[DE] The Higher Administrative Court of North Rhine-Westphalia (OVG NRW) has confirmed that the *Pornhub* and *YouPorn* websites do not have to be blocked in Germany

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In two summary proceedings, the Higher Administrative Court of North Rhine-Westphalia (*Oberverwaltungsgericht für das Land Nordrhein-Westfalen* – OVG NRW) confirmed, in two resloutions dated 9 October 2026, that access to the content offered by the pornography platforms *Pornhub* and *YouPorn* does not, for the time being, have to be blocked in Germany. This followed orders issued by the State Media Authority of North Rhine-Westphalia (*Landesanstalt für Medien NRW* – LfM NRW) to internet service providers under the law on the protection of minors in the media. The OVG NRW has cast doubt on the compliance of this law with EU law – specifically the country-of-origin principle under the E-Commerce Directive (ECD) and the Digital Services Act (DSA).

These proceedings (with further cases also pending in relation to *XHamster* and *MyDirtyHobby*) stem primarily from investigations conducted by the State Media Authority of North Rhine-Westphalia, which in 2020 led to prohibition orders issued by the Commission for the Protection of Minors in the Media against the providers. However, the basis for this was not the German transposition of Article 28b of the Audiovisual Media Services Directive (AVMSD) concerning the obligations of video-sharing platforms, as Section 5a of the State Treaty on the Protection of Minors in the Media (*Jugendmedienschutz-Staatsvertrag* – JMStV) did not come into force until the end of 2020. Rather, the state media authorities relied on the rules applicable to all online media accessible in Germany (so-called telemedia), which prohibit making pornography available without appropriate safeguards to prevent access by minors. As the operators failed to comply with the injunctions by implementing effective age verification systems, and attempts to enforce the measures against the providers based in Cyprus also failed, blocking orders were issued against internet service providers in April 2024 as a last resort, and they were accordingly obliged to block the relevant domains. A number of proceedings brought by platform and internet service providers against these orders and injunctions are currently pending before various courts in Germany, both in summary proceedings and in proceedings on the merits; of these, the current ruling by the OVG NRW is, to date, the highest-level ruling (though not the final one on the merits).

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On 19 November 2025 the lower court, the Düsseldorf Administrative Court (Case No. 27 L 1350/24, 27 L 1347/24) had ruled to suspend the enforcement of the blocking orders against the internet service providers pending a decision on the merits of the case. The reasoning was as follows: the provisions of the JMStV on which the blocking orders were based contravened EU law, according to which the free movement of digital services from another member state may only be restricted under certain conditions, which German law does not meet. This has now also been confirmed by the OVG NRW. In its examination of the legal situation – which, in summary proceedings, was only a preliminary assessment – the court concluded that the services do indeed contravene the JMStV due to a lack of age verification mechanisms. However, they cannot be held liable for this as the JMStV is not in line with EU law. In particular, the country-of-origin principle set out in the ECD is not upheld; this principle only obliges providers to comply with the legal provisions in the country where they are established; the procedures for exceptional deviation from the country-of-origin principle, as required by the ECD, are not provided for in the JMStV. Furthermore, the blocking orders "may" also be unlawful because they concern the protection of minors in the media, a regulatory area which, since February 2024, has been uniformly governed across the entire EU by the DSA, thereby precluding regulation at national level. However, the LfM NRW does not have the authority to enforce the DSA.

This interim ruling is final. The decision on the main issue, however, is still pending, and it is likely that the case could be referred to the European Court of Justice. The OVG NRW also appears to recognise that the ruling entails an unsatisfactory outcome with regard to the protection of minors. In its press release on the decision, it therefore states that this does not mean that online platforms based in other EU countries are permitted to be providers of pornography for minors in Germany. However, reference is made to the relevant competences of the Cypriot authorities and, at least in the case of *Pornhub* as a very large online platform, the European Commission, which is already conducting relevant investigations.

Pressemitteilung OVG NRW

https://www.justiz.nrw/presse/2026-10-09-0

Press release from the Higher Administrative Court of North Rhine-Westphalia

VG Düsseldorf, Beschluss vom 19.11.2025 - 27 L 1350/24

https://openjur.de/u/2538249.html

Düsseldorf Administrative Court, Order of 19 November 2025 – 27 L 1350/24

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