[DE] Joyn and Prime Video streaming services classified as platforms subject to broadcasting law

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The Kommission für Zulassung und Aufsicht (Commission on Licensing and Supervision – ZAK) of the Landesmedienanstalten (regional media authorities), Germany's national media regulator whose responsibilities include regulating national media platforms, has classified the Joyn and Prime Video streaming services as platforms within the meaning of Article 52 of the Rundfunkstaatsvertrag (Inter-State Broadcasting Agreement – RStV). Munich-based Joyn GmbH is a joint venture of ProSiebenSat.1 Digital GmbH (50%) and Discovery Communications Europe Ltd. (50%). Amazon Instant Video Germany GmbH also has its headquarters in Munich. Both companies registered their services with the Bayerische Landeszentrale für neue Medien (Bavarian New Media Authority – BLM).

Joyn recently launched a new streaming platform that bundles content from over 50 television channels and is only available via the Internet. It includes channels operated by ProSiebenSat.1, the Discovery group, public service broadcasters and other content partners. RTL Group channels are not included. The content can be watched on demand or live on various devices, from smartphones to smart TVs. According to the ZAK, Joyn GmbH chooses the content and makes it freely available to users through the Joyn platform. Joyn is therefore a platform in the sense of the RStV and is distributed over the top via the Internet (OTT) – users only need Internet access to watch it.

Prime Video, on the other hand, is a Subscription-Video-on-Demand (SVOD) catalogue through which Amazon offers its customers access to a large selection of digital video content, especially films and box sets. All Amazon Prime subscribers in Germany can access the content of the Prime Video SVOD catalogue as part of their paid Amazon Prime subscription at no additional cost.

According to the ZAK, neither Joyn nor Prime Video currently have a dominant market position in the sense of Article 52(1)(2)(1) of the RStV. They are both therefore categorised as so-called 'privileged platforms'. Both platforms must therefore comply with general legal requirements and can be the subject of supervisory measures taken by the responsible regional media authority. However, the RStV's provisions concerning technical freedom of access and price regulation do not apply to such privileged platforms. The ZAK nevertheless reserves the right to reassess these services and the regulatory situation if there

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are any changes to the relevant market conditions or legal framework.

Pressemitteilung der ZAK vom 17. September 2019

https://www.die-medienanstalten.de/service/pressemitteilungen/meldung/news/streamingdienste-joyn-und-prime-video-als-rundfunkrechtliche-plattformen-klassifiziert/

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