[DE] Draft new Inter-State Media Agreement and associated online consultation

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On 13 June 2018, the Broadcasting Commission of the German Bundesländer published a first working draft of an amended Rundfunkstaatsvertrag (Inter-State Broadcasting Agreement), which will be known as the new Medienstaatsvertrag (Inter-State Media Agreement).

According to Articles 30 and 70 of the Grundgesetz (Basic Law), legislative powers regarding the media in Germany are held by the Bundesländer, which have been coordinating their respective broadcasting laws by means of inter-state agreements since 1987. Through approval laws or resolutions adopted by the Länder, inter-state agreements are transformed into state law, as a result of which, to a large extent, the same broadcasting regulations now apply throughout Germany. The same has also been true of telemedia laws since 2007. The Länder seek consensus on these matters through a specially established Broadcasting Commission that serves as both a discussion forum for joint media policies and a decision-making body. Its conclusions are submitted to the Land governments and parliaments for a formal vote.

The Broadcasting Commission’s new draft is designed in part to take into account the provisions of the revised Audiovisual Media Services Directive (AVMSD), on which the European Commission, Parliament and Council reached an agreement as part of trilogue negotiations on 26 April 2018; the Broadcasting Commission expressly noted that further adjustments might be needed before the Inter-State Media Agreement is finally adopted. Unrelated to the provisions of the AVMSD, the draft Inter-State Media Agreement provides in particular for the - partly amended - extension of the scope of application of certain broadcasting regulations to include media platforms, media intermediaries or user interfaces intended for use in Germany. For example, so-called overlays (where third-party content is superimposed on the screen, over the original television picture) will, as a rule, be prohibited and new regulations will be introduced to make services more transparent and easier to find via user interfaces. Media intermediaries, which reach more than 1 million users in Germany every month, are subject to specific transparency and anti-discrimination rules, as well as obligations to report to their respective Land media authority. Providers of telemedia via social networks will also be obliged to inform their users if content or messages are automatically generated, mainly in order to counter the dissemination of false information.

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In parallel with the publication of the draft, the Broadcasting Commission launched an online public consultation. Both media professionals and consumers are urged to submit their opinions and suggestions regarding the draft by 30 September 2018, a deadline that was extended on account of a huge public response. In the context of a changing media market and media landscape, this should ensure that an up-to-date set of regulations is adopted, equally benefiting all stakeholders - consumers, creative professionals and businesses.

Diskussionsentwurf eines Medienstaatsvertrages der Rundfunkkommission der Länder, Juli/August 2018

https://www.rlp.de/fileadmin/rlp-stk/pdf-Dateien/Medienpolitik/MStV_Online_JulAug2018.pdf

Draft paper for discussion of an Inter-State Media Agreement, published by the Broadcasting Commission of the Länder, July/August 2018

Pressemitteilung der Rundfunkkommission vom 23. Juli 2018

https://www.rlp.de/de/landesregierung/staatskanzlei/medienpolitik/beteiligungsverfahren-medienstaatsvertrag/

Broadcasting Commission press release, 23 July 2018

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