[DE] New Version of the Inter-State Treaty on the Protection of Minors

IRIS 2010-5:1/17

Christian M. Bron
Institute of European Media Law (EMR), Saarbrücken/Brussels

The Prime Ministers of the German Länder agreed at their conference in Berlin on 25 March 2010 on a draft amendment to the Jugendmedienschutzstaatsvertrag (Inter-State Treaty on the Protection of Minors in the Media - JMStV).

The draft of the new treaty is based on the principle of regulated self-regulation or co-regulation. For example, it enables providers, inter alia, to rate their offerings according to the age groups (0, 6, 12, 16 and 18) mentioned in the Jugendschutzgesetz (Youth Protection Act - JuSchG) on the basis of their own assessment and/or confirmation or an assessment by the Anerkannte Einrichtungen der Freiwilligen Selbstkontrolle (Certified Organisations for Voluntary Self-Regulation - AEFSK), such as Freiwillige Selbstkontrolle Fernsehen (Voluntary Self-Regulation of Television - FSF) or Freiwillige Selbstkontrolle Multimedia-Diensteanbieter (Voluntary Self-Regulation of Multimedia Service Providers - FSM). Programmes likely to impair children's development should be identified as such by visual or acoustic means. The Kommission für Jugendmedienschutz (Commission for the Protection of Minors in Electronic Media - KJM) is also required to be able to provide binding confirmation of the AEFSK ratings in the case of offline media (such as DVDs).

In future, a service provider that provides indirect access to telemedia content - either acting as a "mere conduit" or as a "host" - so that this content does not fall entirely within its area of responsibility - must prevent content likely to impair children's development from being included or from remaining in the overall offering. Protective measures are considered to have been provided if an internet provider has submitted to the code of conduct prescribed by an AEFSK.

The draft of the JMStV has been forwarded to the Land parliaments for information and will probably be signed by the Prime Ministers on 10 June 2010.

After being passed by the Land parliaments, the 14th Rundfunkänderungsstaatsvertrag (Inter-State Agreement Amending Inter-State Broadcasting Agreements) on the protection of minors in the media is scheduled to enter into force on 1 January 2011.

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