[DE] New German State Media Treaty enters into force

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On 7 November 2020, the new *Medienstaatsvertrag* (State Media Treaty – MStV) entered into force in Germany, replacing the previous *Rundfunkstaatsvertrag* (State Broadcasting Treaty). The treaty not only transposes the revised Audiovisual Media Services Directive (AVMSD), amended under Directive (EU) 2018/1808, into national legislation, but also addresses other elements of the German media system in the context of a changing media landscape. In particular, it contains provisions on the findability and prominence of digital channels that are applicable to media platforms, user interfaces and media intermediaries.

The introduction of the *Medienstaatsvertrag* has been a lengthy process. Following the publication of the final report of the *Bund-Länder-Kommission zur Medienkonvergenz* (Joint Committee of the Federal Government and the *Länder* on Media Convergence) in June 2016, an initial draft treaty was published in June 2018. Two public online consultation procedures followed in relation to the first draft (in the summer of 2018) and a revised version (in the summer of 2019), in which interested members of the public were invited to give their views on the proposed regulations. On 5 December 2019, a resolution was adopted by the heads of government of the 16 German *Bundesländer*, which are responsible for enacting media legislation within Germany's federal structure in the form of a state treaty in which they agree common rules in specific fields of national relevance which they then transpose into their respective state laws. In January 2020, the *Entwurf eines Staatsvertrages zur Modernisierung der Medienordnung in Deutschland* (draft State Treaty on the modernisation of media legislation in Germany) was notified to the European Commission (notification number 2020/26/D). Although the Commission agreed to the adoption of the new rules, it raised a number of concerns, especially with regard to the new rules on platform regulation, their impact on the free movement of services and their compatibility with existing and emerging EU secondary legislation. All 16 state parliaments then had to agree to the adoption of the MStV before its entry into force in November.

In relation to the implementation of the AVMSD, the MStV, partly in connection with amendments to the *Jugendmedienschutzstaatsvertrag* (State Treaty on the protection of minors in the media), contains provisions to protect minors and human dignity on video-sharing platforms, to strengthen barrier-free services and to relax advertising restrictions for private broadcasters. As regards the so-called

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"new media providers", it also establishes general principles in the form of technology-neutral rules, transparency obligations and non-discrimination requirements. It contains specific regulations for media platforms (provisions on signal integrity, must-carry/accessibility and findability rules) and media intermediaries (obligations to label "social bots" and to nominate an authorised agent in the host country).

The European Commission is currently examining whether the *Medienstaatsvertrag* implements the provisions of the revised AVMSD. On 23 November 2020, it launched infringement procedures against Germany, 22 other EU member states and the United Kingdom.

Pressemitteilung der Rundfunkkommission

https://www.rlp.de/de/regierung/staatskanzlei/medienpolitik/rundfunkkommission/

Press release of the Broadcasting Commission

Press release of the European Commission

https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2165

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