




! Die vorliegende englische Version ist eine Übersetzung und dient ausschließlich Demonstrationszwecken – maßgeblich bleibt allein die originale Version in deutscher Sprache.  
The present English version is a translation and serves for demonstration purposes only – the original German version remains the only decisive one.

## FAQ for media intermediaries on the subject of transparency

With the entry into force of the Interstate Media Treaty on November 7, 2020, media regulation in Germany was brought up to date. This was the first time that differentiated requirements were introduced for media intermediaries as key mediators between users and content providers with the aim of ensuring a diversity of content. One of the key pillars of the requirements is the obligation to make all criteria essential for the compilation of content packages transparent. This means explaining to users why they are (not) shown which content and explaining to content providers the criteria under which their content is successfully shown – or not.



Our experience from nearly three years of regulatory practice and the entry of the Digital Services Act (DSA) into force have prompted us to offer additional guidelines for the implementation of the applicable requirements in the form of FAQs. After all, further efforts in terms of transparency are urgently needed in the interests of informed users and diverse content. This is why we are providing some examples below of the minimum standards which should at least be met.

At least some media intermediaries are now also subject to the regulations of the DSA. Is it sufficient for a media intermediary to only comply with the requirements of the DSA going forward?

The DSA and the Interstate Media Treaty do indeed utilise similar mechanisms in terms of their commitment to transparency. Yet they are clearly different in their objectives, since the transparency requirements set out in the Interstate Media Treaty deal specifically with safeguarding diversity of opinion and media. **The requirements of the Interstate Media Treaty therefore continue to be applicable** and need to be implemented by the media intermediaries accordingly.

Is it sufficient to inform users about the transparency details by means of a banner when they open an app, for example?

No. Whilst banners are relatively prominent for a brief moment, they cease to be so after that. Transparency details, on the other hand, need to be accessible **during the entire usage process** and should not only appear when a service or website is first used and be “clicked away”.

Is it sufficient to provide transparency details in an app?

All users and content providers need to be able to find out how a media intermediary operates – already when they are potentially interested in using the service. **Transparency details must therefore be made available independently of logging into the service and offered on all access channels (desktop, mobile, apps).**



Virtually all media intermediaries allow users to search for specific content through a search field. Is it sufficient if the transparency details can be found by this method?

No. A **customised link** is generally required to take users to the information. An active search input is not sufficient. Placing the link behind general icons such as “Menu”, “Settings” or “Profile” can only be easily perceived if users have to use this icon for navigation regularly because no other control elements for navigation – such as links at the bottom of the page – are available.



What should the link be called?

The specific name of the link is decisive for ease of recognition. From the user's perspective, it has proven useful **to refer to the order of the content as specifically as possible**, for example “This is how the ranking works”. More general information on how the service works, on the other hand, was not regularly associated with the transparency details by users. Since the transparency commitments pursuant to the DSA and Interstate Media Treaty (MStV) differ in a fundamental way, it is assumed that easy perceptibility cannot be achieved via a link “Details as per DSA”.



There are other obligations to provide information that providers must comply with in addition to the transparency details. It is not always easy to implement all of this on one page in practice. Is it therefore possible to stagger the information over several clicks?

It must be possible for users to access **all essential information in one go in no more than 2 clicks** via the link. Further link sequences should therefore always be preceded with an appropriate one-pager that contains all the essential basic information.



What does “easy to understand” actually mean – and how exactly does it work with voice assistants?

All transparency details must initially be provided in **German**. To ensure easy understanding, short sentences without technical jargon should be selected and concrete examples or diagrams should be used for explanation. Using too many anglicisms can also make it harder to understand. Text explanations should always be provided with a view to ensuring accessibility, while **voice assistants** should be able to read out the transparency details on request. Furthermore, it is sufficient for the voice assistant to refer users to the transparency details when requested for as many formulations as possible, which can then be retrieved (with a media break) on a website, for example.



## Impressum

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