[DE] Regional media authorities classify BILD live streams as broadcasting

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On 18 April 2018, the German Landesmedienanstalten (regional media authorities) decided that three live streams offered online by BILD, Germany's highest-circulation newspaper, whose website, Bild.de, is the most viewed German newspaper site on the Internet, should be classified as broadcasting. The newspaper had failed to obtain the licence that, according to Article 20 et seq. of the Rundfunkstaatsvertrag (Inter-State Broadcasting Agreement - RStV), is required to broadcast legally in Germany. The media authorities' decision concerned the streams "BILD live", "Die richtigen Fragen" and "Bild Sport-Talk mit Thorsten Kinhöfer". Their Kommission für Zulassung und Aufsicht (Commission on Licensing and Supervision - ZAK) considered that the streams fell under the legal definition of broadcasting because they were regularly shown for simultaneous linear reception in accordance with a programme schedule. Exemptions granted to services that were technically accessible to fewer than 500 viewers or that did not include editorial content did not apply in this case, according to the ZAK.

During the year prior to the ZAK's decision, the competent media authority, Medienanstalt Berlin-Brandenburg (mabb), had held several discussions with BILD concerning the need for a licence. However, the newspaper had refused to apply for one, even though they can be obtained relatively inexpensively. It was warned that the streams would be banned if it did not apply for a licence.

This is not the first time an Internet service in Germany has been told it needs a broadcasting licence: back in April 2017, the NRW regional media authority contacted the largest German YouTube channel about this subject. A lengthy tug of war followed, ending in January 2018 when a broadcasting licence was applied for (and later granted). Other YouTube channels and streaming providers have since followed suit. In the meantime, content providers seem to have become more aware of their obligations, as demonstrated by the fact that the first broadcasting licence for a Facebook live stream (#imländle) was granted earlier this year by the Landesanstalt für Kommunikation Baden-Württemberg (Baden-Württemberg regional communication authority - LFK).

Pressemitteilung der Landesmedienanstalten vom 18. April 2018

https://www.die-medienanstalten.de/service/pressemitteilungen/meldung/news/bild-

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