



presserat

(German Press Council)

## German Press Code

Guidelines for journalistic work as  
recommended by the German Press Council

Complaints Procedure

*Drawn up by the Deutscher Presserat (German Press Council) in collaboration with the Press associations and presented to Federal President Gustav W. Heine-mann on 12 December 1973 in Bonn.*

Version of 11.03.2015

## PREAMBLE

*The freedom of the Press enshrined in the Basic Law includes the independence and freedom of information, the right of expression and criticism. Publishers, editors and journalists must in their work remain aware of their responsibility towards the public and their duty to uphold the prestige of the Press. They perform their journalistic task fairly, according to the best of their knowledge and belief, uninfluenced by personal interests and motives that have nothing to do with the matter in hand.*

*The journalistic principles define the professional ethics of the Press. These include the duty within the framework of the Constitution and constitutional laws to maintain the standing of the Press and speak up for the freedom of the Press.*

*The regulations pertaining to editorial data protection apply to the Press in gathering, processing or using information about persons for journalistic-editorial purposes. From research to editing, publishing, documenting and storing these data, the Press must respect people's privacy and right to self-determination on information about them.*

*These professional ethics give everyone the right to complain about the Press. Complaints are justified if professional ethics are infringed.*

*This preamble is part of the ethical standards.*

## Section 1 TRUTHFULNESS AND PRESERVING HUMAN DIGNITY

*Respect for the truth, preservation of human dignity and accurate informing of the public are the overriding principles of the Press.*

*In this way, every person active in the Press preserves the standing and credibility of the media.*

### GUIDELINE 1.1

#### EXCLUSIVE AGREEMENTS

The informing of the public about events which are of general interest and importance for forming of public opinion and intent, must not be restricted or prevented by exclusive agreements with informants or shielding of them. Those who seek a monopoly on information exclude the rest of the Press from acquiring important news and thus impinge upon the freedom of information.

### GUIDELINE 1.2

#### ELECTION CAMPAIGN REPORTING

Accurate informing of the public during election campaigns includes the Press reporting on opinions that it does not share.

### GUIDELINE 1.3

#### PRESS RELEASES

Press releases must be identified as such if they are published by the editorial team without any further editing.

## Section 2 CARE

*Research is an indispensable instrument of journalistic due diligence. The publication of specific information in word, picture and graphics must be carefully checked in respect of accuracy in the light of existing circumstances. Its sense must not be distorted or falsified by editing, title or picture captions. Unconfirmed reports, rumours or assumptions must be quoted as such.*

*Symbolic photos must be clearly marked as such.*

### GUIDELINE 2.1

#### OPINION POLL FINDINGS

When publishing the results of opinion polls, the Press shall give the number of respondents, the date of the poll, the identity of the person or organisation that commissioned it, and the questions asked. At the same time, it must also state whether the results are representative.

If the institute was not commissioned to carry out the poll, it should be pointed out that it was implemented at the initiative of the institute itself.

### GUIDELINE 2.2

#### SYMBOLIC PHOTOGRAPHS

If an illustration, especially a photograph, can be taken to be a documentary picture by the casual reader, although it is a symbolic photograph, this must be clarified. For this reason:

- substitute or auxiliary illustrations (i.e. a similar subject at a different time, or a different subject at the same time, etc.),
  - symbolic illustrations (reconstructed scenes, artificially visualised events to accompany text, etc.),
  - photomontages or other changes
- must be clearly marked as such either in the caption or in the accompanying text.

### GUIDELINE 2.3

#### ADVANCE REPORTS

The Press bears full journalistic responsibility for advance reports published in a compressed form which

announce a forthcoming story. Anyone who further distributes advance reports by Press organs by stating the source must, basically, be able to rely on their validity. Abridgements or additions must not lead to a situation where the basic elements of the story are given a new slant or prompt incorrect conclusions which may harm the legitimate interests of third parties.

### GUIDELINE 2.4

#### INTERVIEWS

A verbatim interview is absolutely journalistically correct if it correctly relays what has been said.

If the text of an interview is quoted in full or in part, the publication concerned must state its source. If the basic content of verbally expressed thoughts is paraphrased, it is nonetheless a matter of journalistic honour to state the source.

### GUIDELINE 2.5

#### GRAPHIC REPRESENTATIONS

The duty of care requires misleading distortions be excluded in graphical representations.

### GUIDELINE 2.6

#### READERS' LETTERS

(1) The Press Code must be observed when publishing readers' letters. It is in the interest of informing the public to allow opinions not shared by the editorial team to be expressed in the Readers' Letters section.

(2) Correspondence with publishers or editorial departments can be printed as readers' letters if it is clear, due to their form and content, that this is in accordance with the sender's wishes. Consent may be assumed if the letter refers to articles published by the newspaper or magazine concerned or to matters of general interest. The authors of such readers' letters have no legal right to have them published.

(3) It is common practice that readers' letters are published with the author's name. Only in exceptional cases can, at the request of the author, another designation be used. When printing, the Press shall refrain from publishing addresses unless publication of the address serves to respect justified interests. If there is any doubt about the identity of the sender, a letter should not

be printed. When taking over user-generated content (Guideline 2.7) in the form of readers' letters, pseudonyms may be retained. However, the source must be indicated. The publication of fake readers' letters is not compatible with the duties of the Press.

(4) Changes or abridgements of letters are fundamentally impermissible without the author's consent. However, abridgements are possible if the Readers' Letters section contains a regular notice that the editor reserves the right to shorten such letters without changing the meaning of them. Should the sender expressly forbid changes or abridgements, the editorial department must either comply with that wish, even if it has reserved the right to abridgement, or decline to publish the letter.

(5) All readers' letters sent to the editor are subject to editorial secrecy. They must never be passed on to third parties.

#### GUIDELINE 2.7 USER-GENERATED CONTENT

The Press bears responsibility for all its publications, including user-generated content. User-generated content must be clearly marked as such.

Editors shall ensure compliance with journalistic principles if they detect violations through user-generated content or if such violations are pointed out to them by third parties. In the event that editors select or edit individual user-generated content, compliance with journalistic principles must be ensured from the outset.

#### Section 3 CORRECTIONS

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Published news or assertions, in particular those of a personal nature, which subsequently turn out to be incorrect must be promptly rectified in an appropriate manner by the publication concerned.

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#### GUIDELINE 3.1 REQUIREMENTS

(1) The reader must be able to recognise that the previous article was wholly or partly incorrect. For this reason a correction publishing the true facts must also refer to the incorrect article. The true facts are to be published even if the error has already been publicly admitted in another way.

(2) In the case of online publications the rectification is to be linked to the original content. If the rectification is made within the publication itself, it must be marked as such.

#### GUIDELINE 3.2 DOCUMENTATION

If journalistic-editorial research, processing or use of person-related data results in the Press having to publish corrections, retractions, refutations by the persons concerned or to a reprimand by the German Press Council, the publication involved must store them along with the original data and document them for the same period as the original data.

#### Section 4 LIMITS OF RESEARCH

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Dishonest methods must not be used to acquire person-related news, information or photographs.

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#### GUIDELINE 4.1 PRINCIPLES OF RESEARCH

Journalists must, as a fundamental principle, identify themselves as such. Untrue statements by a journalist about his/her identity and their publication when doing research work are fundamentally irreconcilable with the standing and function of the Press.

Undercover research may be justifiable in individual cases if in this way information of particular public interest is gained which cannot be procured by other means.

In the event of accidents and natural disasters, the Press must bear in mind that emergency services for the victims and those in danger have priority over the public right to information.

#### GUIDELINE 4.2 RESEARCH AMONG PEOPLE REQUIRING PROTECTION

When conducting research among people requiring protection, particular restraint is called for. This applies especially to people who are not in full possession of their mental or physical powers or who have been exposed to an extremely emotional situation, as well as to children and juveniles. The limited willpower or the special situation of such people must not be exploited deliberately to gain information.

#### GUIDELINE 4.3 BLOCKING OR DELETION OF PERSONAL DATA

Personal data gathered in violation of the Press Code are to be blocked or deleted by the publication involved.

#### Section 5 PROFESSIONAL SECRECY

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The Press shall respect professional secrecy, make use of the right to refuse to bear witness and shall not reveal informants' identities without their explicit permission.

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Confidentiality is to be adhered to in principle.

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#### GUIDELINE 5.1 CONFIDENTIALITY

Should an informant stipulate, as a condition for the use of his/her report, that he/she remain unrecognisable or unendangered as the source, this is to be respected. Confidentiality can be non-binding only if the information concerns a crime and there is a duty to inform the police. Confidentiality may also be lifted if, in carefully weighing interests, important reasons of state predominate, particularly if the constitutional order is affected or jeopardised.

Actions and plans described as secret may be reported if after careful consideration it is determined that the public's need to know outweighs the reasons put forward to justify secrecy.

#### GUIDELINE 5.2 SECRET SERVICE ACTIVITIES

Secret service activities by journalists and publishers are irreconcilable with the duties stemming from professional secrecy and the prestige of the Press.

#### GUIDELINE 5.3 DATA TRANSFER

All person-related data gathered, processed and used for journalistic-editorial purposes are subject to editorial secrecy. Transfer of such data between editorial departments is permissible. It is not to be done until conclusion of a formal complaint procedure under data protection law. A data transfer is to be annotated with the remark that the data is to be edited or used only for journalistic-editorial purposes.

#### Section 6 SEPARATION OF ACTIVITIES

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Journalists and publishers shall not perform any activities that could throw doubt over the credibility of the Press.

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#### GUIDELINE 6.1 DUAL FUNCTIONS

Should a journalist or publisher exercise another function in addition to his or her journalistic activity, for example in a government, a public authority or a business enterprise, all those involved must take care strictly to separate these functions. The same applies in reverse.

#### Section 7 SEPARATION OF ADVERTISING AND EDITORIAL CONTENT

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The responsibility of the Press towards the general public requires that editorial publications are not influenced by the private or business interests of third parties or the personal economic interests of the journalists. Publishers and editors must reject any attempts of this nature and make a clear distinction between editorial and commercial content. If a publication concerns the publisher's own interests, this must be clearly identifiable.

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#### GUIDELINE 7.1 DISTINCTION BETWEEN EDITORIAL TEXT AND ADVERTISEMENTS

Paid publications must be so designed that the reader can recognise advertising as such. They can be separated from the editorial section by means of identification and/or design. Furthermore, regulations under advertising law apply.

#### GUIDELINE 7.2 SURREPTITIOUS ADVERTISING

Editorial stories that refer to companies, their products, services or events must not overstep the boundary to surreptitious advertising. This risk is especially great if a story goes beyond justified public interest or the reader's interest in information or is paid for by a third part or is rewarded by advantages with a monetary value.

The credibility of the Press as a source of information demands particular care when handling PR material.

#### GUIDELINE 7.3 SPECIAL PUBLICATIONS

Editorial special publications are subject to the same editorial responsibility as all other editorial content. Advertising special publications must respect the requirements of Guideline 7.1.

#### GUIDELINE 7.4 ECONOMIC AND FINANCIAL MARKET REPORTING

Journalists and publishers who research or receive information within the context of exercising their profession shall use this information prior to publication only for journalistic purposes and not for their own personal advantage or the personal advantage of others. Journalists and publishers may not publish any reports about securities and/or their issuers with the intention of enriching themselves, their family members or other close persons through the price development of the security in question. They should not buy or sell securities, either directly or through agents, on which they have published something in the previous two weeks or on which they are planning to report in the next two weeks.

Journalists and publishers shall take the necessary measures to ensure compliance with these regulations. Conflicts of interest in drawing up or passing on financial analyses shall be revealed in an appropriate manner.

#### Section 8 PROTECTION OF THE PERSONALITY

The Press shall respect the private life of a person and his/her right to self-determination about personal information. However, if a person's behaviour is of public interest, it may be discussed by the Press. In the case of identifying reporting, the public interest in information must outweigh the interests worthy of protection of the persons involved; sensational interests alone do not justify identifying reporting. As far as an anonymization is required, it must be effective.

The Press guarantees editorial data protection.

#### GUIDELINE 8.1 CRIMINAL REPORTING

(1) The public has a legitimate interest in being informed about crimes, investigation proceedings and trials. It is the task of the Press to report on these issues.

(2) The Press shall only publish names, photographs and other information enabling the identification of suspects or perpetrators if the legitimate interest of the public outweighs the interests worthy of protection of the persons involved in the individual case. Factors that are to be taken into account in particular are: the intensity of the suspicion, the seriousness of the allegation, the state of proceedings, the suspect's or perpetrator's degree of fame, the suspect's or perpetrator's earlier behaviour and the intensity with which he/she seeks publicity. In general, a prevailing public interest may be assumed if:

- the crime in question is extremely serious or special in terms of its type and dimension;
- there is a connection resp. a contradiction between office, mandate, social role or function of a person and the action he/she is accused of;

- there is a connection between a famous person's position and the crime he/she is accused of or if the crime the person is accused of is contrary to his/her public image;
- a serious crime was committed publicly;
- an arrest warrant has been applied for by the investigating authorities.

If there are reasons to believe that a suspect is deemed to be incapable of committing a crime, the press shall refrain from identifying reporting.

(3) In the case of renewed reporting on criminal proceedings lying in the past, as a rule no name or picture of the perpetrator should be published in the interest of resocialisation. The resocialisation interest is all the greater, the longer the time period that has passed since the conviction.

(4) In the case of persons involved in the administration of justice, such as judges, prosecuting attorneys, lawyers and expert witnesses, identifying reporting is permissible as a rule if the persons in question are exercising their functions.

Publication of the names or photographs of witnesses is generally inadmissible.

#### GUIDELINE 8.2 PROTECTION OF VICTIMS

Victims have the right to special protection of their identity. Knowledge about the victim's identity is generally irrelevant for understanding an accident occurrence, the circumstances of a disaster or crime. Publication of the name and photograph of a victim is permissible if the victim resp. the relatives or other authorized persons have given their consent or if the victim is a public figure.

#### GUIDELINE 8.3 CHILDREN AND YOUNG PEOPLE

In particular with regard to reporting on crimes and accidents, as a rule the identification of children and young people is inadmissible before completion of their 18th year.

#### GUIDELINE 8.4 RELATIVES AND THIRD PARTIES

In the case of relatives and other persons who are indirectly affected by a publication and have nothing to do with the actual object of reporting, the publication of names and photographs is generally impermissible.

#### GUIDELINE 8.5 MISSING PERSONS

The names and photographs of missing persons may be published, however only in agreement with the responsible authorities.

#### GUIDELINE 8.6 ILLNESSES

Physical and mental illnesses or injuries are part of a person's private sphere. As a rule the press should refrain from reporting about illnesses or injuries without the consent of the affected persons.

#### GUIDELINE 8.7 SUICIDE

Reporting on suicide calls for restraint. This applies in particular to the publication of names and photographs and the description of the particular circumstances.

#### GUIDELINE 8.8 LOCATION

The private address as well as other private locations, such as hospitals, care facilities, rehabilitation centres enjoy special protection.

#### GUIDELINE 8.9 ANNIVERSARY DATES

The publication of anniversary dates of persons who are otherwise not in the public eye requires that the editorial department confirms in advance whether those involved consent to the publication or not.

#### GUIDELINE 8.10 INFORMATION

If a press report has a negative effect on someone's personal rights, on request the affected person must be given information about the respective personal

data stored by the responsible publication organ. The information may be declined if:

- the data is indicative of the names of persons who are collaborating or have collaborated in the research, processing or publishing of contributions as part of their journalistic work;
- the data is indicative of the names of contributors, guarantors or informants of contributions, documents and reports for the editorial section;
- imparting the data obtained by research or other means would negatively affect the publication organ's journalistic mission by revealing the information it possesses; or
- it otherwise proves to be necessary in order to conciliate the right to privacy with the applicable regulations regarding the freedom of expression.

#### GUIDELINE 8.11 OPPOSITION AND ESCAPE

In reports on countries where opposition to the government can mean danger to life and limb, the Press must always consider whether, by publishing names or photographs, those involved may be identified and persecuted. Furthermore, the publication of details concerning escapees and their escape may result in relatives and friends who are still in the escapees' homelands being endangered, or in still-existing escape-routes being closed.

#### Section 9 PROTECTION OF DIGNITY

Violating people's dignity with inappropriate representations in word and image contradicts journalistic ethics.

#### Section 10 RELIGION, PHILOSOPHY, CUSTOM

The Press will refrain from vituperating against religious, philosophical or moral convictions.

#### Section 11 SENSATIONAL REPORTING, THE PROTECTION OF YOUNG PEOPLE

The Press will refrain from inappropriately sensational portrayal of violence, brutality and suffering. The Press shall respect the protection of young people.

#### GUIDELINE 11.1 INAPPROPRIATE PORTRAYAL

A report is inappropriately sensational if the person it covers is reduced to an object, to a mere thing. This is particularly so if reports about a dying or physically or mentally suffering person go beyond public interest and the readers' requirement for information. When placing pictorial representations of acts of violence and accidents on front pages, the Press shall respect the possible effects on children and young people.

#### GUIDELINE 11.2 REPORTING ACTS OF VIOLENCE

In reporting actual and threatened acts of violence, the Press should weigh carefully the public's interest in information against the interests of the victims and other people involved. It should report on such incidents in an independent and authentic way, but not allow itself to be made the tool of criminals. Nor should it undertake independent attempts to mediate between criminals and the police.

There must be no interviews with perpetrators during acts of violence.

#### GUIDELINE 11.3 ACCIDENTS AND DISASTERS

The limit of acceptability in reports on accidents and disasters is respect for the suffering of the victims and the feelings of their dependants. Victims of misfortune must not be made to suffer a second time by their portrayal in the media.

#### GUIDELINE 11.4 CO-ORDINATION WITH THE AUTHORITIES/NEWS ,BLACKOUTS'

In principle, the Press does not accept news ,blackouts'. Co-ordination between the media and the police shall occur only if the action of journalists can protect or save the life and health of victims and other involved persons. The Press shall comply with police requests for a partial or total news embargo for a certain period of time in the interest of solving crime, if the request is justified convincingly.

#### GUIDELINE 11.5 CRIMINALS' MEMOIRS

The publication of so-called criminals' memoirs infringes journalistic principles if crimes are justified or qualified with hindsight, the victims are inappropriately affected, and a detailed description of the crime merely satisfies the demand for sensation.

#### GUIDELINE 11.6 DRUGS

Press stories must not play down drug abuse.

#### Section 12 DISCRIMINATION

There must be no discrimination against a person because of his/her sex, a disability or his membership of an ethnic, religious, social or national group.

#### GUIDELINE 12.1 REPORTS ON CRIMES

When reporting crimes, it is not permissible to refer to the suspect's religious, ethnic or other minority membership unless this information can be justified as being relevant to the readers' understanding of the incident. In particular, it must be borne in mind that such references could stir up prejudices against minorities.

#### Section 13 PRESUMPTION OF INNOCENCE

Reports on investigations, criminal court proceedings and other formal procedures must be free from prejudice. The principle of the presumption of innocence also applies to the Press.

#### GUIDELINE 13.1 PREJUDICE

Reports on investigations and court cases serve to inform the public in a careful way about crimes and other infringements of the law, their prosecution and court judgement. In the process it must not prejudge them. The Press may call a person a perpetrator if he/she has made a confession and there is also evidence against him/her or if he/she committed the crime in public view. In the language of reporting, the Press is not required to use legal terms that are irrelevant to the reader.

In a state based on the rule of law, the aim of court reporting must not be to punish convicted criminals socially as well by using the media as a ,pillory'. Reports should make a clear distinction between suspicion and proven guilt.

#### GUIDELINE 13.2 FOLLOW-ON REPORTING

If the Press has reported on the unconfirmed conviction of a person, it should also report an ensuing acquittal or a marked lessening of charges if the legitimate interests of the person affected do not dictate to the contrary. This recommendation also applies to the dropping of an investigation.

#### GUIDELINE 13.3 CRIMES COMMITTED BY YOUNG PERSONS

When reporting on investigations and criminal court proceedings against young persons and on their appearance in court, the Press must exercise especial restraint out of consideration for their future.

## Section 14 MEDICAL REPORTING

Reports on medical matters should not be of an unnecessarily sensationalist nature since they might lead to unfounded hopes or fears on the part of some readers. Research findings that are still at an early stage should not be portrayed as if they were conclusive or almost conclusive.

## Section 15 PREFERENTIAL TREATMENT

The acceptance of privileges of any kind that could possibly influence the freedom of decision on the part of publishers and editors are irreconcilable with the prestige, independence and responsibilities of the Press. Anyone accepting bribes for the dissemination of news acts in a dishonourably and unprofessional manner.

### GUIDELINE 15.1 INVITATIONS AND GIFTS

Even the appearance that the freedom of decision of a publishing house and its editorial staff can be impaired is to be avoided. Journalists shall therefore not accept any invitations or gifts whose value exceeds the extent that is usual in business and necessary as part of working life.

The acceptance of advertising articles or other low-value objects is harmless.

Research and reporting must not be influenced, hindered or even prevented by the accepting of gifts, invitations or discounts. Publishing houses and journalists shall insist that information be given regardless of the acceptance of a gift or an invitation.

If journalists report on Press trips to which they have been invited, they shall make this financing clear.

## Section 16 PUBLICATION OF REPRIMANDS

It is considered fair reporting when a public reprimand issued by the German Press Council is published, especially by the publication or telecommunications media concerned.

### GUIDELINE 16.1 CONTENT OF THE PUBLIC REPRIMAND

The reader must be informed of the facts of the reprimanded article and of the journalistic principle the article violated.

### GUIDELINE 16.2 MANNER OF PUBLISHING REPRIMANDS

Reprimands must be published in the publications or telecommunications media in an appropriate form. In telecommunications media the reprimands must be linked to the reprimanded article.

## COMPLAINTS PROCEDURE OF THE GERMAN PRESS COUNCIL

*adopted on 15.12.2006, Version of 09.03.2016*

### SECTION 1 – RIGHT OF COMPLAINT

- (1) Anyone is entitled to complain generally to the German Press Council about publications or proceedings in German press undertakings issuing periodical printed matters and/or operating telecommunications media with journalistic and editorial contents and other providers of telecommunications media with journalistic and editorial contents which are not broadcasting. Furthermore, anyone who is of the opinion that the processing of personal information for journalistic or editorial purposes within the context of research or publication violates the right to data protection may also submit a complaint.
- (2) The German Press Council can also institute complaint proceedings itself.

### SECTION 2 – FORM AND CONTENTS OF COMPLAINTS

- (1) Every complaint must be in writing and can be submitted by post or by e-mail. It must state a reason for complaint and may include an application. The complaint about a printed article should include a relevant publication in original or in photocopy; the complaint about an online publication should include a screenshot or a printout and the corresponding link showing the date and time of publication. Anonymous and obviously abusive complaints shall not be dealt with.
- (2) The German Press Council does not usually accept any complaints concerning processes that themselves or whose first publication date back more than one year. In the case of complaints relating to violations of the right to data protection it shall be based on the moment when the complainant\* became aware of them.

## SECTION 3 – SCOPE OF RESPONSIBILITY OF THE COMPLAINTS COMMITTEES

- (1) With the exception of the cases of Sections 5 and 7 (2) – complaints shall be handled by the Complaints Committees.
- (2) Complaints concerning possible violations of the right to data protection shall be dealt with by the Complaints Committee on Editorial Data Protection.
- (3) At the request of two members of a Complaints Committee, a complaint shall be forwarded to the Plenum of the German Press Council.
- (4) If the Complaints Committee finds indications of an obvious abuse of the right to complain, it shall forward the complaint for a final decision on abuse to the Plenum of the German Press Council.

## SECTION 4 – SCOPE OF RESPONSIBILITY OF THE PLENUM OF THE GERMAN PRESS COUNCIL

- (1) The Plenum of the German Press Council is responsible for dealing with all complaints of fundamental significance. Moreover, it shall decide concluding whether a complaint was obviously made in abuse of the rules.
- (2) The Plenum of the German Press Council is also responsible for dealing with all complaints forwarded by the relevant Complaints Committee pursuant to Section 3 (3).
- (3) The Plenum of the German Press Council can assume responsibility for handling any complaint prior to the issuance of a final ruling by the Complaints Committee.
- (4) In all cases where responsibility for handling a complaint is assumed by the Plenum, the parties involved shall be informed in writing.
- (5) The Complaints Procedure shall apply accordingly to the procedure in the Plenum.

## SECTION 5 – PRIOR SCRUTINY

- (1) There shall be a prior scrutiny. If the German Press Council is obviously not responsible for the complaint, it shall notify the complainant and, where appropriate, inform him of the competent office.
- (2) The German Press Council shall reject undecided or obviously unjustified complaints.

*\* In the case of personal functions, the masculine will always be used in the Complaints Procedure. This should be understood as gender-neutral.*

- (3) The complainant shall have the opportunity to appeal within two weeks of the rejection being sent. The Complaints Committee shall decide on the appeal. It may either confirm the rejection pursuant to para. 2 or decide to launch a complaints procedure in accordance with Sections 6 ff.

#### **SECTION 6 – PARTICIPATION OF THE RESPONDENT AND MEDIATION**

- (1) Complaints that were not dealt with conclusively pursuant to Section 5 shall be sent to the respondent together with a request to make a statement on the complaint within three weeks of dispatch.
- (2) The Press Council may mediate between the parties. The processing of a complaint shall be suspended during a mediation process of this kind; deadlines shall be deferred. In the event of successful mediation, the complaints procedure shall be ended. If a solution by mutual agreement is not reached, the complaints procedure shall be continued.
- (3) The respondent shall be informed of the possibility to check for himself, before expiry of the deadline under para. 1, whether an infringement of the Press Code has taken place and whether he has rectified it according to section 4 or intends to do so.
- (4) Adequate rectification shall include action by the respondent that is suitable for maintaining professional ethics and, thus, restoring the standing of the press. This action shall be public unless repeated publication about the event would contravene the interests of the party/parties concerned. In the event of a violation of editorial data protection (Section 1 (1) sentence 2) the party concerned must recognise the rectification by the respondent as adequate.
- (5) After submission of the statement pursuant to Subsection 1, the German Press Council will verify whether the respondent himself has taken adequate measures to rectify the violation of the Press Code without delay. Such measures will be considered by the complaints committee when making its decision.

#### **SECTION 7 – CHAIRMAN'S DECISION**

- (1) The Chairman of the Complaints Committee shall instigate the next action to prepare for a meeting, for example by obtaining a supplementary concluding statement from the parties. The incoming statements and information shall be passed on to the parties where they may be relevant to a decision.
- (2) As far as simple complaints are concerned, the Chairman may, by means of the Chairman's decision,
- Reject them as unjustified or
  - Declare them to be justified and waive action,
  - Declare them to be justified and issue a notice (Section 12 (5)).
- The Complaints Committee shall be notified of the key reasons for the Chairman's Decision.
- (3) The parties shall have the opportunity to appeal within two weeks of the Chairman's Decision being sent. The Complaints Committee shall decide on this.

#### **SECTION 8 – PREPARATIONS FOR HEARINGS**

- (1) The members of the competent Complaints Committee, their deputies, the chairmen of the other complaints committees and one representative each from the sponsoring organisations shall be invited to the hearings. The other members of the Plenum may take part in the meeting of the complaints committee concerned after registration. They shall all receive the whole complaint. Employees from the branch office may be present.
- (2) Furthermore, parties (complainants, respondents) and witnesses may be invited.
- (3) The invitations will be extended in writing. They must contain the time and place of the hearing. The invitation shall be sent at the latest four weeks before the meeting. The invited parties must confirm their attendance up to two weeks before the meeting.
- (4) In all cases of a hearing the parties concerned shall receive notification, which must contain:
1. the time and place of the meeting,
  2. the names of the participants,
  3. their right to challenge any participant on grounds of presumed partiality,

4. the fact that the committee can rule on the matter even in the absence of one of the invited parties,
5. the fact that the committee can rule on the matter even if a respondent has failed to respond to the complaint (Section 6 (1)),
6. the names of any witnesses invited.

#### **SECTION 9 – LACK OF IMPARTIALITY**

- (1) Individual participants pursuant to Section 8 can be challenged on grounds of presumed partiality or can declare themselves biased if there is reason for justified doubts about their impartiality.
- (2) The application for rejection must be submitted in writing and justified to the competent committee on time.
- (3) The competent complaints committee shall decide on the rejection application without the member concerned. Each challenge will be judged on its merits. Decisions are not contestable.
- (4) Members of the German Press Council shall be deemed to be prejudiced if the subject of the complaint concerns themselves, their own publishing house or their own editorial team.
- (5) Participants who are prejudiced pursuant to Section 9 (1) to (4) shall be excluded from the discussions and rulings on the matter.

#### **SECTION 10 – HEARINGS**

- (1) The chairman shall conduct the hearing which is not open to the public. The members of the complaints committee shall be entitled to vote; if they are absent their deputies shall be entitled to vote.
- (2) A record of the hearing is to be produced, documenting the basic content of the proceedings. Any petitions submitted by the parties concerned and rulings delivered by the adjudicating body must be recorded verbatim or appended to the record of the hearing as annexes.
- (3) Any member of the adjudicating body can request that individual statements be recorded verbatim.

#### **SECTION 11 – RECOMMENDATIONS AND ADVICE NOTICES**

Advice notices and recommendations capable of rectifying (clarifying) a situation and, if applicable, producing amicable agreement between the parties concerned are possible at any stage of the proceedings.

#### **SECTION 12 – RULINGS**

- (1) The complaints committee is not bound to comply with petitions submitted by the parties concerned. If the complaint is withdrawn by the complainant, the committee may adhere to processing the complaint for reasons of press ethics. The parties shall be informed of aspects that are key to the ruling in plenty of time in order to give them another opportunity to make a statement on this aspect.
- (2) The complaints committee will appraise any documents submitted, information received and witness statements made according to its own independent convictions.
- (3) A complaint can be rejected on the grounds that it is inadmissible or unfounded.
- (4) A complaints procedure shall be halted if the facts of the matter cannot be ascertained.
- (5) If a complaint is justified
1. an advice notice
  2. a disapproval
  3. a reprimand
- may be issued. In spite of a justified complaint, in individual cases the complaints committee may waive action.
- (6) Processing a complaint may be suspended if
1. a ruling on it could influence the outcome of a pending criminal investigation or court case,
  2. an appraisal of interests reveals that this possibility of influence outweighs the interest of one of the parties in the Press Council's rulings and
  3. suspension does not stand in the way of fundamental press-ethical considerations.
- (7) The final, written ruling shall be justified, signed by the chairman and shall be sent to the parties at the latest three weeks after the end of the hearing.
- (8) The sponsoring organisations of the German Press Council will publish reprimands in their association publications in accordance with Section 15.

### SECTION 13 – BASES FOR RULINGS

In weighing up the question of whether a notice of censure, a reprimand or merely an advice notice should be issued, the adjudicating body must take account, among other things, of the gravity of the infringement, the consequences of publication for the person or persons affected and any steps taken by the respondent to mitigate such consequences and/or avoid their recurrence. In the event of a change in the adjudicatory practice of the German Press Council, only an advice notice may be issued.

### SECTION 14 – CONFIDENTIALITY

The members of the German Press Council, the representatives of the sponsoring organisations in the Press Council and the employees of the Press Council shall maintain confidentiality concerning the discussions and documents. Prior to delivering a ruling, the members of the German Press Council will issue public statements only on the formal status of the proceedings and not in a way indicating how they intend to vote.

### SECTION 15 – OBLIGATION TO PUBLISH A REPRIMAND

- (1) Under Section 16 of the German Press Code, reprimands must be published in the publications or telecommunications media concerned in an appropriate form. The Complaints Committee may waive the obligation to publish if such waiver is deemed necessary to protect the interests of an affected person.
- (2) The publication in the telecommunications media is deemed appropriate if user are informed about the reprimand when calling up the contribution. After 30 days, the editors may refrain from a further publication, provided that they have modified the contribution in accordance with the reprimand.

### SECTION 16 – RESUMPTION OF PROCEEDINGS

The decision made by a committee (complaints committee, complaints committee for editorial data protection or the plenum of the German Press Council) is revisable by resumption. The resumption of a completed complaints procedure is permissible if the complainant or respondent applies for it immediately or if the committee decides to do so and if either

1. new circumstances are proven, which are – alone or in connection with the previous decision-making bases – appropriate to justify a significantly different decision, or
2. aspects relevant to the issue were not communicated in time or taken into account by the German Press Council.

### SECTION 17 – PROCEDURES

Internal procedures shall be regulated in the Rules of Procedure.

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