

Message 001

Communication from the Commission - TRIS/(2025) 3719

Directive (EU) 2015/1535

Notification: 2025/0777/DE

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20253719.EN

1. MSG 001 IND 2025 0777 DE EN 19-12-2025 DE NOTIF

2. Germany

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4. 2025/0777/DE - SERV30 - Media

5. Ninth State Treaty amending state treaties on media law

6. Telemedia providers as defined by § 2(1)(3) MStV [Interstate Media Treaty] who are providers of online platforms as defined by Regulation (EU) 2022/2065

7.

8. A new provision in the form of a new § 109a MStV is to be inserted into the Interstate Media Treaty.

In the interest of efficient and effective independent oversight, media regulatory authorities (state media authorities) should be able to use technical tools that automatically support the detection and verification of potentially unlawful content and services on the internet, including through the use of AI-based systems. They should not be hindered by measures taken by online platforms.

In view of the fundamental rights-sensitive nature of this area, the use of such technical aids is outlined by § 109a of the Draft MStV as a specific media law norm that leaves the requirements of the AI Regulation unaffected and complies with data protection requirements, including the GDPR.

The standard limits the use of technical means to specific legal violations within the remit of media supervision and serves to compare media content in telemedia and broadcasting for potential violations, in particular in the area of legally defined absolutely impermissible content such as the presentation of propaganda, the use of symbols of unconstitutional organisations, incitement to hatred, violations of human dignity or glorification of violence/war (§ 4(1) Interstate Treaty on the Protection of Human Dignity and the Protection of Minors in Broadcasting and in Telemedia, Interstate Treaty on the Protection of Minors – JMStV).

In addition to specifying the area of application of corresponding technical means, the standard provides guidelines on functionality, use, evaluation, transparency and oversight.

In particular, rules are defined for the handling of (special) personal data.

The use of such technical aids depends largely on infrastructure operators not hindering their use. This means in particular that general protective measures used by online platforms, for example to prevent scraping techniques, must be permeable for the purposes of media regulation. In addition to the existing obligation of (content) providers to allow supervision of their services, as stipulated in § 109(4) of the Interstate Media Treaty (MStV) and § 21(3) JMStV, a specific interface obligation for the use of technical means is therefore being introduced for infrastructure providers as well. This obligation addresses online platforms and thus telemedia services that, unlike content providers and media platforms, do not offer their own content or overall services under their own responsibility. These are essentially media intermediaries as defined by § 2(2)(16) MStV. By imposing an obligation not to obstruct access for media regulators or to provide a necessary interface, access to content for which third parties are responsible, and thus the oversight of this content or content providers, is ensured. Only the relevant, publicly accessible data mentioned in Paragraphs 2 and 3, but not contract data or data stored behind accounts, may be made available via the interface.

Attached are the Interstate Media Treaty (MStV) and the Interstate Treaty on the Protection of Human Dignity and the Protection of Minors in Broadcasting and in Telemedia (Interstate Treaty on the Protection of Minors – JMStV) in their respective current versions (last amendments entered into force on 1 December 2025). The new standard is to be incorporated into the MStV; it refers to both sets of rules.

9. Effective and efficient media supervision, as required by Article 30(4) of Directive 2010/13/EU and which must perform its tasks impartially and transparently in accordance with the provisions of Article 30(2) of Directive 2010/13/EU, and is also subject to corresponding requirements under Article 7(2) of Regulation (EU) 2024/1083, can no longer be ensured using traditional methods of manual research and investigation, given the abundance of content available on the internet. Only through the supportive use of automated, including AI-based, tools can the increased abundance of content and the corresponding increase in the number of legal violations be effectively addressed. The use of technical tools not only allows for the monitoring of a larger number of content items. It also allows for a higher degree of impartiality through a broader, vendor-neutral research approach, as well as improved protection for employees who are confronted with incriminating material.

In order to balance fundamental rights, in particular data protection rights, the design and use of technical means must be regulated by law and be ultimately limited.

The use of technical means is primarily employed with regard to legal violations by content providers. Online platforms as defined by Regulation (EU) 2022/2065, to which, as intermediary services, the liability privileges under Article 6 of Regulation (EU) 2022/2065 apply, remain unaffected. Nevertheless, they do control access to the content they transmit and are able to block the use of technical means of media supervision (which, for example, work on the basis of 'scraping') and thus hinder the effective and efficient media supervision of the content they transmit. The ability of media regulators to detect unlawful content is one of the foundations of the liability privilege for online platforms, which are only subject to obligations to act if they have knowledge or are notified of the presence of unlawful content. The obligation ultimately stipulated in the draft, to provide at least one interface, prohibits any obstruction of media oversight. It precedes the mechanisms of Regulation (EU) 2022/2065 and Article 28b(1) of Directive 2010/13/EU, according to which online platforms or video-sharing platform providers may be obligated, under certain conditions, to take action against certain content themselves.

10. Reference to the basic texts: No basic text available

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

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