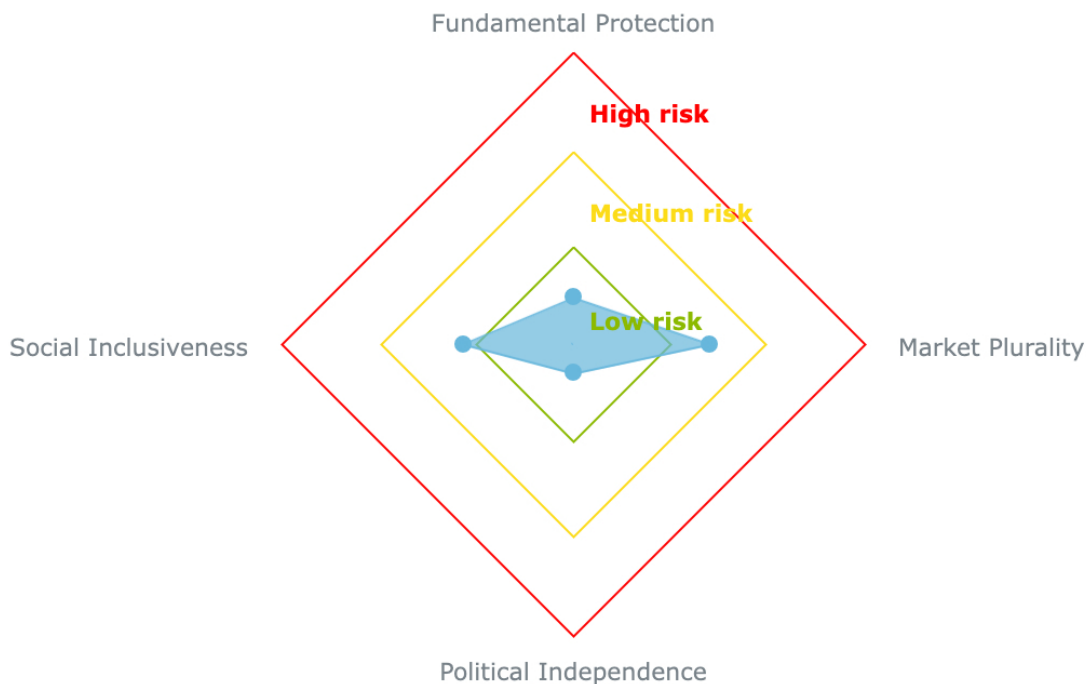
- **Country overview.** Since German reunification in 1990, the Federal Republic of Germany has consisted of 16 federal states. According to an initial estimate by the Federal Statistical Office (Destatis), around 84.7 million people lived in Germany at the end of 2023. Compared to the end of 2022, the population thus grew by a good 0.3 million people. The increase corresponds to the average for the years 2012 to 2021 and was significantly lower than in 2022, when the population increased by 1.1 million people, mainly as a result of strong immigration from Ukraine. (Federal Statistical Office 2023). The average age in Germany in 2022 was 44.6 years (Statsista).
- **Languages** German is the official language and is used in the national media. In addition, some smaller languages are recognized. These include Danish, Sorbian, Frisian and Low German.
- **Minorities** Over 26 percent of the population have a migration background. Immigrants from EU countries mainly come from Poland, Romania and Italy. Migrant backgrounds from non-EU countries are mainly Turkish, Syrian, Ukrainian and Russian. Some historical minorities are granted special legal recognition (e.g. legal protection, special electoral rules to ensure representation in regional parliaments). These include around 70,000 Roma and Sinti, 60,000 Sorbs and 50,000 Danes and Frisians. Figures on national minorities in Germany are based on estimates only. Since the end of the Second World War, population statistics and socio-economic data have generally not been collected on an ethnic basis in the Federal Republic of Germany.
- **Economic situation** The German economy is in recession. The overall economic situation at the turn of 2023/24 remains very weak due to the after-effects of the previous crises, in particular the considerable loss of purchasing power as a result of the massive rise in energy and food prices, the weak global economic development, the geopolitical crises and the tightening of monetary policy. According to initial, preliminary information from the Federal Statistical Office, gross domestic product fell by around 1.4% at the end of the year compared to the previous quarter, adjusted for price, seasonal and calendar effects. (BMWK). The inflation rate in Germany - measured as the change in the consumer price index (CPI) compared to the same month of the previous year - was +2.5% in February 2024. In January 2024, the inflation rate was +2.9% and in December 2023 it was +3.7%.
- **Political situation.** Since December 2021, Germany has been governed by a traffic light coalition under the leadership of Federal Chancellor Olaf Scholz. His social democratic party, the SPD, has been in coalition with the liberal Free Democrats (FDP) and Alliance90/The Greens. Approval ratings for this government are currently very low. This is partly due to the economic situation, but probably also to the fact that the coalition presents a very divided public image. The elections in three eastern German states in 2024 are highly significant. According to the latest polls, the Alternative for Germany (AfD) could win a majority in Saxony for the first time. The party is led there by far-right politician Björn Höcke. However, it is still unclear what effect the newly founded party Bündnis Sarah Wagenknecht (BSW) will have. This party is expected to prevent the AfD from gaining a majority and to permanently reorganize the party landscape.
- **Media Market.** Total revenues from audio and audiovisual media in Germany are expected to grow by 2.6% to a total of EUR 15.5 billion in 2023 (previous year: EUR 15.1 billion). The main drivers of this growth are revenues from subscriptions and advertising in the streaming segment. At the same time, however, VAUNET is forecasting a slight decline of 1.1% in pure net advertising revenue for all audio

and audiovisual media. (VAUNET 2023). The decline in linear television is again evident in all age groups under 70, with media libraries and YouTube offerings unable to compensate for this drop in usage. (Kupferschmitt/Müller 2023). The newspaper sector revenue was 6.828 billions in 2022 (last numbers by BDZV). There is no separate market data for the digital sector. However, traditional media are increasingly making up for losses from traditional distribution channels with their digital divisions. Total media consumption in Germany across all media genres amounted to 11 hours and 9 minutes per day in 2023 and fell by 11 minutes compared to the previous year (previous year: 11 hours and 20 minutes).

- **Regulatory environment.** The federal state is characterized by the fact that responsibilities for certain subject areas are divided between the federal government and the individual states. Media legislation is the responsibility of the federal states. Each federal state has its own state media law and its own press law. The area of local radio broadcasting, for example, is regulated differently in each federal state (Kalbhenn, 2024). Uniform federal regulations can be found, for example, in the State Media Treaty (where the federal states conclude a state treaty). The German media system is characterized by the coexistence of public and private broadcasting (dual system). In addition to nine (regional) state broadcasters, there is a nationwide television broadcaster, ZDF, and a nationwide radio broadcaster, Deutschlandradio. Important impetus for the further development of the media law framework often comes from the Federal Constitutional Court. The regulatory framework increasingly takes digital platforms into account (Holznagel & Kalbhenn, 2021). The transparency rules for media platforms from the Interstate Media Treaty and the action against criminals from the Network Enforcement Act (Hemmert-Halswick, 2021) now apply at European level through the Digital Services Act (Flamme, 2024). The Federal Network Agency (BNetzA) will be responsible for supervising providers and enforcing the DSA in Germany, and a coordination office is to be set up at the BNetzA. (Bundestag, 2024). A law against digital violence is currently being planned, which will make it possible to take more effective action against hate crime online, for example by blocking accounts; however, only "key points" are currently available (BMJ, 2023). Public service broadcasting is also facing a major reform process. A major reform treaty is to be presented in the fall. (Broadcasting Commission of the federal states, 2024).

3. Results of the data collection: Assessment of the risks to media pluralism

Germany: Media Pluralism Risk Areas



JS chart by amCharts

CEVI CENTRE FOR MEDIA PLURALISM AND MEDIA FREEDOM
MPM 2024

As in previous years, the results of the MPM 2024 show on average rather low risks for media pluralism in Germany. Germany has a diverse media landscape with strong private media companies. In addition, media diversity benefits from strong public broadcasting, which collects around EUR 8 billion in contributions. At 15.5 billion euros, private audio-visual media revenues are at the same level as before the crisis. This is due not least to digital sources of income. In the local media sector, publishers are already withdrawing from the delivery of print editions. From May 1, 2023, part of the distribution area of the "Ostthüringer Zeitung" will no longer receive the printed edition and subscribers will receive the e-paper instead. This is a first in Germany. (FAZ). The pressure to reform public broadcasting is very high and a corresponding law is to be passed in autumn 2024, which is primarily aimed at modernizing the structures and making them more efficient.

There were long discussions in the area of **media supervision** in Germany in 2023. The state media authorities were previously responsible for monitoring and enforcing transparency and non-discrimination regulations from the Interstate Media Treaty for online platforms. These regulations can now be found in the Digital Services Act. When appointing the Digital Services Coordinator, Germany chose the Federal Network Agency early on. The state media authorities feared losing their competence in this area. However, the latest version of the implementation law stipulates cooperation between the authorities on this issue.

Transparency of media ownership is still well developed in Germany. There are regulations and the CEC maintains an easily accessible database from which ownership structures can be read. There has been no interference from politicians; only when the new director of rbb was appointed was the Minister President asked the Administrative Board to pay attention to the salary structure. The **legal framework for the protection of journalists** has not changed in 2023. By and large, the risk in this area in Germany is rather low.

In the area of **Fundamental Protection** all indicators show a low risk. The highest risk indicator here is *Universal Reach of traditional media and access to the internet*. The increased risk for this indicator is primarily due to the high concentration in the telecommunications sector, i.e. also among internet providers. The high concentration is countered by a correspondingly high level of regulation. This is the responsibility of the Federal Network Agency, which has now also been appointed Digital Service Coordinator and can now also contribute its experience in the area of market-dominating platforms.

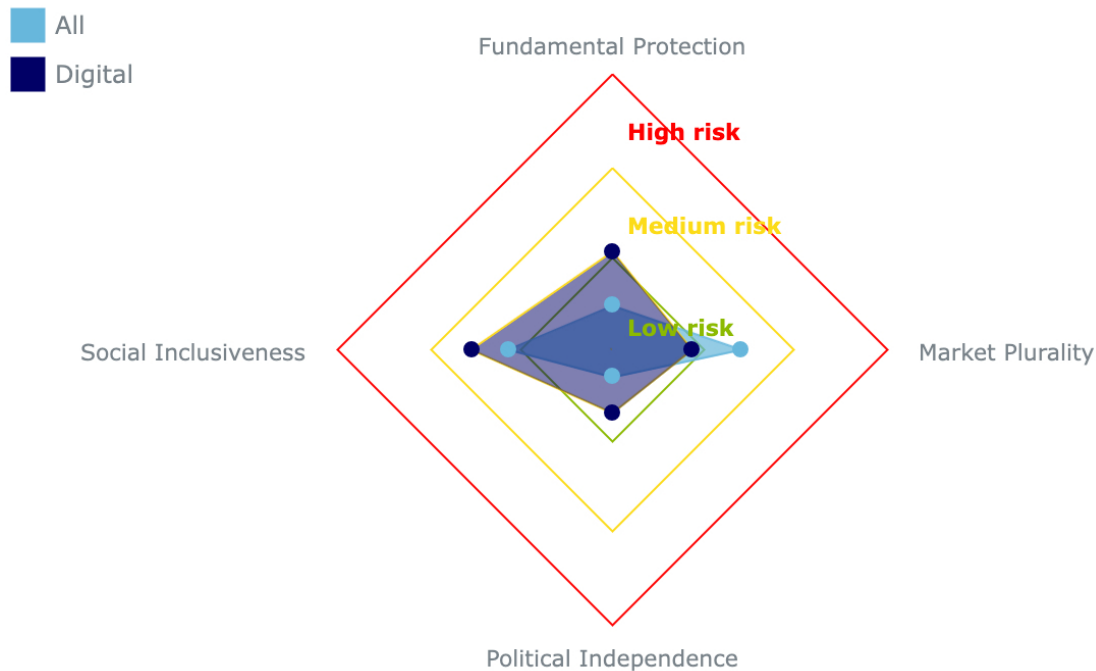
The area of **Market Plurality** as a whole has a medium risk. The indicator for the *Plurality in Digital Markets* has a medium risk. There are two reasons for this. Firstly, there is a high concentration in the area of online platforms, which can also have a negative impact on media plurality. In addition, this sector is characterized by a high lack of transparency. The *Plurality of Media Providers* indicator also shows a medium risk. As in previous years, this is due to a media concentration law that has not yet been adapted to the digital challenges. The *Media viability* indicator has a high risk rating for the first time. This is due to the fact that there is an increasing number of worrying reports, particularly in the press sector (terminations, discontinuation of titles). There is a medium risk in the area of *Editorial Independence from Commercial and Owner Influence*. Due to historical experience, there have been high barriers against state and commercial influence in Germany for decades.

In the area of **Political Independence**, all indicators show a low risk. However, the area of *Audio Visual Media, Online Platforms and Elections* as well as the area of *State Regulation of Resources and Support to the Media Sector* show higher risks. As in previous years, this is due to the fact that the legal framework for online election campaigns is not very well developed. In addition, there is hardly any state aid for the media. However, this discussion has gained momentum in 2023.

In the area of **Social Inclusiveness**, the risk is unevenly distributed, on average in the medium range. This year, the *Media Literacy* indicator is associated with a medium risk. This is, among others, due to the fact that media literacy campaigns do not reach all population groups. The indicator of *Gender Equality in the Media* is classified as high risk. This is due to the fact that it is mainly men who are active in management functions. The area of *Representation of Minorities in the Media* is marked as medium risk, mainly because not all minority groups are provided with information via the traditional media.

Focus on the digital environment

Germany: Media Pluralism Risk Areas



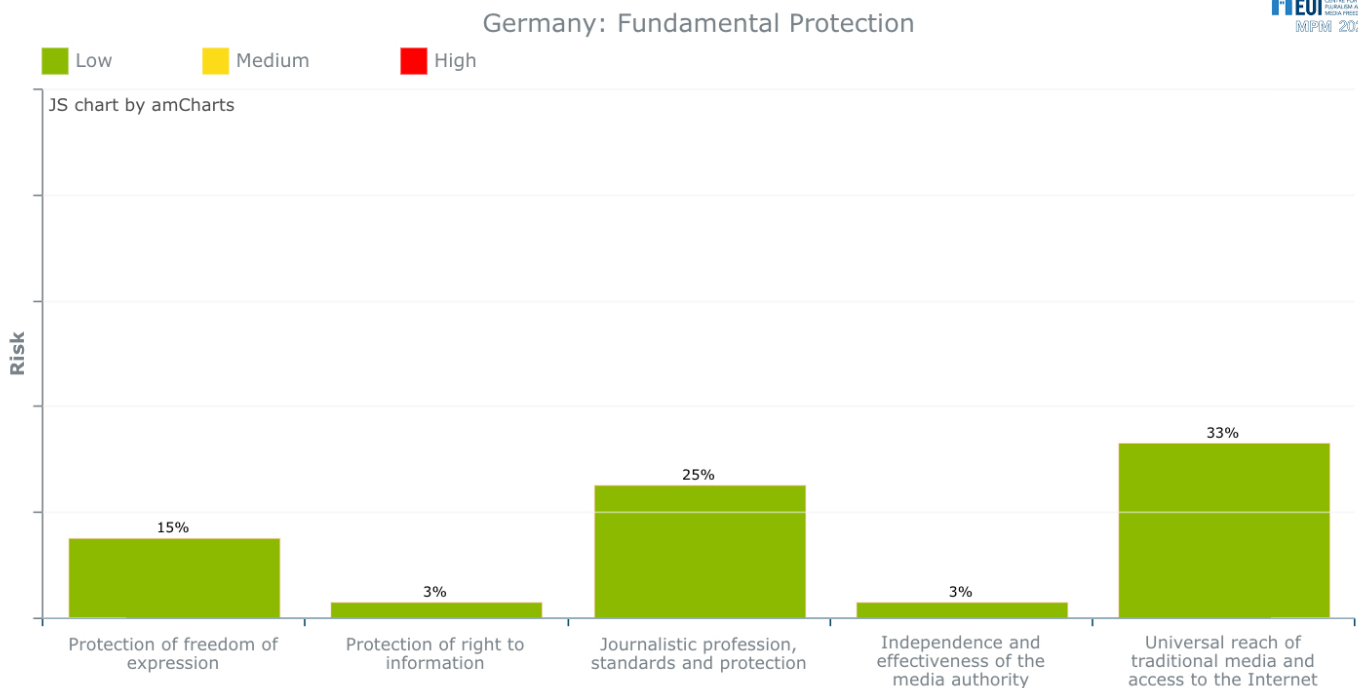
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In the area of digital platforms, there is a significantly higher risk in terms of **Fundamental Protection**, **Political Independence** and **Social Inclusiveness** compared to traditional offline environments. Conversely, the risk in terms of Market Plularity is relatively lower. Despite legislative efforts to regulate digital media through media laws, certain risks remain unaddressed, such as ensuring equal opportunities in online election campaigns and addressing shortcomings in media concentration laws. The effectiveness of new tools for the digital environment aimed at preserving media diversity in the face of the growing influence of media intermediaries, including algorithmic recommendation systems and measures against hate speech and disinformation, remains to be seen in the future. With the implementation of the Digital Services Act, a new structure of responsibilities is developing here that will have to prove itself. Hate speech continues to be a major problem in the digital environment. A nationwide study from February 2024 provides impressive evidence of this problem (Kompetenznetzwerk 2024). It comes to the conclusion that almost one in two people (49%) have already been insulted online. More than half of respondents are less likely to express their own political opinion online (57%), participate less in discussions (55%) and deliberately formulate posts more cautiously (53%) due to fear. 82% of respondents fear that online hate is a threat to diversity on the internet.

3.1. Fundamental Protection (16% - low risk)

The Fundamental Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have the competence to regulate the media sector, and the reach of traditional media and access to the Internet.



The Fundamental Protection in Germany is well developed. The right to freedom of expression and the right to information are guaranteed in the Basic Law, and legal protection is effectively implemented. All five indicators show low risks. There are hardly any changes compared to the previous year.

The available data shows that the **Protection of Freedom of Expression** in Germany poses a low risk to media pluralism (15%). Compared to the MPM 2023 (15%), this indicator has not changed. Article 5 (1) of the Basic Law states: "Everyone has the right to freely express and disseminate his opinions in speech, writing and pictures and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by radio and film are guaranteed. There shall be no censorship." In 2022, the "Act to Combat Right-Wing Extremism and Hate Crime" came into force, which aims to prosecute hate crime with an extreme right-wing background more effectively, particularly on the internet. The law adapts certain expressive offenses to communication on the Internet. In order to strengthen private law enforcement in the future, the Federal Ministry of Justice (BMJ) is planning a law against digital violence. So far, there is only a key issues paper with three main objectives. Strengthening private information procedures, entitlement to a court-ordered account block, facilitation of service. The law is intended, for example, to structure private information procedures in such a way that those affected by digital violence can find out who wrote the content within a few days in the event of an obvious violation of the law, such as death threats. In all other cases, the court should at least be able to order data storage within a few days of the information procedure being initiated. The right to court-ordered account blocking is intended to improve legal protection against persistent online offenders. In this way, those affected should be able to effectively defend themselves against being repeatedly denigrated, defamed or threatened by the same user of a social network. Social networks are obliged to name a contact person in Germany (so-called domestic

authorized recipient) to whom letters can be formally delivered (BMJ).

In terms of **Protecting the Right to Information** (3%), the risk has remained the same compared to the last assessment in 2023 (3%). This is due to the generally good legal standard and the fact that the Whistleblower Directive has now been implemented. On July 2, 2023, the Whistleblower Protection Act, which implements the Directive, came into force. (BMJ). However, many of the obligations it contains for companies will not become mandatory until the end of 2023, meaning that it is not yet possible to make any serious statements about the impact and effectiveness of the German transposition law. The law has received mixed reviews. Academics have expressed positive opinions so far, while civil society organizations have criticized its implementation. The law gives whistleblowers the choice of whether they want to report breaches internally or externally. Companies with up to 249 employees had until December 17, 2023 to set up internal reporting offices. The law only came into force in July 2023, so it is still too early to answer the question of its effectiveness. Nevertheless, two things can be noted: 1. the website of the reporting office is very easy to find and easy to understand and clearly designed 2. law firms use the new law as a business model and offer their services as an external reporting office. Neither Transparency International nor the German Whistleblower Network list arbitrary sanctions against whistleblowers. Such cases are also not known from media coverage or case law. Article 5 (1) of the Basic Law recognizes the right to information. In addition, the Freedom of Information Act grants every citizen the right to request information from federal authorities. Most federal states have similar laws that require the disclosure of information. The right to information can be asserted in court and can also arise from the constitution without specific legal provisions. A systematic or arbitrary refusal of information by the courts has not yet been established.

The **Journalistic profession, standards and protection** indicator shows a low risk (25%). Compared to the MPM 2023 (25%), this indicator has not changed. Journalists in Germany are not the target of government smear campaigns. The relationship between politicians and journalists is generally very professional. But the tone is getting rougher. The AfD (Alternative for Germany) party in particular relies on accusing journalists of being biased and partisan, for example when the party is described as "right-wing extremist". The AfD is also known for attacking independent media. Both the federal AfD and the AfD in Thuringia are calling for the state broadcasting contracts to be terminated and for public broadcasting to be replaced by a completely new concept. Björn Höcke, the chairman of the AfD in Thuringia, confirmed these plans in a speech on November 6, 2023. This year, this vision could become reality in at least some federal states, as current election forecasts predict that the AfD will be the strongest force in the state elections in Thuringia, Saxony and Brandenburg in September. If the party succeeds in becoming prime minister, the exit from the public broadcasters would most likely already be sealed. (Verfassungsblog Mast). In addition, the AfD regularly presents legislative proposals in all state parliaments with which it exerts pressure on the media system and presents the existing conditions as unacceptable. In principle, working conditions in Germany are good. Journalism is a free profession in Germany, for which no license is required, and the abundance of media offers numerous employment opportunities. Journalists enjoy certain privileges, such as the right to protect their sources and to refuse to testify in court proceedings. They also have the right of access to information under press laws and are protected from searches and seizures. Compared to the previous year, the number of physical attacks on journalists has increased significantly (2023-2022). A total of twelve physical attacks (out of a total of 56) were verified. This is reported by the European Center for Press and Media Freedom (ECPMF) in its new study "Enemy Image Journalist:in 7: Professional Risk Proximity". The upcoming SLAPP Directive is welcomed in Germany (Verfassungsblog 2022). However, there is still no empirical study that shows the number of potential SLAPP cases in Germany (Kalbhenn/Rennert/Bayer 2022).

The indicator for the **Independence and Effectiveness of the Media Authority** shows a low risk (3%). Compared to the MPM 2023 assessment (3%), there has also been no change. The media authorities work independently within the framework of the applicable laws. They enjoy a legal guarantee of independence from political and economic influence. Their decisions can be challenged before the administrative courts. In recent years, the German media authorities have gained experience in monitoring media intermediaries such as Facebook and Google. The state media authorities have also spent 2023 asserting these responsibilities vis-à-vis the federal government. The appointment of a Digital Service Coordinator quickly boiled down to the Federal Network Agency being the only authority to be appointed. After a long political tug-of-war over the DSA supervisory structure, the DDG draft in Section 12 (2) sentence 2 now takes account of the division of competences between the federal government and the federal states enshrined in the Basic Law and the principle of media supervision being independent of the state by designating the state media authorities as the competent authority. (Media authorities)

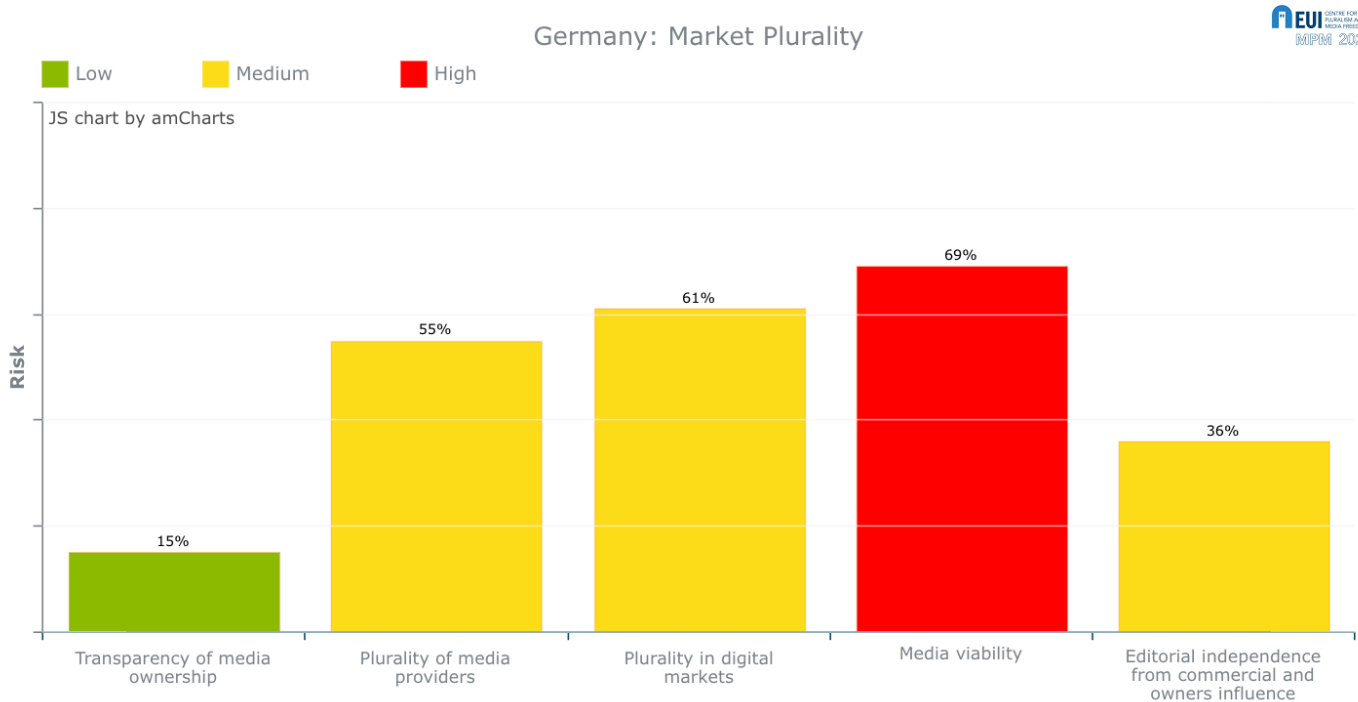
The **Universal Reach of Traditional Media and Access to the Internet** in Germany are subject to a low risk (33%). Compared to the MPM 2023 assessment (8%), however, there has been an increase of 25 percentage points. The greatest risk indicator is the concentration of the four largest internet providers, which account for 87% of the market in Germany. However, it must be said that these monopolists are heavily regulated under telecommunications law. Nationwide coverage by the PSM is guaranteed in Germany. In 2023, an update of the Interstate Media Treaty (3rd MÄStV) came into force with a new Section 26: "The public broadcasters have the task of providing a comprehensive offering for everyone. In designing their offerings, they should make use of the opportunities arising from their contribution financing and contribute to the diversity of media offerings with their own impulses and perspectives. All population groups should be able to participate in the information society." In January 2024, a commission of experts submitted far-reaching reform proposals for public service broadcasting. It also aims to sharpen the mandate of PSM in such a way as to ensure that the entire population is reached as digitalization progresses. The entire population can receive public television, radio and internet services. Broadband coverage is at medium risk. Although 97% of the population is supplied with 30 Mbit/s or more, the change of data source for this variable and a variable on the Internet raised the thresholds for risk levels. In some rural parts of Germany, broadband expansion is slow (Holznagel 2022).

Focus on the digital environment

The guarantee of freedom of expression is equally enshrined in the constitution both online and offline. A nationwide survey clearly shows the problem with hate speech online. The study "Lauter Hass - leiser Rückzug" (Competence Network Hate on the Net, 2024) concludes that almost every second person (49%) has already been insulted online. A quarter (25%) of respondents have been confronted with physical violence and 13% with sexualized violence. People with a visible migration background (30%), young women (30%) and people with a homosexual (28%) or bisexual (36%) orientation are particularly frequently affected according to their own statements. Almost every second young woman (42%) has already received an unsolicited nude photo. The Federal Constitutional Court has recently repeatedly pointed out the specific dangers of online communication and called on legislators to take these into account in their legislation. This has led to adjustments in relation to various expression offenses. There is still a lack of transparency regarding deletion and filtering practices as well as the criteria for evaluation in the increasingly important area of online communication. Although transparency provisions exist in the Network Enforcement Act, the figures and data contained in the reports are often incomplete and difficult to compare. The Digital Services Act could shed more light on this. The reform of public service broadcasting aims to enable a digital transformation and convert some programs into online offerings. However, it has already been pointed out that this must not happen at the expense of the older generation, who still mainly consume traditional television.

3.2. Market Plurality (47% - medium risk)

The Market Plurality area considers the economic dimension of media pluralism, assessing the risks deriving from insufficient transparency in media ownership, the concentration of the market in terms of both production and distribution, the sustainability of media content production, and the influence of commercial interests and ownership on editorial content. The actors included in the assessment are media content providers, with indicators including Transparency of media ownership, Plurality of media providers, Media viability, Editorial independence from commercial and ownership influence, and digital intermediaries (with the indicator on Plurality in digital markets).



The risks to **Market Plurality** in Germany can be attributed to the dominance of digital platforms and the high level of concentration on the media markets. For the first time, the indicator for Media Viability shows a high risk. Of the five indicators in this area, one points to a high risk, three to a medium risk and one to a low risk.

The indicator for the **Transparency of Media Ownership** shows a low risk (15%). Compared to the assessment as part of the MPM 2023 (25%), the risk factor for this indicator has fallen by 10 percentage points. Commercial broadcasters must provide information on their ownership structure as part of their licensing procedure and are obliged under Section 57 of the Interstate Media Treaty to report on all projects that could have an impact on their ownership structure. In the case of print media, the transparency obligations with regard to the ownership and shareholder structure are based on the respective state press laws and the legal form of the publishing house. Section 8 of the Press Act in North Rhine-Westphalia, for example, stipulates that the name or company name and address of the printer and publisher or, in the case of self-publishing, the name or company name and address of the author or publisher must be stated on every printed work published within the scope of this Act. According to Section 18 of the Interstate Media Treaty, online media are also subject to the transparency requirements with regard to ownership. The Commission on Concentration in the Media (KEK) maintains an online media database containing information on company shareholdings in various media sectors such as TV, radio, press and online. The user-friendly website is easy to navigate and provides instant results on ownership and links to other companies and media outlets. However, Access Info presents an alternative perspective, stating: *"Theoretically, it is possible to determine the ownership structure of listed companies in Germany, but not of*

private companies. The provisions of the German Stock Corporation Act (which relates to listed companies) are complex. It is unlikely that a citizen without some technical understanding would be able to interpret the materials sufficiently to find out who owns the media." (Access Info 2013).

The indicator on the **Plurality of Media Providers** shows a medium risk (55%). Compared to the assessment of the MPM 2023 (63%), the risk factor for this indicator has fallen by 8 percentage points. The reduction in the risk assessment is also due to the change in methodology with the new threshold value for assessing the Top4 concentration; the legal framework is unchanged. The Top4 concentration in the AV sector is 88% (ProSiebenSat.1 14.6 % RTL Group 27.7 % ARD Group 26.6 % ZDF Group 18.9 %). Although concentration is high, media law imposes strict requirements to ensure diversity. In newspapers, the Top4 concentration is 63%, the audience share of the Top 4 online media is 32%. There is a risk in terms of local media diversity. Strictly speaking, there are no news deserts in Germany. Local newspapers can be found almost everywhere. However, there are initial signs that the industry is in crisis. Delivery charges, paper costs and the advertising crisis are beginning to have an impact. In an empirical study, Assmann (2023) found that plurality is only seemingly satisfied in the local landscape. Some of the publications available are just "zombie papers" that do not offer quality journalism and can erode trust. There are also early signs that the industry is in crisis. Delivery charges, paper costs and the advertising crisis are beginning to have an impact. At the beginning of 2023, for example, a Funke Mediengruppe newspaper in eastern Germany discontinued its paper edition and switched to digital. Experts are calling for delivery to be subsidized. Local diversity has been declining for years due to mergers. (Kupferschmitt/Müller 2023). The picture is mixed: local media are struggling economically, but the problems are still less serious than in other EU countries. There are also some positive examples of new local projects (mainly online). VAUNET is forecasting a slight decline of 1.1 percent in pure net advertising revenue for all audio and audiovisual media - radio and TV advertising as well as advertising in streamed audio and video offerings - in 2023. Television is particularly affected by this negative trend, with an expected decline in advertising sales of 6%. In contrast, advertising revenue in radio will continue to grow slightly and in the streaming market at a double-digit rate, but will also be below the forecasts from the spring. (VAUNET 2023).

The **Media Viability** indicator is classified as high risk (76%). Compared to the MPM 2023 assessment (56%), this indicator has seen an increase in the risk factor of 20 percentage points. Revenues in AV are stationary over the past years; in radio revenues increased and in newspapers revenues decreased. In 2022, the German Bundestag published an assessment of the situation of local media (DIW Econ). It states that "the economic existence of the local press is increasingly under threat". The circulation of local print media has fallen significantly, as has advertising revenue and total income. Digital revenues cannot compensate for the losses. At the same time, rising printing, distribution, energy and personnel costs are putting a strain on publishers. These negative trends are leading to increased concentration. 63% of publishers stated that their offering has declined in recent years and 80% expect a further decline. At the beginning of 2023, for example, a newspaper published by Funke Mediengruppe in eastern Germany will discontinue its paper version and switch to digital. The "Märkische Allgemeine Zeitung" in Brandenburg discontinued its local edition "Prignitz-Kurier" and its editions in Kyritz and Wittstock. The "Hamburger Morgenpost" will be converted from a daily newspaper into a weekly newspaper (in 2024), and the publishing house of the "Kölner Stadt-Anzeiger", the "Kölnische Rundschau" and the "Express" is closing its printing plant, which will lead to the loss of 200 jobs. Correctiv's research into the so-called "Potsdam meeting" is an example of how digitally native media in Germany can also reach a large audience with investigative work. According to the research, high-ranking AfD politicians, neo-Nazis and financially strong entrepreneurs came together at this secret meeting in a hotel near Potsdam in November. They planned nothing "less than the expulsion of millions of people from Germany". (Correctiv 2024). An innovative

dissemination of the research was performed in many theaters across Germany. (Berliner Ensemble 2024). At present, providers from all sectors appear to be acting primarily by joining forces - whether through more intensive cooperation within ARD, by interlinking the media libraries in the ARD/ZDF streaming network or by bundling audiovisual and text offerings from RTL and Gruner & Jahr in the RTL+ app. The impact of these efforts will become clear in the coming months and years. There is traditionally no state aid for the media in Germany. Although there is a debate about aid for the press, no funds were made available for this in the last federal budget.

The indicator of **Editorial Independence from Commercial and Owners Influence** has a medium risk (36%). Compared to the MPM 2023 (3%), the risk factor for this indicator has risen by 33 percentage points. As a rule, editorial decisions in Germany are free from political or commercial influence. Springer is famous for its conscience clauses that journalists have to sign with their employment contract. In it, they commit to freedom, the rule of law, democracy and a united Europe and the right of the state of Israel to exist. One such case was published in 2022: Axel Springer CEO Matthias Döpfner was once again criticized: At the beginning of the coronavirus crisis in spring 2020, when many retailers had to temporarily close their stores due to a nationwide lockdown, some companies wanted to suspend their rent payments for the closed stores, including the sporting goods manufacturer Adidas. The decision caused a nationwide outcry at the time, which also had to do with the reporting in the "Bild" newspaper. The tabloid was the first to report on the announced rent freeze, publishing more than 20 articles on the subject and writing about the big "Adidas slam". Research by the business newspaper "Financial Times" revealed that Mathias Döpfner, CEO of the Axel Springer publishing house, had a previously unknown interest in the matter. Together with two other shareholders, Döpfner was the owner of an old building in Berlin-Mitte, in which Adidas had rented a store on two floors (Spiegel). Conflicts of interest between journalism and commercial interests must be made transparent in accordance with the ethical rules of the Press Code. The number of journalists employed by newspapers fell by 17 percent between 2010 and 2020, from 13,573 to 11,288. Scientists assume that this is also accompanied by a change in working methods. It is known that more and more publishers are dissolving their main editorial offices and buying in the title section centrally. The editorial offices are usually located in the larger cities in the region. In local radio in NRW (44 local radio stations), it is stipulated that the editorial office must be located in the respective distribution area.

Focus on the digital environment

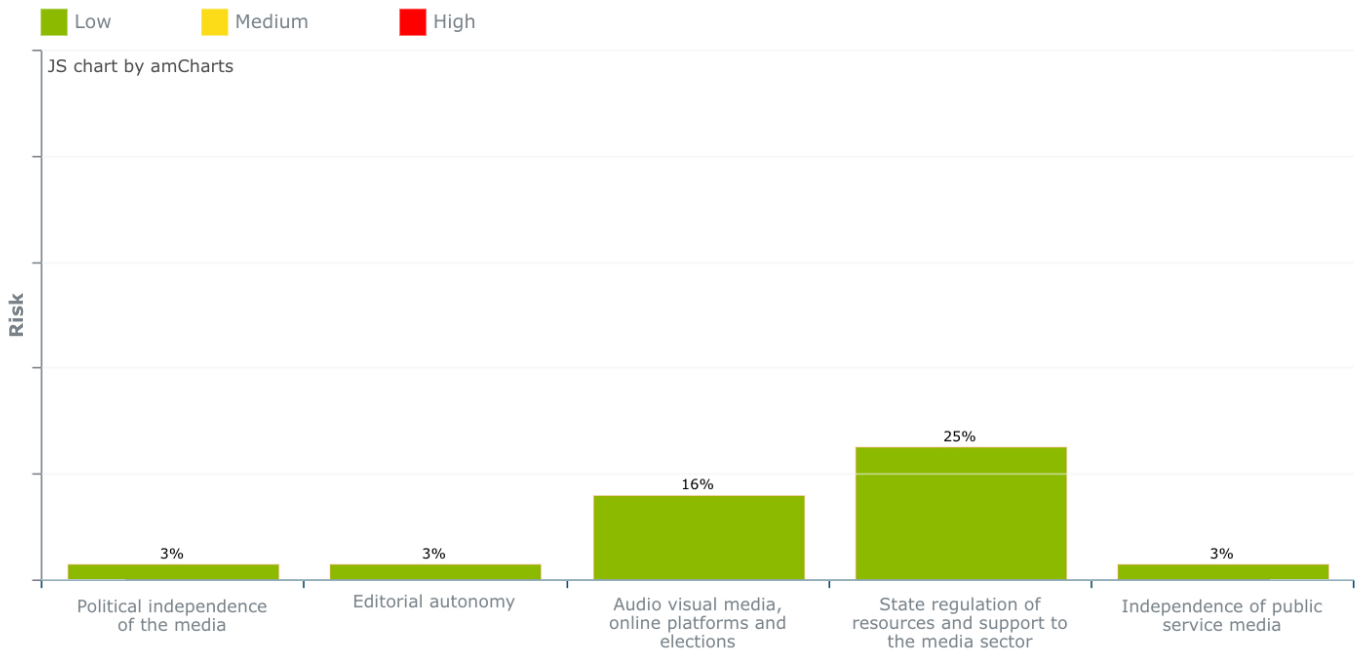
The risk within the digital sector is moderate. Compared to the broader perspective, the risk appears somewhat lower. It is primarily the revenues from digital companies that are generating record profits for the German media industry. However, the market is highly diverse with numerous public and private offerings. The market concentration of online media content providers within the top 4 is 14%, while audience concentration is 33%. However, the dominance of the large online platforms in the advertising market has an impact on local press and media offerings. In terms of ancillary copyrights, the online platforms have so far created obstacles. Corint Media, based in Berlin, manages the copyrights and ancillary copyrights of almost all German and some international private TV and radio stations as well as numerous press publishers. Corint Media only announced the first agreements at the end of 2023. Large publishing houses such as Springer and Gruner+Jahr are discontinuing the majority of their print titles and are consistently pursuing a "digital-only" strategy. Bertelsmann is bundling all its audiovisual and text offerings into one app.

The indicator for **Plurality in Digital Markets** shows a medium risk (61%). Compared to the MPM 2022 (69%), this indicator shows a drop in the risk factor of 8 percentage points. Even though Germany has not introduced a digital tax and will not do so in the future, the EU directive on the minimum tax, which also affects the taxation of digital multinational companies' profits, will be implemented in 2023. This and the fact that the German competition authority is dealing with market dominance in the digital markets have reduced the risk indicator. The 2021 amendment to the ARC enables the Federal Cartel Office to intervene early and effectively against abusive market behavior by large digital groups. Meta and Google were classified by the Federal Cartel Office as companies with market power and are now subject to special abuse supervision for five years. (Federal Cartel Office). Corint Media is the German collecting society for press ancillary copyright. All relevant German publishers have commissioned Corint to represent their interests vis-à-vis the platforms. A review of all online press releases (Corint 2024) only leads to the conclusion that Corint was mainly concerned with its own personnel and its own structure in 2023. However, successes were recently reported in the negotiations with Google. In the dispute over the use of press content by the search engine, Corint Media and Google have agreed on a license in a first step, according to which Google will initially pay an amount of 3.2 million euros annually for the period from the entry into force of the Press Performance Protection Act on 7 June 2021 until 31 March 2023. Axel Springer and OpenAI announced a remarkable deal. They are entering into a global partnership. Through the partnership, ChatGPT users worldwide will receive summaries of selected news content from Axel Springer's media brands, including Politico, Business Insider, Bild and Welt, including otherwise paid content. ChatGPT's responses to user requests will include references and links to the full articles to ensure transparency and provide users with more information. (Axel Springer 2023). The collaboration also includes the use of high-quality content from Axel Springer's media brands to drive the training of OpenAI's advanced Large Language Models.

3.3. Political Independence (10% - low risk)

The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of the public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and the availability of plural political information and viewpoints, in particular during electoral periods.

Germany: Political Independence



Only minor risks can be identified for political independence, which remains unchanged.

The indicator for the **Political Independence of the Media** shows a low risk (3%). Compared to the MPM 2023, the risk factor for this indicator has not changed. In its first ruling on freedom of broadcasting in 1961, the court established the principle of the independence of the media from the state due to Germany's National Socialist past. While there might not be a direct prohibition on politicians owning media outlets, there are laws and regulations related to media ownership, concentration, and competition that apply to all individuals and entities, including politicians. In the press sector, it is possible for political parties to hold stakes. The SPD, for example, has a media holding company (DDVG) and holdings in various local newspapers. Under German law, publishing houses are so-called tendency companies that are allowed to represent opinions within the framework of the press code. As a publishing group, DDVG and its daily newspapers have a proportionate total circulation of around 435,000 copies and a market share of 1.9% of the German daily newspaper market. With one exception, it only holds minority stakes in over 40 newspapers with a total paid circulation of around 2.2 million copies and a total circulation of all newspapers in Germany of 21.1 million in 2006. DDVG only holds a majority stake in the publishing house of Neue Westfälische in Bielefeld, indirectly 57.5% until the end of 2015 and 100% since January 1, 2016. DDVG's net profit for the year amounted to EUR 15.5 million in 2008 and EUR 17.2 million in 2007, of which EUR 11.4 million was distributed to the SPD as a shareholder. DDVG sees itself as a social democratic company. According to its own statements, the company's philosophy is to contribute to the financial independence of the SPD through profit distributions and to the preservation of a lively medium-sized press landscape through its involvement in the regional daily newspaper segment. According to its own statements, DDVG

avoids exercising a controlling influence and generally holds minority interests. The DDVG emphasizes that it is committed to "internal press freedom". This results in only a low risk, as the press landscape is traditionally geared towards pluralism through a variety of different offerings. There is also no evidence that there has been any involvement of SPD politicians in the last 50 years. Politicians do not hold shares in media companies. A few years ago, Stephan Holthoff-Pförtner became a minister in North Rhine-Westphalia who held shares in a media group. He owns 16.66 percent of the Funke Mediengruppe. On June 30, 2017, he was appointed Minister for Federal and European Affairs, International Affairs and Media by Minister President Armin Laschet; he relinquished responsibility for the media sector after two months in order to "avoid the appearance that he could not make decisions with the necessary impartiality as media minister." (Ürük 2017). However, this was not a case during the assessment period and was a one-off incident that was not repeated and was rectified relatively quickly. The Press Code is also intended to ensure editorial independence. For example, Section 6.1 Guideline 6.1 - Dual functions If a journalist or publisher performs a function in addition to their journalistic work, for example in a government, public authority or commercial enterprise, all parties involved must ensure that these functions are strictly separated. This also applies in the opposite case (Press Code).

The indicator for **Editorial Autonomy** has a low risk (3%). Compared to the MPM 2023 assessment, the risk factor for this indicator has not changed. The broadcasting laws of the federal states stipulate procedures for the appointment of directors. No current cases of interference with editorial independence were reported in 2023. One particular form of editorial independence has just celebrated its 30th anniversary, namely the two-pillar model in local radio in North Rhine-Westphalia. In this federal state, local radio may only be broadcast via FM by two completely separate organizational units. The economic-technical unit is organized as a company. The editorial offices must be organized as an association and there are regulations that stipulate a plural composition of members. Interactions between the two units may only take place in accordance with very strict rules. In particular, the economic units may not influence the decisions of the editorial office, which is organized as an association. The model is committed to the common good and has not only guaranteed independent editorial offices in local broadcasting in NRW for 30 years, but also a very high density of local radio stations with 46 local radio stations and thus a high level of local diversity. However, this strict separation has remained unique in the German media landscape. However, the system is facing major challenges due to digitalization. (Kalbhenn 2024)

The indicator for **Audio Visual Media, Online Platforms and Elections** shows a low risk (16%). Compared to the MPM 2023 assessment (19%), this indicator has improved by 3 percentage points. Many state elections took place in 2023 and there were no complaints about unbalanced reporting. The lack of regulation in online political election campaigns remains a risk factor. A lack of rules jeopardizes equal opportunities and transparency in election campaigns. Politicians and parties are reluctant to disclose their spending on online platforms, and the platforms themselves are not very transparent about the payments made by political parties and the procedures used. In contrast, there are clear and established guidelines for political advertising in the audiovisual sector. Television advertising is subject to strict regulations and political advertising is generally prohibited outside election campaign periods. During elections, all parties must have access to free airtime, which is distributed according to the principle of graduated equality. Editorial coverage of the elections is also based on this principle.

The **State Regulation of Resources and Support to the Media Sector** indicator has a low risk (25%). Compared to the MPM 2023, the risk factor for this indicator has not changed. There is a state law on the allocation of frequencies with detailed regulations on priorities, procedural rules and legal protection. These rules are effectively implemented and decisions can be reviewed and challenged in court. In Germany, there

are no direct subsidies for the media sector. The State Treaty for Media in Berlin and Brandenburg formulated for the first time in 2019 a procedure according to which the state media authorities there provide direct financial support to local media. The corresponding statutes stipulate a transparent and fair procedure. In particular, ten criteria are defined according to which the state media authorities decide on the allocation of funds. These are based on strict, objective criteria, meaning that no assessment of content is made. Beyond this, there is no specific written law dealing with this issue. However, there is Supreme Court case law on state subsidies for media. According to this case law, the allocation of funds must be impartial and fair in order to prevent political influence. All cases of media funding in Germany, albeit relatively few, have adhered to these criteria. In 2022, an attempt to introduce state press funding was challenged because only printed newspapers were to be funded. Digital publishers resisted this approach and invoked the constitutional principle of equality. As a result of their efforts, the plans for funding have been suspended to date.

The indicator for the **Independence of Public Service Media** is rated as low risk (3%). Compared to the MPM 2023 assessment, the risk factor for this indicator has not changed. The needs-based financing of public service broadcasting is protected by the constitution (Schepers 2023). The governance structure and financing of the PSM are not state-run. In the supervisory bodies, there is a 1/3 limit for supervisory board members from politics. The amount of the contribution is determined in a three-stage process. First, the PSM institutions report their financial requirements. This is reviewed and adjusted by an independent commission of experts. In a third step, the state parliaments must approve the contribution amount as a state treaty. The parliaments can only deviate from the proposals under very strict conditions. In January 2024, a comprehensive paper by a commission of experts on the reform of public broadcasting attracted a great deal of attention (Council for the Future). An initial proposal by the Zukunftsrat envisages the creation of a central umbrella organization for ARD. This organization would be responsible for nationwide ARD offerings such as the media library and the First Programme as well as for administration and technology. The aim is to reduce duplicate structures within ARD so that the nine state broadcasters can concentrate more on regional content. The Future Council is in favor of restructuring the operational management of public broadcasters. It proposes a "collegial management" for the proposed central ARD institution, ZDF and Deutschlandradio, whereby the chairman of the management should have the final say. With regard to broadcasting control, the Council recommends the establishment of new bodies and the replacement of existing bodies. In future, ARD, ZDF and Deutschlandradio should each have a media council made up of politicians and civil society as well as an administrative board made up of experts to take over strategic supervision. In addition, the Future Council advocates that public broadcasting should accelerate its digitalization. A joint technological platform for ARD, ZDF and Deutschlandradio could support this process. The task of public service broadcasting should continue to be in the areas of information, education, culture, fiction, entertainment and sport. However, the Council for the Future emphasizes the need for the offerings to differ more from those of private broadcasters and, above all, to be oriented towards democracy and the common good. According to the recommendations of the Council for the Future, the broadcasting fee should remain in place, but the distribution of funds could be different. Instead of ARD, ZDF and Deutschlandradio registering their individual financial requirements, the Council proposes that the amount of the broadcasting contribution be determined automatically and largely independently. According to the committee chairpersons, the implementation of these recommendations would represent a major effort for the federal states and public media institutions. These new developments were not included in the risk assessment for 2023.

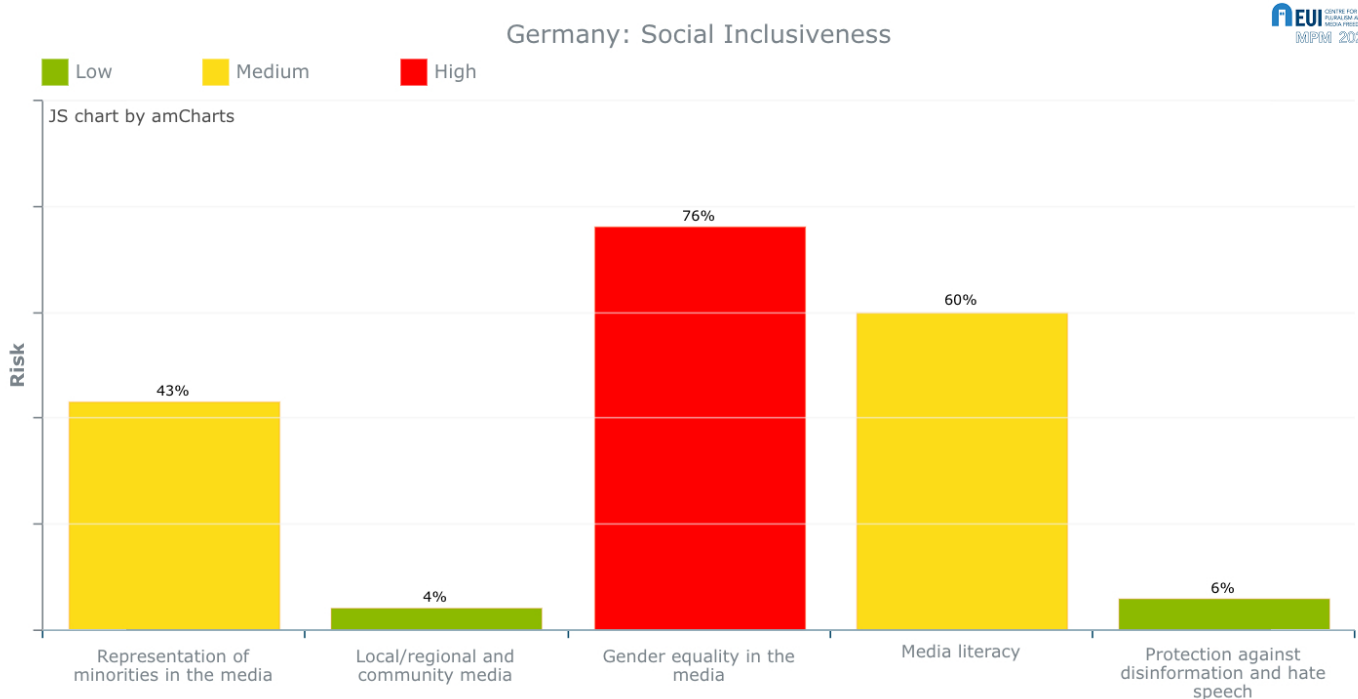
Focus on the digital environment

In the online sector, there are low risks with regard to Political Independence (23%). Of particular note is the lack of specific campaign regulations for political advertising on the internet. While there is a general ban on political advertising on radio and election commercials can only be broadcast in the six weeks before an election under strict guidelines, there are no restrictions on political campaigning on social networks. This problem is exacerbated by the lack of clear labeling for political advertising and the absence of transparency rules, which is compounded by financial contributions. These factors pose a risk to equal opportunities and transparency in online campaigning.

In order to maintain public service broadcasting as an independent political counterweight in the online sector, another reform is likely to be introduced in 2024. The aim is to facilitate the digital transformation of broadcasters so that the discontinuation of TV programs or the transition to online platforms will be easier in the future. The consolidation of the various digital offerings of public broadcasters on a uniform platform should ensure that public broadcasting remains an independent advocate of diversity in the future (Zukunftsrat). These reform considerations were not included in the risk assessment for 2023.

3.4. Social Inclusiveness (38% - medium risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country's media literacy environment, including the digital skills of the overall population. Finally, it also includes new challenges arising from the uses of digital technologies, which are linked to the Protection against disinformation and hate speech.



The area of **Social Inclusiveness** is at medium risk. The indicators Local/Regional and Community Media as well as Protection against Disinformation and Hate Speech are associated with a low risk. The indicators Representation of Minorities in the Media and Media Literacy are rated as medium risk. Finally, Gender Equality in the Media is associated with a high risk.

The indicator for the **Representation of Minorities in the Media** is associated with a medium risk (44%). However, compared to the MPM 2023 assessment (35%), the risk factor for this indicator has increased by 9 percentage points. According to J. Karpa,^[1] the legislation to guarantee media accessibility for people with disabilities works and is effective. He observes a noticeable increase in the number of subtitles, offerings in sign language and offerings with audio description. However, public service media are much better positioned in this respect than private media. The expert cites the TV for All program, an online TV magazine that highlights and filters accessible programmes, as a positive example. "TV for All" is an inclusion project by the non-profit association Sozialhelden e.V. in cooperation with the media authorities, VAUNET, ARD and ZDF. The website makes it easier to search for and find television programs with subtitles (UT) and audio description (AD). Karpa also cites the Greta app, which can be used in cinemas on smartphones and works in a similar way to Shazam, as a good example. The spoken word is converted into subtitles. The ad-free and barrier-free service is available to all broadcasters and includes both private and public TV programs. In a further expansion step, the services with German sign language and the online media libraries will also be linked. The broadcasts of recent weeks are also evaluated and published on the website. For example, in the week from 12.2. to 18.2.2024, TV programs with a total duration of 7053 hours and 7 minutes were broadcast. Of these, 2630 hours and 16 minutes were subtitled (37.29%) and 407 hours and 32 minutes were audio-described (5.78%).

The increase of the risk level associated with this indicator is due to the fact that there is still room for improvement when it comes to reaching people who do not speak German with information offerings. This is also seen as a breeding ground for disinformation. A recent study argues that the international broadcaster Deutsche Welle should also be more active at home in the fight against disinformation. With editorial offices in thirty different languages, Deutsche Welle has a wealth of experience in this area. (Holznagel 2024).

The indicator for **Local/Regional and Community Media** shows a low risk (3%). Compared to the MPM 2023 (4%), this indicator recorded a drop in the risk factor of 1 percentage point. PSM is required by law to maintain regional and local correspondents or branches,^[2] and this provision is implemented in practice in all federal states and at a uniform geographical level (Kalbhenn 2024). Public service broadcasting in Germany is organized on a national or regional basis. The regional broadcasters have no mandate for local reporting. Only in the large metropolitan areas are there windows with local reporting in the television program; regional radio stations must also initially focus on the entire region. The Media State Treaty requires public service broadcasters to leave out local reporting to private broadcasters and the press in order to protect these branches.^[3] In the online sector, there is an explicit ban on local public service reporting. § 30 Abs. 5 Nr. 3. MStV.^[4] In addition, public service online offerings may not be comparable with press offers, e.g. they should not be text-heavy. This regularly leads to disputes between the camps, and the press argues that public broadcasters do not comply with the ban on local reporting. In this context, the German Federal Constitutional Court has ruled that local PSM reporting is constitutional under certain conditions.^[5] However, this is only theoretical, as current legislation keeps PSMs out of local news markets.

The indicator of **Gender Equality in the Media** is classified as a high risk (76%). Compared to the 2023 assessment (31%), the risk factor for this indicator has increased by 45 percentage points. The increase in risk is mainly due to the fact that the calculation has changed and the consideration of regional broadcasting shows that there are not many women in executive positions at state level. According to a study by ProQuote, however, the proportion of women in management positions has slightly risen to 39.5%. Compared to the previous six months, this proportion has increased by 0.2 percentage points. The increase is particularly significant at "Bild" under editor-in-chief Marion Horn, where the proportion of women rose by more than five percentage points to 36.9%. The "taz" remains in first place with a female share of 65.1%, followed by the "Süddeutsche Zeitung" with 44.8%. With 44.3%, "Der Spiegel" is close behind and displaces "stern" from third place, whose share of women has fallen by 2.1 percentage points to 42.1%. The "stern" is now on a par with the "Zeit". The "FAZ" remains in last place with an unchanged proportion of women of 23.9%, followed by the "Welt" with 26.4% and the "Focus" with 30%. ProQuote board member Edith Heitkämper accuses the final trio of obviously having no ambition to integrate more women into management positions (ProQuote 2024)..

The **Media Literacy** indicator shows a medium risk (60%). Compared to the previous year (57%), there was an increase of 3 percentage points. Our expert Laura Askanazy (researcher at ITM, University of Münster) says: *"We are seeing a lot of activity in the area of media literacy. The main players are the state media authorities, but PSM institutions and many civil society organizations are also active in this area. Basically, many population groups are addressed, pupils, teachers, senior citizens, refugees, etc. A current focus is on dealing with fake news and disinformation, particularly in social media. Even though most of the programs are of high quality and widely available in the region, there is still room for improvement. All these programs are voluntary and there are no mandatory curricula in this area in schools. It therefore remains a challenge to reach everyone. One problem here is certainly the federalism in Germany in the area of media law and education policy. We also observe many high-quality media literacy programs in the area of hate speech."*

According to legal provisions, it is the responsibility of the state media authorities to ensure the promotion of media literacy, with these funds being provided from the broadcasting license fee.^[6] The Interstate Media Treaty stipulates that all age groups and minorities should be promoted with regard to media literacy and that projects that serve this goal can receive financial support.^[7] Measures to promote media literacy are widespread in Germany, with a particular focus currently on combating hate speech. The state media authorities have also introduced various programs to combat disinformation.

There is a low risk for the **Protection Against Disinformation and Hate Speech** indicator (6%). Compared to the MPM 2023 assessment (10%), this indicator recorded a decrease in the risk factor of 4 percentage points. The low risk score can be explained by the fact that although there is no "national strategy" in Germany to combat disinformation, there is clarity about the distribution of roles between a variety of authorities and other actors. According to a new study called "Verunsicherte Öffentlichkeit", 84% of the German population consider deliberately disseminated misinformation on the internet to be a major or even very major problem for our society in 2024. For 81% of respondents, disinformation poses a threat to democracy and social cohesion (Bertelsmann Stiftung, 2024). According to Daniela Schwarzer, member of the Bertelsmann Stiftung, Executive Board *"Most people are now aware that disinformation poses a serious threat to our democratic society. For example, false information is used to manipulate elections and undermine trust in politics, political parties and the media. This development represents a challenge that must be overcome in order to protect our liberal democracy, especially in view of the current super election year"*. However, Christian Hoffmann, Professor of Communication Management at the University of Leipzig, believes that the opposite is the case: the topic of disinformation is receiving too much attention: *"We now know that most citizens see very little fake news. And the effects of fake news are still unclear. So in this respect, it seems to me that we are actually focusing a lot of attention on a topic that we have actually understood very little about so far."* (Deutschlandfunk, 2024). According to a recent study, one in two people in Germany have already been insulted online. More than half of those surveyed are less likely to express their own political opinion online out of fear (57%), are less likely to take part in discussions (55%) and deliberately formulate posts more cautiously (53%). (Hate online competence network, 2024).

Focus on the digital environment

For Germany, the entry into force of the Digital Services Act means the expiry of the Network Enforcement Act (NetzDG) and, in part, the media law platform regulation of the Interstate Media Treaty (MStV) (Flamme, 2024). With these laws, the German legislator addressed the central problems of disinformation and hate speech in the digital space. The focus is now on implementing the European legislation at national level. The new Digital Services Coordinator, the Federal Network Agency, is currently hiring a large number of new staff to deal with the new responsibilities. The media-specific regulations of the DSA are still in the hands of the media authorities, which already have practical experience with the complex regulations. Public service broadcasting was also able to further expand its online competencies through the 3rd Interstate Media Amendment Treaty in order to fulfill its constitutional mandate to act as a "counterweight" to hate and disinformation on the internet.

4. Conclusions

In Germany, the reform of public broadcasting is on the agenda for 2024, with a reform treaty due to be presented in the fall. In addition, a proposal for a law against digital violence, which has so far only been presented as a key issues paper, can be expected. In practical terms, the aim is to secure the rules of the Digital Services Act in the new structure of responsibilities between the state media authorities and the Federal Network Agency. The MPM 2024 reveals risks for media diversity in Germany. The legislator can counteract this.

We strongly recommend the following for **Fundamental Protection**:

- The new Whistleblower Protection Act should be implemented consistently and its effectiveness reviewed in a timely manner;
- The ongoing development of measures against disinformation and hate speech must be maintained;
- Public service broadcasting must be safeguarded in the event of anti-constitutional takeovers;
- In the area of SLAPP, reliable empirical material on the situation in Germany should be compiled;
- The SLAPP Directive, when finalised, should be transposed promptly while going beyond the minimum requirements;
- Journalists must be even better protected against violent intimidation (online and offline).

For the area of **Market Plurality**, we strongly recommend:

- Media concentration law should be amended and also apply to opinion-forming digital platforms in the future;
- Media concentration law should be adapted to the digital media world and include social networks, for example.

For the area of **Political Independence**, we strongly recommend:

- The integrity of election campaigns on the internet must be regulated; for example, appropriate transparency rules are needed for social networks;
- When reforming the PSM, the federal states have the issue of contribution stability and the procedure for setting contributions on their agenda. In the course of the planned reforms, the opportunity should be taken to free the contribution setting procedure from political influences;
- Strengthening reporting requirements for politicians and political parties when using online political ads;
- In the reform of public broadcasting, ARD, ZDF and Deutschlandradio should be consistently obliged to work together.

For the area of **Social Inclusiveness**, we strongly recommend

- Public value local media should be granted privileges, for example, by further developing the rules for easy findability on media intermediaries;
- Disinformation campaigns are increasingly targeting people who have fled their country and do not (yet) speak German. Deutsche Welle should therefore be allowed to offer its extensive foreign-language offerings in Germany as well and not only produce them for abroad, as has been the case to date;
- Legislators should continue to make efforts to improve the accessibility of media, especially audio description, as the level is still quite low compared to other European countries;
- Legislators should take further measures to promote more women to management positions.

5. Notes

- [1] J. Karpa (Leidmedien) in an interview on 23.2.2024.
- [2] This shall be regulated in the laws of the individual broadcasters. For example, Section 2 (2) WDR-G states that studios may be established in accordance with the statutes and taking into account the regional structure of the broadcasting area.
- [3] This is regulated indirectly: the PSM may only do what is explicitly mandated by law. Local reporting is not mandated in any of the ten institutional laws; on the contrary, it is a matter of regional or national reporting.
- [4] § 30 Abs. 5 Nr. 3. MStV.
- [5] BVerfGE 83, 238 - 6. Rundfunkentscheidung.
- [6] § 39 LMG NRW.
- [7] § 30 Abs. 3 MStV.

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ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2024 CT Leader
<i>Jan Christopher</i>	<i>Kalbhenn</i>	<i>Lawyer/ Managing Director of ITM</i>	<i>University of Münster, ITM</i>	X

ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
<i>Roman</i>	<i>Portack</i>	<i>CEO</i>	<i>German Press Council</i>
<i>Martin</i>	<i>Madej</i>	<i>Referent Digital and Media</i>	<i>Verbraucherzentrale Bundesverband</i>
<i>Eva</i>	<i>Heneweer</i>	<i>General Council</i>	<i>Funke Media Group</i>
<i>Tobias</i>	<i>Brings-Wiesen</i>	<i>PhD Candidate</i>	<i>University of Cologne</i>

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