Bundesländer adopt Inter-State Media Agreement with new rules for digital platforms

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On 5 December 2019, the Ministerpräsidentenkonferenz (Conference of Minister-Presidents) of the Bundesländer agreed a draft inter-state agreement to modernise media regulation in Germany, where media legislation is the responsibility of the Bundesländer. The new regulations are designed to ensure that the legislative framework takes into account media digitalisation, in particular platforms and streaming services, and replace the Inter-State Broadcasting Agreement. The new agreement puts Germany in a pioneering role in terms of the implementation of the EU Audiovisual Media Services Directive (AVMSD).

One of the reforms contained in the new Inter-State Media Agreement concerns the licensing obligations of broadcasters. Media providers such as live streaming services will not need a licence in future if, on average, they have fewer than 20 000 simultaneous users. Previously, live Internet-based services were treated as broadcasters under German legislation, and therefore needed a licence, if they could be watched simultaneously by more than 500 viewers, were arranged on the basis of a schedule and were editorially produced.

The supervisory activities of the Landesmedienanstalten (regional media authorities) and elements of the self-regulation of online services will also be extended under the new agreement. As part of the implementation of the AVMSD, youth protection rules for linear services and on-demand media services will be largely standardised, while additional provisions have been introduced for video-sharing platforms. The platforms concerned will, for example, need to take appropriate measures to protect children and young people from content that may hinder their development. Examples of such measures include age verification and evaluation systems.

In the case of media platforms, the new agreement contains must-carry obligations for regional and local radio stations and requires that high-quality services (for example, those that contain news or are barrier-free) be easy to find.

The Inter-State Media Agreement will also apply to so-called media intermediaries, user interfaces and voice assistants and includes provisions on transparency and discrimination, for example. Intermediaries will be obliged to

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make clear the criteria under which journalistic content is provided. They will also be required to appoint a representative in Germany, to whom concerned parties and the Landesmedienanstalten can notify any infringements.

The adopted text also contains new rules on signal integrity and requires so-called 'social bots' to be labelled.

The parliaments of the German Länder must now give their approval, after which the Inter-State Media Agreement will be signed in spring 2020. The new rules are due to enter into force in September 2020, that is, before the deadline set out in the AVMSD.

Pressemitteilung der Staatskanzlei Rheinland-Pfalz vom 05.12.2019

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

Press release of the Rhineland-Palatinate State Chancellery, 5 December 2019

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