

DEUTSCHER PRESSERAT

(GERMAN PRESS COUNCIL)



German Press Code

Guidelines for journalistic work
as recommended by the
German Press Council

Complaints Procedure

■ ■ ■ ■ ■ **IMPRINT**



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German Press Code

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

Version of 13.09.06





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. ■ ■ ■ ■

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. ■ ■ ■ ■

SECTION 3 ■ ■ ■ ■

CORRECTIONS

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. ■ ■ ■ ■

SECTION 4 ■ ■ ■ ■

LIMITS OF RESEARCH

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

SECTION 5



PROFESSIONAL SECRECY

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.

Confidentiality is to be adhered to in principle.



SECTION 6



SEPARATION OF ACTIVITIES

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



SECTION 7



**SEPARATION OF ADVERTISING
AND EDITORIAL CONTENT**

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.



SECTION 8



THE RIGHTS OF THE INDIVIDUAL

The Press shall respect the private life and intimate sphere of persons. If, however, the private behaviour of a person touches upon public interests, then it may be reported on in individual cases. Care must be taken to ensure that the privacy rights of uninvolved persons are not violated. The Press shall respect people's right to self-determination on information about them and guarantee editorial data protection.



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.



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.



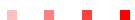
SECTION 13 ■ ■ ■ ■ **PRESUMPTION OF INNOCENCE**

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.



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. ■ ■ ■ ■

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 newspapers or magazines concerned. ■ ■ ■ ■



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.

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. 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.

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. ■ ■ ■ ■

Guideline 3.1 – Requirements

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.

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.

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



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.



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.

Confidentiality is to be adhered to in principle.



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.

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



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.



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. ■ ■ ■ ■

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.



The Press shall respect the private life and intimate sphere of persons. If, however, the private behaviour of a person touches upon public interests, then it may be reported on in individual cases. Care must be taken to ensure that the privacy rights of uninvolved persons are not violated. The Press shall respect people's right to self-determination on information about them and guarantee editorial data protection.



Guideline 8.1 – Publication of Names and Photographs

(1) When reporting on accidents, crimes, investigations or trials (cf. Section 13 of the Press Code) the Press shall not usually publish any information in words or pictures that would enable identification of victims and perpetrators. Children and young people enjoy special protection with respect to their future. The public's right to information must always be weighed against the personal rights of those involved. The need for sensation alone cannot justify the public's right to be informed.

(2) Victims of accidents or crimes have a right to special protection of their names. It is not as a rule necessary to identify the victim in order for readers better to understand the accident or crime. Exceptions can be justified if the person concerned is famous or if there are special accompanying circumstances.

(3) In the case of dependants and other people who are indirectly affected by an accident or who have nothing to do with a crime, the publication of names and photographs is fundamentally impermissible.

(4) The publication of the full names and/or photographs of suspects accused of a capital crime is, however, justified if it is in the interest of solving the crime and an arrest warrant has been applied for, or if the crime was committed in public view.

If there are reasons to believe that a suspect is deemed to be incapable of committing a crime, no name or photograph should be published.

(5) In the case of officials and elected representatives, the publication of names and photographs can be permissible if there is a connection between

a public office or mandate and a crime. The same applies to famous people if the crime of which they are accused is contrary to their public image.

(6) The names and photographs of missing persons may be published, but only in agreement with the responsible authorities.

Guideline 8.2 – Protection of Location

People's private addresses and other locations, such as hospitals, nursing homes, cure resorts, prisons and rehabilitation centres enjoy special protection.

Guideline 8.3 – Resocialisation

In the interests of resocialisation, publication of the names and photographs of accused persons is as a rule to be omitted when reporting a criminal trial, unless a new event creates a direct link to the previous incident.

Guideline 8.4 – Illnesses

Physical and mental illness or injuries come fundamentally within the private sphere of the persons affected. Out of consideration for them and their dependants, the Press should not publish names and photographs in such cases and should avoid using disparaging terms to describe their illness or hospital/clinic, even if they are terms in popular usage. Historical or famous persons are protected by law against discriminatory revelations even after their death.

Guideline 8.5 – Suicide

Reporting on suicides calls for restraint. This applies in particular to the publication of names and detailed descriptions of the circumstances. Exceptions are justifiable only if the case is one of contemporary history and public interest.

Guideline 8.6 – Opposition and Escapes

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 in

their homeland. Furthermore, the publication of details about such persons and about their escapes may result in relatives and friends who are still in the escapees' homelands being endangered, or in still-existing escape routes being closed.

Guideline 8.7 – Anniversary Dates

The publication of anniversary dates of persons who are otherwise not in the public eye requires that the editorial department has confirmed in advance whether those involved consent to publication or would prefer protection from public attention.

Guideline 8.8 – Information

If a Press report has a negative effect on someone's personal rights, the publication responsible must, at his or her request, give them information on the data upon which the report was based and on the data on his or her person which the publication has stored. The information may be declined if:

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

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.



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.

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.



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.

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. ■ ■ ■ ■

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.

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



Guideline 16.1 – Publication of Reprimands

The following applies to the publication concerned:

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





Complaints Procedure of the German Press Council

adopted on 15.12.2006



Section 1 – Right of complaint

- (1) Anyone is entitled to complain generally to the German Press Council about publications or proceedings in the German press. Furthermore, anyone who is of the opinion that the dissemination of personal information for journalistic and editorial purposes within the context of research or publication violates the right to data protection can also submit a complaint.
- (2) The German Press Council can also institute complaint proceedings itself.

Section 2 – Contents of complaints

- (1) Every complaint must be submitted in writing. It must state a reason for complaint and may include an application. The complaint should also include a relevant publication in original or a photocopy. 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 pass on the complaint for a final decision on abuse to the Plenum of the German Press Council.

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

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.
- (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 expiry of the deadline pursuant to para. 1, the Press Council will check whether the respondent has rectified the violation of the Press Code himself. If this is not the case or if the complainant does not recognise the rectification in the event of a violation of editorial data protection as adequate, the complaints procedure will continue according to the rules set out here.

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

Under Article 16 of the Press Code, reprimands must be published appropriately in the publications concerned. The complaints committee can waive the obligation to publish if such a waiver is deemed necessary to protect the interests of an affected person.

Section 16 – Re-opening of proceedings

The rulings of an adjudicating body (Complaints Committee, Complaints Committee on Editorial Data Protection or Plenum of the German Press Council) are subject to appeal. Resumption of the completed complaints proceedings shall be permitted if the complainant or respondent applies for this without undue delay and either

1. new facts are presented which, on their own or in conjunction with previous findings, fundamentally change the balance of arguments on which the contested ruling was based or
2. aspects that are key to the ruling have not been notified or considered in time by the German Press Council.

Section 17 – Procedures

Internal procedures shall be regulated in the Rules of Procedure.



