

Executive Summary of Professor Dr. iur. Mark D. Cole`s Study:

Involvement of German private broadcasters in a state-initiated funding system

- At the moment, private broadcasters in Germany generally receive no financial support for content. Support in the form of financial payments that are not made by the government directly but rather initiated on the basis of statutory provisions would be an option if the applicable rules were adjusted.
- From a legal perspective, contributions to public service, such as specific media content identified as relevant, can also be made by private companies and be “remunerated” in return with financial support.
- The situation at international, European, national and *Bundesländer* level highlights the special role that private broadcasters also play in achieving media pluralism. In particular, EU regulations allow for financial assistance to be provided in order to achieve this goal in compliance with state aid law.
- The relevant decisions of the Federal Constitutional Court do not oppose the expansion of funding also to private broadcasters, but rather provide the framework for developing such a solution while taking the specific role of public broadcasters into account.
- The current framework laid down in the Interstate Broadcasting Treaty (*Rundfunkstaatsvertrag*) and in most national regulations would need to be adjusted, particularly with procedural provisions that define both the system “allocating” funds and the expected service - in addition to the monitoring and evaluation of funding and content.
- Solutions in other countries, as presented in this study, can be used as a source of inspiration to introduce a funding system that, in its simplest form, would not provide funds to specific companies as such but rather for content-related services alongside the current financing of public broadcasters.