

## Kommission für Zulassung und Aufsicht (ZAK) der Landesmedienanstalten

Fachausschuss  
Infrastruktur und Innovation

Berlin, 07.02.2023

# Information sheet on the notification requirement for media platforms and user interfaces

## 1 Notification requirement for media platforms and user interfaces

Providers of media platforms and/or user interfaces are required to provide notification at least one month prior to commissioning.

- A **media platform** within the meaning of § 2 Para. 2 No. 14 of the Interstate Media Treaty (MStV) is defined as "any telemedia, to the extent that it combines broadcasting, broadcast-like telemedia or telemedia as per § 19 Para. 1 MStV into an overall package determined by the provider". This traditionally includes television cable networks, but also internet-based streaming services. What is decisive is that the provider determines the overall package, i.e. the decision on the selection offered is made by the provider itself and is final. Consequently, a media platform does not exist if the overall package is purely taken over and transmitted by third parties.
- A **user interface** within the meaning of § 2 Para. 2 No. 15 of the Interstate Media Treaty (MStV) is defined as a "textual, visual or acoustic mediated overview of services or content of one or more media platforms serving the purpose of orientation and directly facilitating the selection of services, content or software-based applications that essentially serve the direct access to broadcasting, broadcast-like telemedia or telemedia as per § 19 Para. 1". User interfaces include, in particular, packages or programme overviews of a media platform, such as EPGs; packages or programme overviews that are not simultaneously part of a media platform, as well as visual or acoustic presentations of media platforms that are also device-bound, such as the display and control level of smart TVs. Thus, a user interface is always associated with a media platform.

The notification needs to be submitted to the state media authority in charge of the place of residence/registered office of the provider. The responsible state media authority can be found in the list in the Annex.

### Gesellschafter

Landesanstalt für Kommunikation  
Baden-Württemberg (LFK)  
Bayerische Landeszentrale für neue Medien  
(BLM)  
Medienanstalt Berlin-Brandenburg (mabb)  
Bremische Landesmedienanstalt (brema)  
Medienanstalt Hamburg/Schleswig-Holstein  
(MA HSH)  
Medienanstalt Hessen  
Medienanstalt Mecklenburg-Vorpommern  
(MMV)  
Niedersächsische Landesmedienanstalt (NLM)  
Landesanstalt für Medien NRW  
Medienanstalt Rheinland-Pfalz  
Landesmedienanstalt Saarland (LMS)  
Sächsische Landesanstalt für privaten Rundfunk  
und neue Medien (SLM)  
Medienanstalt Sachsen-Anhalt  
Thüringer Landesmedienanstalt (TLM)

## 2 Information and documents required within the framework of a notification as per § 79 para. 2 of the Interstate Media Treaty (MStV)

- Details of the provider: name, registered office/residence, managing director
- Presentation of the offer:
  - For **media platforms**: submission of a basic allocation list (channel overview) and/or package overview (e.g. apps), details on the media platform's connection to the infrastructure and, where applicable, details on whether a user interface is also offered for the media platform connected to the infrastructure.
  - For **user interfaces**: description of the functions, which can be illustrated by screenshots, especially of the home page (1st selection level).
- **Certificate of good conduct** to be submitted to an authority in accordance with § 30 para. 5 of the Federal Criminal Records Act (BZRG) or comparable foreign document for the person of the provider of the media platform or user interface or the person legally or statutorily representing them, which is no more than six months old upon submission. In the event of more than one person legally or statutorily representing the provider, it is sufficient to submit the document for those representatives who are responsible for the selection of packages or the configuration of the overview.

If a **proxy** within the meaning of § 79 para. 1 sentence 2 of the Interstate Media Treaty is appointed, this must also be submitted for the proxy or their legal/statutory representative.

- **Declaration as per § 79 para. 2 sentence 2 no. 1 of the Interstate Media Treaty (MStV)**
  - Providers domiciled or headquartered in Germany, another member state of the European Union or another state party to the Agreement on the European Economic Area and who are liable to prosecution, should use the form in **Annex A**.  
These providers MAY appoint a proxy within the meaning of § 79 para. 1 sentence 2 of the Interstate Media Treaty (MStV). In such cases, the proxy or their legal representative must also submit the declaration as per § 79 para. 2 sentence 2 no. 1 of the Interstate Media Treaty (MStV) using the form printed in Annex A.
  - Providers not fulfilling these requirements MUST appoint a proxy. In such cases, the proxy must submit the relevant declarations using the forms printed in **Annex B**.
- Details of the technical and expected **range of usage** (§ 79 para. 2 sentence 2 No. 2 of the Interstate Media Treaty (MStV)):

- In the case of **infrastructure-connected** media platforms or user interfaces: details regarding the connected residential units.
- In the case of **non-infrastructure-connected** media platforms or user interfaces: details of the actual daily users on a monthly average.

Notes:

The following provisions shall be applied when determining the connected residential units for infrastructure-connected media platforms and their user interfaces in accordance with § 78 sentence 2 no. 1 of the Interstate Media Treaty (MStV):

- All assignable networks of a provider of an infrastructure-connected media platform are considered together.
- Connected residential units within the meaning of § 78 sentence 2 no. 1 of the Interstate Media Treaty (MStV) are, in the case of media platforms connected to the infrastructure, residential units where a physical network termination point exists at which an end user is granted access to a cable network, to the extent that an agreement is in place for the network termination point which entitles the end user to receive broadcast programmes.

The following provisions shall be applied when determining the actual daily users within the meaning of § 78 sentence 2 no. 2 of the Interstate Media Treaty (MStV):

- Actual daily users of a non-infrastructure-connected media platform or user interface include users accessing the media platform or user interface within one day. Multiple access by the same user is counted once (unique user).
- The access to the first selection level of a media platform or user interface shall be decisive. In contrast, if the media platform constitutes a distinct part of a mixed package, then the unique user figures of the distinct feature are decisive.
- Where access to broadcast programmes, broadcast-like telemedia or telemedia within the meaning of § 19 para. 1 of the Interstate Media Treaty (MStV) is made exclusively contingent on registration or log-in, the access to the first selection level that can be reached after registration or log-in is decisive for determining the number of unique users.
- To the extent that no information on actual daily users can be given, the number of devices sold is taken as the basis for user interfaces.
- The above calculations of the monthly average take a period of six months as a basis.

To the extent that a proxy within the meaning of § 79 para. 1 sentence 2 of the Interstate Media Treaty (MStV) is appointed, this proxy also carries responsibility for the content and is responsible for adhering to the provisions of the MStV. This means that should the provisions of the MStV be breached, then the proxy can also be the addressee of measures.

The competent media authority is also entitled to request that further documents and information necessary for the assessment of the notification be submitted. Attention is drawn to the fact that there is no review of compliance with §§ 79 to 85 of the Interstate Media Treaty (MStV) as part of the notification procedure. This takes place separately within the framework of supervision. In this respect, the competent state media authority may also request further documents and information where necessary.

There is a fee charged for accepting the notification in accordance with the statutes for the levying of costs relating to the supervision of media organised nationwide (cost statutes). It is possible to find the amount of

the fee in the currently valid schedule of fees (<https://www.die-medienanstalten.de/service/rechtsgrundlagen/satzungen> → cost statutes).

### 3 Overview: competent state media authorities

<b>Registered office of the provider</b>	<b>Competent state media authority</b>
Baden-Württemberg	<b>State Institute for Communication Baden-Württemberg (LFK)</b> Email: <a href="mailto:info@lfk.de">info@lfk.de</a>
Bavaria	<b>Bavarian State Centre for New Media (BLM)</b> Email: <a href="mailto:info@blm.de">info@blm.de</a>
Berlin	<b>Berlin-Brandenburg Media Authority (mabb)</b> Email: <a href="mailto:mail@mabb.de">mail@mabb.de</a>
Brandenburg	<b>Berlin-Brandenburg Media Authority (mabb)</b> Email: <a href="mailto:mail@mabb.de">mail@mabb.de</a>
Bremen	<b>Bremen State Media Authority (brem)</b> Email: <a href="mailto:info@bremische-landesmedienanstalt.de">info@bremische-landesmedienanstalt.de</a>
Hamburg	<b>Hamburg / Schleswig-Holstein Media Authority (MA HSH)</b> Email: <a href="mailto:info@ma-hsh.de">info@ma-hsh.de</a>
Hesse	<b>Hesse Media Authority</b> Email: <a href="mailto:info@medienanstalt-hessen.de">info@medienanstalt-hessen.de</a>
Mecklenburg-Western Pomerania	<b>Mecklenburg-Western Pomerania Media Authority (MMV)</b> Email: <a href="mailto:info@medienanstalt-mv.de">info@medienanstalt-mv.de</a>
Lower Saxony	<b>Lower Saxony State Media Authority (NLM)</b> Email: <a href="mailto:info@nlm.de">info@nlm.de</a>
North Rhine-Westphalia	<b>NRW State Media Authority</b> Email: <a href="mailto:info@medienanstalt-nrw.de">info@medienanstalt-nrw.de</a>
Rhineland-Palatinate	<b>Rhineland-Palatinate Media Authority</b> Email: <a href="mailto:mail@medienanstalt-rlp.de">mail@medienanstalt-rlp.de</a>
Saarland	<b>Saarland State Media Authority (LMS)</b> Email: <a href="mailto:info@lmsaar.de">info@lmsaar.de</a>
Saxony	<b>Saxon State Authority for Private Broadcasting and New Media (SLM)</b> Email: <a href="mailto:info@slm-online.de">info@slm-online.de</a>
Saxony-Anhalt	<b>Saxony-Anhalt Media Authority</b> Email: <a href="mailto:info@medienanstalt-sachsen-anhalt.de">info@medienanstalt-sachsen-anhalt.de</a>
Schleswig-Holstein	<b>Hamburg / Schleswig-Holstein Media Authority (MA HSH)</b> Email: <a href="mailto:info@ma-hsh.de">info@ma-hsh.de</a>

Thuringia	<b>Thuringian State Media Authority (TLM)</b> Email: mail@tlm.de
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**Annex A (providers domiciled in DE, the EU or the EEA)**

The provider of the media platform/user interface

..... and - if appointed - a proxy nominated by them in each case

.....  
(Name of the provider)

.....  
(Name of the proxy)

hereby declares (each individually) that they or their legal or statutory representative(s) with regard to the following numbers 1 to 3 and number 6:

1. have unlimited legal capacity,
2. have not lost the ability to hold public office as a result of a judgement,
3. have not forfeited the fundamental right to freedom of expression in accordance with Article 18 of the Basic Law,
4. have not been banned as an association,
5. are domiciled or have their registered office in Germany, another Member State of the European Union or another state party to the Agreement on the European Economic Area and are liable to prosecution,
6. guarantee that the media platform/user interface is operated in compliance with the statutory provisions and the regulatory acts enacted on this basis.

The enclosed notification comprehensively discloses the details required for the review as per § 79 of the Interstate Media Treaty (MStV). The notifier hereby declares that any significant change will be notified to the competent state media authority prior to its implementation.

.....  
Place, date                                  Signature of the provider or their legal or statutory representative

.....  
Place, date                                  Signature of the proxy or their legal or statutory representative

**Annex B (providers domiciled outside DE, the EU or the EEA)**

The proxy of the provider of the media platform/user interface

.....

.....  
(Name of the provider)

.....  
(Name of the proxy)

hereby declares that they or their legal or statutory representative(s)  
with regard to the following numbers 1 to 3 and number 6:

1. have unlimited legal capacity,
2. have not lost the ability to hold public office as a result of a judgement,
3. have not forfeited the fundamental right to freedom of expression in accordance with Article 18 of the Basic Law,
4. have not been banned as an association,
5. are domiciled or have their registered office in Germany, another Member State of the European Union or another state party to the Agreement on the European Economic Area and are liable to prosecution,
6. guarantee that the media platform/user interface is operated in compliance with the statutory provisions and the regulatory acts enacted on this basis and that the proxy can act legally for and against the provider.

The enclosed notification comprehensively discloses the details required for the review as per § 79 of the Interstate Media Treaty (MStV). The notifier hereby declares that any significant change will be notified to the competent state media authority prior to its implementation.

.....

Place, date

Signature of the proxy or their legal or statutory representative

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**4 Disclaimer**

**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.**