

EU Commission gives green light to German State Media Treaty

IRIS 2020-6:1/12

Jan Henrich
Institute of European Media Law (EMR), Saarbrücken/Brussels

At the end of the notification procedure, the EU Commission has given the green light for the reform of media regulations in Germany. Despite raising a number of concerns, it said there were no procedural barriers to the adoption of the new *Medienstaatsvertrag* (State Media Treaty). However, it suggested some ways in which the draft treaty could be more closely aligned with common EU legislation.

The reform process is designed to adapt the state regulatory framework to the digitalised media world, especially with regard to online platforms and streaming services, and to replace Germany's existing *Rundfunkstaatsvertrag* (State Broadcasting Treaty). The changes include extending the supervisory activities of the *Landesmedienanstalten* (state media authorities) and aspects of the self-regulation of online services. As part of the implementation of the Audiovisual Media Services Directive (AVMSD), youth protection standards for linear and on-demand media services will be largely harmonised and new rules introduced for video-sharing platforms. The State Media Treaty will also apply to so-called media intermediaries, user interfaces and voice assistants. In particular, it includes rules on transparency and anti-discrimination. Intermediaries will be obliged to make clear the criteria under which editorial content is displayed. The adopted text also contains new rules on signal integrity and the labelling of so-called 'social bots'.

The Transparency Directive requires EU member states to notify draft technical provisions, including provisions on information society services. As soon as a member state has notified a draft law, the Commission and the other member states have three months in which to analyse it. Member states cannot adopt it before the end of this standstill period. If it contains measures that would restrict the free movement of services or the freedom of establishment, the standstill period can be extended. However, the standstill period for the State Media Treaty ended on 27 April 2020 and was not extended.

Thanks to the EU Commission's decision, the Bundesländer can now ratify the treaty. The new rules are expected to enter into force in September 2020, before the deadline for the implementation of the AVMSD.

Pressemitteilung der EU-Kommission vom 28. April 2020

https://ec.europa.eu/germany/news/20200428-mediensstaatsvertrag_de

EU Commission press release of 28 April 2020

Pressemitteilung der Landesregierung Rheinland-Pfalz vom 28. April 2020

<https://www.rlp.de/de/aktuelles/einzelansicht/news/News/detail/freigabe-des-medienstaatsvertrages-durch-eu-kommission-ist-wichtiges-etappenziel/>

Rhineland-Palatinate regional government press release of 28 April 2020

