[DE] State media authorities report over 160 legal violations relating to the Middle East conflict to the European Commission

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The terror recently waged by Hamas against Israel is currently being reflected in German media. Much of the content being distributed in relation to the Middle East conflict violates youth protection law and human dignity, especially when it promotes anti-Semitism or glorifies violence. In Germany, the 14 *Landesmedienanstalten* (state media authorities) are responsible under the *Jugendmedienschutz-Staatsvertrag* (State Treaty on the Protection of Minors in the Media – JMStV) for taking action against such content if it is being distributed via privately owned telemedia services.

In recent months, the state media authorities have been busy preparing for the Digital Services Act (DSA) and its effects on their regulatory work. A task force set up to focus on the application of the DSA, for example, has adopted work processes for order procedures instigated under Article 9 DSA. These processes, which are based on the principle that crimes should be prosecuted and unlawful content deleted, involve all relevant stakeholders. As a result, in cooperation with the *Zentrale Meldestelle für strafbare Inhalte im Internet* (Central Reporting Office for Criminal Content on the Internet – ZMI) of the *Bundeskriminalamt* (Federal Criminal Police Office), more than 600 pieces of content that were inadmissible under media law have so far been removed via the reporting channels provided by platforms. In addition, over 200 hearing notifications have been sent since June this year as part of order procedures under Article 9 DSA.

In the context of the current Middle East conflict, the state media authorities are now reporting legal violations directly to the European Commission. They suspect that the measures taken by some very large online platforms (VLOPs) to combat illegal content are systematically inadequate. In accordance with the division of tasks provided for in the DSA, the media authorities and their European sister authorities report legal violations directly to the European Commission, which checks the existence of a systematic failure and can impose sanctions on offending VLOPs. The media authorities expect to have reported around 160 cases to the European Commission by the end of October 2023.

According to Tobias Schmid, the media authorities' European representative and director of the North-Rhine Westphalia media authority, this development, which

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he said was shocking in many ways, required “decisive and prudent action from all democratic institutions. Clear work processes and many years of experience are crucial.” He pointed out that this was not the first time the media authorities had played a pioneering role in the regulation of media intermediaries, as they were called in the *Medienstaatsvertrag* (state media treaty) and which included many VLOPs, at EU level. This reference should also be understood in the context of the ongoing debate within Germany concerning the extent to which the state media authorities are included in the supervisory structure under the Federal Government’s proposed *Gesetz über digitale Dienste* (Digital Services Law – DDG), which is partly designed to supplement the DSA.

Meanwhile, Marc Jan Eumann, chairman of the *Kommission für Jugendmedienschutz* (Commission for the Protection of Minors in the Media – KJM) and director of the Rhineland-Pfalz media authority, stressed that, in exceptional situations such as the Israel-Gaza conflict provoked by Hamas, it was important to carefully weigh up which content and images should be distributed. Less extreme, pixellated images were sufficient to document the “horrors of terrorism”. Detailed footage of corpses, for example, was not suitable for a 12-year-old’s social media feed.

Last but not least, Wolfgang Kreißig, chairman of the *Direktorenkonferenz der Landesmedienanstalten* (Conference of State Media Authority Directors – DLM) and president of the Baden-Württemberg state communication authority, also referred to the regulatory impact of these processes. Against the background of the significant need for effective platform supervision, he said it was appropriate, in order to protect users, to enshrine the basis for effective law enforcement in the provisions of the DDG. The media authorities were therefore keen to see their role as the responsible authority for the sector suitably recognised in the DDG.

Pressemitteilung von „die medienanstalten“

https://www.die-medienanstalten.de/service/pressemitteilungen/meldung/deutsche-medien-und-plattformaufsicht-muss-zeigen-was-sie-kann

Press release of the state media authorities

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