

**Sixth State Treaty
on the amendment of state treaties on media law
(Sixth State Amendment Treaty on Media)¹**

- Draft -

The Federal State [Land] of Baden-Württemberg,
the Free State of Bavaria,
the Federal State of Berlin,
the Federal State of Brandenburg,
the Free Hanseatic City of Bremen,
the Free Hanseatic City of Hamburg,
the Federal State of Hessen,
the Federal State of Mecklenburg-Western Pomerania,
the Federal State of Lower Saxony,
the Federal State of North Rhine-Westphalia,
the Federal State of Rhineland-Palatinate,
the Saarland,
the Free State of Saxony,
the Federal State of Saxony-Anhalt,
the Federal State of Schleswig-Holstein and
the Free State of Thuringia

hereby conclude the following State Treaty:

¹ Notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

Article 1
Amendment to the Protection of Minors in the Media Treaty (JMStV)

Part I
General provisions

§ 1
Purpose of the State Treaty

The purpose of the State Treaty is the uniform protection of children and adolescents against offers in electronic information and communication media that impair or jeopardise their development or education or pose risks to their personal integrity, as well as the protection against such offers in electronic information and communication media that violate human dignity or other legal interests protected by the Criminal Code.

§ 2
Scope

(1) This State Treaty applies to broadcasting and telemedia within the meaning of the Media State Treaty as well as to operating systems pursuant to § 3 point 6. The provisions of this State Treaty shall also apply to providers under § 3, points 2 and 7, who are not established in Germany under the provisions of the Digital Services Act and the Media State Treaty, insofar as the offers are intended for use in Germany and in compliance with the requirements of Articles 3 and 4 of Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15 April 2010, p. 1), as amended by Directive (EU) 2018/1808 (OJ L 303, 28 November 2018, p. 69), and Article 3 of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the internal market (Directive on electronic commerce) (OJ L 178, 17 July 2000, p. 1). The provision for use in Germany is to be assumed if the offers are aimed at users in Germany in general, in particular by the language used or the content or marketing activities offered, or if in Germany a not insignificant part of their refinancing is achieved. Within the scope of Directive 2010/13/EU, this State Treaty applies to video-sharing service providers if they are established in Germany in accordance with the provisions of the Digital Services Act; In other respects, sentences 1 to 3 shall apply.

(2) This State Treaty shall apply to intermediary services within the meaning of Article 3(g) of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1, L 310, 1.12.2022, p. 17), unless Regulation (EU) 2022/2065 applies.

(3) The Digital Services Act as well as the provisions of the Media State Treaty and the State Treaty on Gambling applicable to telemedia remain unaffected.

§ 3
Definitions

For the purposes of this State Treaty,

1. "Offer" means a broadcast or the content of telemedia,
2. "Providers" means broadcasters or providers of telemedia,
3. "Child" means a person who is not yet 14 years old,
4. "Adolescent" means a person who is 14 years old but not yet 18 years old,

5. "Protection of Young Persons program" means a software-based application that reads age markings in accordance with § 5(3)(2) and recognises offers that are likely to affect the development of children and adolescents.
6. "Operating system" means a software-based application that controls the basic functions of the hardware or software of a terminal system and enables the execution of software-based applications that provide access to offers in accordance with point 1,
7. "Operating system provider" means a natural or legal person providing operating systems,
8. "Protection of Young Persons tool" means a system for making protection of young persons settings, in particular through setting options in the operating system or in profile and account-based systems;
9. "App" means a software-based application that serves to directly control offers according to point 1,
10. "Online search engine" means a telemedia programme that allows users to enter requests in the form of a keyword, language input, word group or other input in order to, perform a search on any subject on, in principle, all websites or on all websites in a given language, and to display results in any format through which they can find information related to the requested content;
11. "Browser" means a software-based application for viewing and interacting with offers according to point 1.

§ 4 Inadmissible offers

(1) Without prejudice to criminal liability, offers shall be inadmissible if they:

1. constitute means of propaganda within the meaning of § 86 of the Criminal Code, the content of which is directed against the fundamental free democratic order or the concept of understanding between peoples;
2. use insignia of unconstitutional organisations within the meaning of § 86a of the Criminal Code;
3. incite hatred of parts of the population or against a national, racial, religious or ethnic group, call for violence or arbitrary actions against them, or attack the human dignity of others by insulting, maliciously scorning or slandering parts of the population or a group designated above,
4. describe an act committed under the rule of National Socialism in the manner referred to in § 6(1) of the Code of Crimes under International Law in a manner liable to disturb, deny or trivialise public peace, or disturb public peace in a manner that violates the dignity of the victims by approving, glorifying or justifying the National Socialist rule of violence and arbitrariness;
5. describe cruel or otherwise inhumane violence against people in a manner which expresses the glorification or trivialisation of such acts of violence or which displays the cruelty or inhumanity of the process in a way that violates human dignity; this also applies to virtual representations,
6. serve as an instruction to commit an unlawful act referred to in § 126(1) of the Criminal Code;
7. glorify war,
8. violate human dignity, in particular by depicting people who are dying or who are or have been subject to severe physical or mental suffering, reflecting an actual occurrence without a legitimate interest in this specific form of presentation or reporting; consent is irrelevant in this context;
9. depict children or adolescents in an unnaturally gender-focused posture; this also applies to virtual representations,
10. are child pornography within the meaning of § 184b(1) of the Criminal Code or adolescent pornography within the meaning of § 184c(1) of the Criminal Code, or are pornographic and involve violence or sexual acts of humans with animals; this also applies to virtual representations; or

11. are included in the list of media harmful to young people pursuant to § 18(1) of the Protection of Young Persons Act and a finding has been made pursuant to § 18(5) of the Protection of Young Persons Act or an affirmative assessment pursuant to § 18(6) of the Protection of Young Persons Act or which is wholly or substantially identical with a work included in that list for which a finding under § 18(5) of the Protection of Young Persons Act or an affirmative assessment under § 18(6) of the Protection of Young Persons Act has been made.

In the cases referred to in points 1 to 4 and 6, § 86(3) of the Criminal Code shall apply *mutatis mutandis* in the case of point 5 of § 131(2) of the Criminal Code.

(2) Without prejudice to criminal liability, offers shall also be inadmissible if they:

1. are otherwise pornographic;
2. are included in the list of media harmful to young people pursuant to § 18(1) of the Protection of Young Persons Act, without a finding pursuant to § 18(5) of the Protection of Young Persons Act or an affirmative assessment pursuant to § 18(6) of the Protection of Young Persons Act, or which is wholly or substantially identical with a work included in that list, for which no finding has been made pursuant to § 18(5) of the Protection of Young Persons Act or an affirmative assessment pursuant to § 18(6) of the Protection of Young Persons Act; or
3. are obviously liable to seriously jeopardise the development of children and adolescents or their upbringing into independent and socially competent personalities, taking into account the particular form of effect of the medium of dissemination.

In telemedia, offers are permitted by way of derogation from sentence 1 if it is ensured by the provider that they are made accessible only to adults (closed user group).

(3) After inclusion of an offer in the list pursuant to § 18 of the Protection of Young Persons Act, the prohibitions referred to in paragraphs 1 and 2 shall also take effect after substantial changes in content until a decision by the Federal Department for Media Harmful to Young Persons has been made.

(4) The Commission for the Protection of Minors in the Media (KJM), in agreement with the recognised voluntary self-monitoring institutions, lays down requirements for systems for ensuring closed user groups pursuant to § 4(2) sentence 2 in order to ensure effective protection of young persons. In order to recognise their suitability to ensure effective protection of young persons, systems for ensuring closed user groups pursuant to § 4(2) sentence 2 may be presented to a recognised voluntary self-monitoring institution.

§ 5

Material detrimental to development

(1) If providers distribute or make available material that is liable to impair the development of children and adolescents into independent and socially competent personalities, they must ensure that children and adolescents of the age groups concerned do not normally encounter the material. When assessing the impairment of development, the circumstances of the respective use of the medium beyond the effect of the media content can also be taken into account if they are a permanent component of the medium and justify a different overall assessment; these include, in particular, risks assessed by specific risk assessment as substantial to the personal integrity of children and adolescents, in particular risks due to communication and contact functions, through purchasing functions, gambling-like mechanisms, mechanisms to promote excessive media usage behaviour, through the transfer of inventory and usage data without consent to third parties, and by shopping offers that are not age-appropriate, in particular through advertising references to other media. The age groups are as follows:

1. without age restriction,
2. 6 years of age and upwards,
3. 12 years of age and upwards,
4. 16 years of age and upwards,
5. 18 years of age and upwards.

(2) In the case of offers, the liability to adversely affect development within the meaning of paragraph 1 shall be presumed if they are not released under the Protection of Young Persons Act for children or adolescents of the respective age category. Insofar as there was already an age rating from a recognised voluntary self-monitoring institution for these offers, which was not ultimately based on an automated evaluation system, it may be derogated from the presumption set out in sentence 1 corresponding to this age rating for broadcasting and telemedia distribution. Sentence 1 shall apply mutatis mutandis to offers which are essentially identical to the rated offer. The KJM shall, upon request, confirm the age assessments carried out by a recognised voluntary self-monitoring institution. § 20(3)(1) and (5)(2) shall apply mutatis mutandis to testing by the KJM. Age assessments by recognised voluntary self-monitoring institutions confirmed by the KJM must be accepted by the highest Land youth authorities under the Protection of Young Persons Act for the release and labelling of offers entirely or substantially identical in content.

(3) The provider may fulfil its obligation under paragraph 1 by:

1. making the viewing of material by children or adolescents from the age group concerned impossible, or substantially more difficult, through technical or other means or
2. providing the offer with an age identification which can be read out by suitable protection of young persons programmes pursuant to § 11(1) and (2), or
3. ensuring that the material is broadcast or made available at a time when children or adolescents from the age group concerned will not usually be watching.

(4) If an effect detrimental to development within the meaning of paragraph 1 is to be assumed on children or adolescents, the provider will fulfil its obligation under paragraph 1 if the offer is only disseminated or made available between 11 p.m. and 6 a.m. The same applies if an effect detrimental to development on children or adolescents under the age of 16 can be assumed if the offer is only disseminated or made accessible between 10 p.m. and 6 a.m. If an effect detrimental to development within the meaning of paragraph 1 is to be assumed on children under 12 years of age, the welfare of younger children shall be taken into account when choosing the transmission time.

(5) If an effect detrimental to development within the meaning of paragraph 1 is to be assumed only on children under the age of 14, the provider of telemedia will fulfil its obligation under paragraph 1 if the offer is distributed or made available separately from offers intended for children.

(6) Paragraph 1 shall not apply to news broadcasts, programmes on political events in broadcasting and comparable offers in telemedia, unless there is no legitimate interest in this form of presentation or reporting.

(7) In the case of offers that reproduce the contents of periodic printed products in text and image, the restrictions set out in paragraph 1 sentence 1 shall not apply until the KJM has informed the provider that the offer is detrimental to development.

(8) The KJM, in agreement with the recognised voluntary self-monitoring institutions, lays down requirements for the suitability of technical or other means in accordance with paragraph 3(1) to ensure effective protection of young persons. In order to recognise their suitability to ensure effective protection of young persons, technical or other means referred to in paragraph 3(1) may be submitted to a recognised voluntary self-monitoring institution.

§ 5a
Video sharing services

(1) Without prejudice to the obligations set out in §§ 4 and 5, providers of video-sharing services shall take appropriate measures to protect children and adolescents against offers detrimental to development.

(2) Measures referred to in paragraph 1 shall, in particular, be considered as follows:

1. the establishment and operation of age verification systems;
2. the establishment and operation of systems through which parents can control access to services that are detrimental to development.

the establishment by providers of video-sharing services of systems with which users can rate the offers they upload and which can be read by the systems in accordance with sentence 1.

§ 5b
Notification of user complaints

(1) Providers of video-sharing services are obliged to maintain a procedure whereby users can electronically report complaints about illegal audiovisual content provided on the video sharing service of the provider of the video sharing service (user complaints).

(2) The reporting procedure shall:

1. be readily recognisable and easy to use, immediately accessible and constantly available when viewing content;
2. enable the complainant to further justify the user complaint; and
3. ensure that the provider of the video sharing service can immediately take note of and examine user complaints.

(3) For the purposes of paragraph 1, such content is illegal which:

1. is inadmissible under § 4, or
2. presents offers that are detrimental to development pursuant to § 5(1), (2) and (6) and which the provider of the video-sharing service makes available to the general public without complying with its obligation under § 5(1) and (3) to (5).

§ 5c
Announcements, labelling and notification requirements

(1) If broadcasts are announced outside the broadcast time limit applicable to them, the content of the announcement must not be detrimental to development.

(2) Programmes for which a detrimental effect on the development of children or adolescents under the age of 16 is to be assumed must be announced by acoustic signals or appropriately identified by optical means as unsuitable for the corresponding age category.

(3) In the case of films, series and game programmes, providers of telemedia must indicate an age rating in accordance with § 5(1) sentence 2 or according to the Protection of Young Persons Act in their offer by a clearly visible marking before or at the beginning of the offer. They should also point out the main reasons for the age classification and risks to personal integrity pursuant to § 5(1) sentence 2. This also applies to offers that are completely or substantially identical to the rated offer. The obligation does not apply to films, series and game programs, if it is ensured by the provider that they are made accessible only to adults. Paragraph 2 shall remain in effect.

(4) If a provider identifies its offer in accordance with § 5(3)(2), it must clearly indicate the protection of young persons programme used in its offer.

§ 6

Protection of Young Persons in advertising and teleshopping

(1) Advertising of listed content is only permitted under the conditions that also apply to the distribution of the offer itself. The same applies to advertising for offers pursuant to § 4(1). The list of media harmful to young people (§ 18 of the Protection of Young Persons Act) may not be disseminated or made accessible for the purpose of advertising. It must not be pointed out in advertising that a procedure for including an offer or a similar medium in the list pursuant to § 18 of the Protection of Young Persons Act is or has been pending.

(2) Advertising must not impact children and adolescents physically or mentally, and must not

1. include direct calls to buy or rent goods or services to children or adolescents that exploit their inexperience and credulity
2. directly request children or adolescents to persuade their parents or third parties to purchase the advertised goods or services,
3. take advantage of the particular trust that children or adolescents have with parents, teachers and other persons, or
4. show children or teenagers in dangerous situations for no legitimate reason.

(3) Advertising with content that is liable to interfere with the development of children or adolescents into independent and socially competent personalities must be separate from offers aimed at children or adolescents.

(4) Advertising that is also aimed at children or adolescents or in which children or adolescents are used as performers must not harm the interests of children or adolescents or exploit their inexperience.

(5) Advertising of alcoholic beverages must not be directed at children or adolescents, nor particularly address children and adolescents by the nature of the presentation or represent them in the enjoyment of alcohol.

(6) In addition, teleshopping may not encourage children or young people to enter into purchase or rental or lease contracts for goods or services.

(7) Providers shall take appropriate measures to effectively reduce the impact on children of advertisements in the proximity of broadcasts to children of foods containing nutrients and substances with nutritional or physiological effects, in particular fats, trans fatty acids, salt, sodium and sugars, whose excessive intake is not recommended in the context of overall nutrition.

§ 7

Protection of Young Persons Officer

(1) Anyone who organises television across Länder must appoint a protection of young persons officer. The same applies to commercial providers of licence-free television offers pursuant to § 54 of the Media State Treaty or generally accessible telemedia, if the offers contain content that is detrimental to development or harmful to young people, as well as to providers of search engines. The provider must keep important information regarding protection of young persons officers permanently available and in a way that ensures that it

is easily identifiable and directly accessible. In particular, they must contain names and information that enable quick electronic contact.

(2) Providers of telemedia with fewer than 50 employees or demonstrably less than 10 million accesses per month in a year, as well as providers who do not broadcast television throughout the country, may waive the order if they join a voluntary self-monitoring organisation and commission them to perform the tasks of the protection of young persons officer and to participate and inform in accordance with paragraph 3.

(3) The protection of young persons officer is the contact person for the users and advises the provider on issues relating to the protection of young people. He is to be involved by the provider in matters relating to the production, acquisition, planning and design of offers and in all decisions to safeguard the protection of young people and to be fully informed about the respective offer in an appropriate and timely manner. He may propose to the provider a restriction or modification of offers.

(4) The protection of young persons officer must have the expertise necessary to fulfil his duties. He is not subject to direction in his work. He must not be disadvantaged because of the performance of his duties. He shall be provided with the material resources necessary for the performance of his duties. He shall continue to be paid and freed from fulfilment of his work performance to the extent necessary for his duties.

(5) The providers' protection of young persons officers should regularly exchange experiences

Part II Rules for broadcasting

§ 8 Determination of the transmission time

(1) The Land broadcasting services forming the Association of Public Service Broadcasters of the Federal Republic of Germany (ARD), the Zweites Deutsches Fernsehen (ZDF), the Commission for the protection of young people in media (KJM) and voluntary self-monitoring institutions recognised by the Commission may respectively provide for time limits, either in guidelines or in individual cases, for films to which the Protection of Young Persons Act does not apply, in order to meet the specific features of the broadcasting of films on television, especially in television series.

(2) For other broadcast formats, the bodies referred to in paragraph 1 may provide for time limits on a case-by-case basis if their design is liable to affect children or adolescents in their development and upbringing in an overall assessment according to topic, theme, design or presentation.

(3) Where a recognised voluntary self-monitoring institution has adopted a directive referred to in paragraph 1 within the legal limits of discretion, it shall be applied as a matter of priority.

§ 9 Exceptions

At the request of the director, the competent body of the regional broadcasting agencies affiliated to the ARD, the Deutschlandradio and the ZDF, as well as at the request of a private broadcaster the KJM or a voluntary self-monitoring institution recognised by them, may respectively deviate from the presumption referred to in § 5(2) sentences 1 to 3 in guidelines or in individual cases. This applies in particular to offers whose evaluation was carried out more than ten years ago. The highest regional youth authorities shall be informed of the deviating assessment. § 8 Paragraph 3 shall apply accordingly.

**§ 10
(repealed)**

**Part III
Technical protection of minors in the media**

**§ 11
Requirements for protection of young persons programmes**

(1) Protection of Young Persons programmes must be submitted to a recognised voluntary self-monitoring institution to assess their suitability. They are suitable if they enable differentiated access to telemedia according to age group and have state-of-the-art recognition capabilities. They must also be user-friendly and be capable of being operated in stand-alone mode.

(2) In order to assess the suitability, programmes may also be submitted which are designed only for individual age groups or which allow access to telemedia within closed systems.

(3) The KJM shall establish the criteria for the suitability requirements referred to in paragraphs 1 and 2 in consultation with the recognised voluntary self-monitoring institutions.

(4) Where a recognised voluntary self-monitoring institution has assessed a protection of young persons programme as suitable in accordance with paragraph 1 or 2, it shall review the assessment at least every three years. It shall work towards the removal of malfunctions. The assessments pursuant to paragraphs 1 and 2 and the results of its verification under sentence 1 must be published immediately in an appropriate form.

(5) Anyone who distributes or makes available telemedia on a commercial or large scale shall also programme the offers that are safe for children or adolescents for an appropriate protection of young persons programme in accordance with paragraphs 1 and 2, to the extent that this is reasonably possible and without disproportionate costs.

(6) The recognised voluntary self-monitoring institutions can carry out model tests and agree procedures in consultation with the KJM for the promotion of technical protection of young people. The same applies to age classification systems provided by recognised voluntary self-monitoring institutions.

**§ 12
Requirements for operating system vendors**

(1) Providers of operating systems that are regularly used by children and adolescents within the meaning of § 16 (1) sentence 3 point 6 shall ensure that their operating systems have a child protection system corresponding to the following paragraphs. If a third party adjusts the child protection system prepared by the provider of the operating system, the obligation of sentence 1 applies in this respect to that third party.

(2) The child protection system shall be able to be activated, deactivated and adapted in a simple, easily accessible and secure manner. In addition, on

1. first commissioning,
2. the preparation of the child protection system for the first time, and
3. changes in the function of the child protection system,

reference must be made to the possibility of activating or adapting the child protection system and activation and adaptation must be made possible.

(3) In the child protection system, it shall be possible to set an age indication. If an age indication is set, the operating system shall ensure that:

1. in the case of browsers that open access to the internet, use is only possible if they make use of online search engines that have a secure search function or whose unsecured access has been activated individually and securely;
2. the installation of apps is only possible via distribution platforms that take into account the age indication and provide for an automated evaluation system in accordance with paragraph 4;
3. only apps that correspond to the age indication or that have been individually and securely unlocked are usable,
4. the use of browsers and apps can be excluded individually and securely.

(4) In the native app distribution platforms, it must be ensured that apps with an age rating are provided with an automated evaluation system recognised by the KJM from a recognised voluntary self-monitoring institution, which can be read by the operating system.

(5) Providers of operating systems shall issue a self-declaration on the conformity of the child protection system with the requirements of §§ 12, 12a(1) and (3) and (12b) and deposit it with the KJM. The KJM publishes the self-declaration on its website.

(6) The KJM shall determine the suitability requirements for the secure search pursuant to paragraph 3 sentence 2 point 1 and automated evaluation systems pursuant to paragraph 4 in agreement with the recognised voluntary self-monitoring institutions.

§ 12a

Supplementary provisions for apps with recognised protection of young persons programmes or appropriate technical or other means

(1) By way of derogation from § 12(3), second sentence, point 3, providers of operating systems shall ensure that apps that have a recognised protection of young persons programme pursuant to § 11(2) or an appropriate technical or other means pursuant to § 5(3) (1) are accessible and usable regardless of the age indication set by the child protection system.

(2) Providers of apps referred to in paragraph 1 shall ensure that the age indication set in the child protection system is adequately taken into account.

(3) Apps that contain exclusively offers pursuant to § 5(6) shall be made accessible and usable regardless of the age indication set in the child protection system.

§ 12b

Data protection

Providers of apps and operating systems process the data read out when the child protection system is activated exclusively for the purpose of fulfilling their obligations pursuant to §§ 5, 12 and 12a. The data read and processed must be deleted immediately after each access by the providers, with the exception of the providers of operating systems.

Part IV

Procedures for providers other than public service broadcasting

§ 13

Scope of application

§§ 14 to 21 and § 24(4) sixth sentence apply only to offers across Land borders.

§ 14

Commission for Protection of Minors in the Media

(1) The competent Land media institution shall verify compliance with the provisions applicable to the providers in accordance with this State Treaty. It shall make the respective decisions in accordance with the provisions of this State Treaty.

(2) In order to fulfil the tasks referred to in paragraph 1, the Commission Protection of Minors in the Media (KJM) shall be established. It shall serve the respective competent Land media institution as an organ in the performance of its tasks in accordance with paragraph 1. At the request of the competent Land media institution, the KJM can also deal with approval of offers not crossing Land borders. Paragraph 5 remains unaffected.

(3) The KJM consists of 10 experts. This shall consist of:

1. six members from the Land media authorities, to be designated by agreement with these;
2. two members with special experience in the field of technical protection of minors in the media, appointed by agreement by the Land media authorities;
3. two members appointed by agreement by the supreme Land authorities responsible for the protection of young people.

The highest federal authority responsible for the protection of young people shall appoint an advisory member. In accordance with the second sentence, a deputy shall be appointed for each member in the event of his unavailability. The term of office of the members or alternate members shall be five years. Reappointment is permitted. At least four members shall have the capacity to serve as judges. The chair shall be chaired by a member appointed in accordance with point 1 of the second sentence.

(4) Members and staff of the institutions of the European Union, the constitutional bodies of the Federal Republic of Germany and the Länder, members of committees and staff of Land broadcasting institutions of the ARD, ZDF, Deutschlandradio, the European Television Culture Channel "ARTE" and the private broadcasters or providers of telemedia, as well as employees of companies participating in them directly or indirectly within the meaning of § 62 of the Media State Treaty, may not belong to the KJM.

(5) Audit committees may be formed. Each audit committee shall be composed of at least one member of the KJM listed in paragraph 3, sentence 2, points 1 to 3, or, in the event of his unavailability, his deputy. In the event of unanimity, the audit committees shall decide in place of the KJM. At the beginning of the term of office of the KJM, the distribution of audit procedures is determined by the KJM. Further details shall be laid down in the KJM's Rules of Procedure.

(6) The decision on the confirmation of the age assessments pursuant to § 5(2) sentence 3 shall be taken within 14 days and shall be notified to the applicant. An individual auditor can be appointed for the confirmation procedure.

(7) The members of the KJM are not bound by instructions in the performance of their duties under this State Treaty. The provisions on confidentiality pursuant to § 58 of the Media State Treaty also apply in relation to the members of the KJM to other bodies of the Land media authorities.

(8) The members of the KJM are entitled to compensation for their necessary expenses and expenses. The Land media authorities regulate further details by means of corresponding statutes.

§ 15

Participation of the committees of the Land media authorities

(1) The KJM continuously informs the chairpersons of the committees of the Land media authorities about their activities. It involves the chairpersons in fundamental matters, in particular when drafting draft statutes and guidelines.

(2) The organs of the Land media authorities which are competent under Land law enact uniform statutes and guidelines for the implementation of this State Treaty. In doing so, they shall establish consultations with the voluntary self-monitoring institutions recognised in accordance with § 19, the Land broadcasting institutions affiliated to the ARD and the ZDF and carry out a joint exchange of experience with them and the KJM in the application of the protection of minors in the media.

§ 16

Competence of the KJM

(1) The KJM is responsible for the final assessment of offers under this State Treaty. It supports the Land media authorities in the further development of supervisory practice in the field of the protection of minors in the media. Without prejudice to the powers of recognised voluntary self-monitoring institutions under this State Treaty under sentence 1, the KJM shall in particular be responsible for:

1. the monitoring of the provisions of this State Treaty,
2. the recognition of voluntary self-monitoring institutions and the withdrawal or cancellation of recognition;
3. confirmation of age assessments pursuant to § 5(2), third sentence,
4. the determination of the transmission time pursuant to § 8,
5. the definition of the exceptions pursuant to § 9,
6. the determination of the operating systems normally used by children and adolescents pursuant to § 12(1), first sentence;
7. the recognition of automated evaluation systems pursuant to § 12(4);
8. the determination of the suitability requirements for secure search pursuant to § 12(6),
9. the supervision of decisions of voluntary self-monitoring institutions pursuant to § 19b(1) and (2);
10. providing an opinion on applications for indexing at the Federal Review Board for Media Harmful to Minors and for Applications to the Federal Review Board for indexing and
11. deciding on administrative offences under this State Treaty.

The KJM shall apply the provisions set out in points 6 to 8 for the first time within one year after the entry into force of this State Treaty and shall review them regularly and at the latest after three years.

(2) The KJM may cooperate with the Federal Department for Media Harmful to Young Persons, the Federal Network Agency and the Federal Institute for Financial Services Supervision, the joint gambling authority of the Länder and the highest Land youth authorities in order to fulfil its tasks and responsibilities; it should maintain a regular exchange of information for this purpose. The competent Land media authority may, where necessary, exchange information with the specified bodies for this purpose.

§ 17

Procedures of the KJM

(1) The KJM shall act ex officio; if it directs an audit case to a Land media institution or a senior Land youth authority, it must initiate an audit procedure. It shall take its decisions by a majority of its legal members; the vote of the chairperson shall be decided in the event of a

tie. The decisions must be substantiated. The significant factual and legislative reasons must be announced in the substantiation. The decisions of the KJM are binding on the other bodies of the competent Land media authority. Their decisions are to be taken as a basis.

(2) The KJM is to cooperate with the Federal Department for Media Harmful to Young Persons and the highest Land youth authorities and maintain a regular exchange of information.

(3) The KJM shall report every two years to the bodies of the Land media institutes, the highest regional youth authorities responsible for the protection of young people and the highest federal authority responsible for the protection of young people on the implementation of the provisions of this State Treaty.

§ 18 **“jugendschutz.net”**

(1) The joint body for protection of young persons of all Länder (“jugendschutz.net”), established by the highest regional youth authorities, is organisationally linked to the KJM. The body “Jugendschutz.net” is jointly funded by the Land media authorities and the Länder. The details of the financing of this body by the Länder shall be laid down by the Länder’s Ministers, responsible for the protection of young persons in a statute by resolution. The statute also regulates the professional and budgetary independence of the body.

(2) “Jugendschutz.net” supports the KJM and the highest regional youth authorities in their tasks.

(3) “Jugendschutz.net” checks the offers of the telemedia. In addition, “jugendschutz.net” also performs tasks of consulting and training in telemedia.

(4) In case of possible violations of the provisions of this State Treaty, “jugendschutz.net” points these out to the provider thereof and informs the KJM. In the event of possible violations by members of a recognised voluntary self-monitoring institution, the notification is first addressed to that institution. The recognised voluntary self-monitoring institutions shall initiate proceedings within one week and shall notify ‘jugendschutz.net’. In the event of inaction by the recognised voluntary self-monitoring institutions, “jugendschutz.net” shall inform the KJM.

§ 19 **Voluntary self-monitoring institutions**

(1) Voluntary self-monitoring institutions can be established for broadcasting and telemedia.

(2) An institution shall be recognised as a voluntary self-monitoring institution within the meaning of this State Treaty if:

1. the independence and expertise of their designated auditors is ensured, taking into account representatives from social groups who deal in particular with matters relating to the protection of young persons;
2. appropriate provision is ensured by a large number of providers;
3. there are requirements for the auditors’ decisions which are suitable for ensuring effective protection of children and adolescents in decision practice;
4. there are rules of procedure which regulate the scope of the review, including the obligation of providers to make submissions, as well as possible sanctions, and provide for a possibility of review of the decisions also at the request of youth welfare institutions laid down by Land legislation;
5. ensure that the providers concerned are consulted before any decisions, that the decision is explained in writing and communicated to the interested parties; and

6. an appeal body has been established.

(3) The competent Land media authority makes the decision through the KJM. The Land Media Agency of the Land in which the voluntary self-monitoring institution is located is responsible. If this does not establish responsibility, the Land media authority for which the application for recognition has been submitted is responsible. The institution shall provide the KJM with the necessary documents for the examination of the recognition requirements.

(4) The KJM may revoke the recognition in whole or in part or impose ancillary conditions if the conditions for recognition have subsequently ceased to exist or if the decisions in practice of the institution do not comply with the provisions of this State Treaty. No compensation shall be awarded for pecuniary losses as a result of the withdrawal of recognition.

(5) The recognised voluntary self-monitoring institutions shall coordinate on the application of this State Treaty.

§ 19a

Competence and procedures of voluntary self-monitoring institutions

(1) Recognised voluntary self-monitoring institutions shall verify compliance by affiliated providers with the provisions of this State Treaty within the scope of their statutory duties and the statutes and guidelines issued for this purpose. Pursuant to § 19(2)(4), they are required, under their rules of procedure, to immediately investigate complaints regarding their affiliated providers.

(2) The recognised voluntary self-monitoring institutions shall assess the technical or other means in accordance with §§ 4(2), second sentence, 5(3)(1) and the protection of young persons programmes pursuant to § 11(1) and (2) and verify their suitability in accordance with §§ 4(4), 5(8) and 11(4). The competent body is the recognised voluntary self-monitoring institution to which the technical or other means or the protection of young persons programme has been submitted for assessment. The recognised voluntary self-monitoring institution shall notify the KJM of the decision and the grounds for the decision.

(3) The recognised voluntary self-monitoring institutions shall establish common criteria for guidance pursuant to § 5c(3) sentence 2.

§ 19b

Supervision of voluntary self-monitoring institutions

(1) The competent Land Media Agency may, through the KJM, challenge decisions of a recognised voluntary self-monitoring institution that exceeds the limits of discretion and demand their annulment. Where a recognised voluntary self-monitoring institution does not discharge its duties and obligations under this State Treaty, the competent Land media authority may, through the KJM, instruct it to fulfil them. Compensation for financial disadvantages resulting from this shall not be granted.

(2) If a recognised voluntary self-monitoring institution has assessed as appropriate technical or other means pursuant to §§ 4(2) sentence 2, 5(3)(1) or a protection of young persons programme pursuant to § 11(1) and (2) and thereby exceeded the legal limits of the limits of discretion, the competent Land Media Institute may, within three months of the decision of the recognised voluntary self-monitoring institution, declare this assessment invalid or impose conditions on the provider of the technical or other means or the protection of young persons programme. Paragraph 1(3) will apply accordingly.

(3) The Land media institution of the Land in which the recognised voluntary self-monitoring institution is located is responsible.

Part V
Enforcement for providers with the exception of public service broadcasting

§ 20
Supervision

(1) If the competent Land media institute finds that a provider has infringed the provisions of this State Treaty pursuant to § 3 sentence 1 point 2 or point 7, it shall take the necessary measures vis-à-vis the provider.

(2) For broadcasters, the competent Land media authority shall make the respective decision by the KJM in accordance with the Land law regulations.

(3) If the KJM approaches a broadcaster with the allegation that it has infringed the provisions of this State Treaty, and if the organiser demonstrates that the broadcast was presented to a recognised voluntary self-monitoring institution within the meaning of this State Treaty and its requirements were complied with, measures by the KJM shall only be admissible if the decision or omission of a decision by the recognised voluntary self-monitoring institution exceeded the legal limits of the limits of discretion. The KJM shall notify the recognised voluntary self-monitoring institution of its decision together with the reasons for the decision. Where a provider of an ineligible programme is accused of an infringement of the protection of young persons, the KJM shall before taking measures refer to the recognised voluntary self-monitoring institution to which the broadcaster is affiliated; Sentence 1 shall apply accordingly Sentence 1 shall apply mutatis mutandis to decisions pursuant to §§ 8 and 9. This paragraph shall not apply to infringements of § 4(1).

(4) For providers pursuant to § 3 point 2 or point 7, the competent Land media institution shall make the respective decision by the KJM in accordance with § 109 of the Media State Treaty. In addition, the competent Land media authority may prohibit the parties involved in the payment transactions, in particular the credit and financial services companies, after prior notification of inadmissible offers pursuant to § 4(1) and (2), participation in payments for these offers without requiring prior involvement of the provider by the supervisory body.

(5) If a provider of telemedia belongs to a recognised voluntary self-monitoring institution within the meaning of this State Treaty or submits to its statutes, in the event of alleged violations of the protection of young persons, the KJM shall first consult this institution on the alleged violations, with the exception of infringements of § 4(1). Measures referred to in paragraph 1 against the provider by the KJM shall be admissible only if the decision or omission of a decision of the recognised voluntary self-monitoring institution exceeds the legal limits of the margin of discretion. In the event of violations of § 4, the objection and appeal by the provider of telemedia shall not have suspensive effect.

(6) The competent authority is the Land media authority of the Land in which the provider concerned has its registered office, domicile or, in the absence thereof, its permanent residence; § 119 of the Media State Treaty shall apply mutatis mutandis. If, according to sentence 1, several Land media authorities are responsible or if the provider is based abroad, the Land media institution that has first dealt with the matter makes the decision.

(7) If the KJM, a Land media authority or "jugendschutz.net" approach a provider with the allegation that it has violated the provisions of this State Treaty, they shall draw attention to the possibility of membership in a recognised voluntary self-monitoring institution and the associated legal consequences.

§ 21
Claims for information

(1) Providers under § 3 point 2 or point 7 are obliged to provide the competent Land media authority with information about the offers and the measures taken to safeguard the protection of young persons and to allow it, upon request, free access to the offers for control purposes.

(2) Providers that do not have their registered office in Germany in accordance with the provisions of the Digital Services Act and the Media State Treaty shall designate a service representative in Germany and draw attention to him in their offer in an easily recognisable and immediately accessible manner. Service may be effected on this person in proceedings pursuant to § 24 or in court proceedings before German courts for the distribution of illegal content. This also applies to the delivery of documents that initiate or prepare such procedures.

(3) The retrieval or use of offers within the framework of supervision, penalties for violations or control is free of charge. Providers must ensure this. The provider must not block its offers against retrieval or perusal by the competent authority or make it more difficult to retrieve or examine the offers.

§ 22
Review before the Federal Administrative Court

The review before the Federal Administrative Court may also be supported in court proceedings by the fact that the judgement being disputed is based on the violation of the provisions of this State Treaty.

Part VI
Penalties for breaches by providers
with the exception of public service broadcasting

§ 23
Penal provisions

A custodial sentence of up to one year or a fine shall be imposed upon a person who, contrary to § 4(2) sentence 1 point 3 and sentence 2, makes offers which are manifestly liable to seriously jeopardise the development or upbringing of children or adolescents to independent and socially competent personalities, taking into account the particular form of effect of the distribution medium. If the offender acts negligently, the custodial sentence is up to 6 months or the fine up to 180 daily rates.

§ 24
Regulatory offences

(1) An administrative offence is deemed to have been committed by any person who, intentionally or negligently

1. as a provider pursuant to § 3 point 2, disseminates or makes available offers that:
 - a) contrary to § 4(1), first sentence, point 1, constitute means of propaganda within the meaning of the Criminal Code;
 - b) contrary to § 4(1), first sentence, point 2, use insignia of unconstitutional organisations;
 - c) contrary to § 4(1), first sentence, point 3, to incite hatred of parts of the population or against a national, racial, religious or ethnic group, call for violence or arbitrary

- actions against them, or attack the human dignity of others by insulting, maliciously scorning or slandering parts of the population or a group designated above;
- d) contrary to § 4(1), first sentence, point 4, 1st alternative, describe an act committed under the rule of National Socialism of the manner referred to in § 6(1) of the Code of Crimes under International Law in a manner liable to disturb, deny or trivialise public peace;
 - e) contrary to § 4(1), first sentence, point 4, 2nd alternative, disturb public peace in a manner that violates the dignity of the victims by approving, glorifying or justifying the National Socialist rule of violence and arbitrariness,
 - f) contrary to § 4(1), first sentence, point 5, describe cruel or otherwise inhumane violence against people in a manner which expresses the glorification or trivialisation of such acts of violence or which displays the cruelty or inhumanity of the process in a way that violates human dignity; this also applies to virtual representations,
 - g) contrary to § 4(1), first sentence, point 6, provide guidance for an illegal offence referred to in § 126(1) of the Criminal Code,
 - h) contrary to § 4(1), first sentence, point 7, glorify war;
 - i) contrary to § 4(1), first sentence, point 8, violate human dignity, in particular by depicting people who are dying or who are or have been subject to severe physical or mental suffering, reflecting an actual occurrence without a legitimate interest in this specific form of presentation or reporting;
 - j) contrary to § 4(1), first sentence, point 9, depict children or adolescents in an unnaturally gender-focused posture; this also applies to virtual representations,
 - k) contrary to § 4(1), first sentence, point 10, are child pornography within the meaning of § 184b(1) of the Criminal Code or adolescent pornography within the meaning of § 184c(1) of the Criminal Code, or are pornographic and involve violence, the sexual abuse of children or adolescents or sexual acts of humans with animals; this also applies to virtual representations; or
 - l) in accordance with § 4(1), first sentence, point 11, are included in the list of media harmful to young people pursuant to § 18(1) of the Protection of Young Persons Act, and a finding has been made pursuant to § 18(5) of the Protection of Young Persons Act or an affirmative assessment pursuant to § 18(6) of the Protection of Young Persons Act, or which is wholly or substantially identical with a work included in that list for which a finding under § 18(5) of the Protection of Young Persons Act or an affirmative assessment under § 18(6) of the Protection of Young Persons Act has been made;
2. contrary to § 4(2) sentence 1 point 1 and sentence 2, as a provider pursuant to § 3 point 2, disseminates or makes available offers that are otherwise pornographic;
 3. contrary to § 4(2), first sentence, point 2 and sentence 2 of the Protection of Young Persons Act, as a provider pursuant to § 3(2), disseminates or makes available offers which are included in the list of media harmful to young people pursuant to § 18(1) of the Protection of Young Persons Act, without a finding pursuant to § 18(5) of the Protection of Young Persons Act or an affirmative assessment pursuant to § 18(6) of the Protection of Young Persons Act, or which is wholly or substantially identical with a work included in that list, for which no finding has been made pursuant to § 18(5) of the Protection of Young Persons Act or an affirmative assessment pursuant to § 18(6) of the Protection of Young Persons Act; or
 4. contrary to § 5(1), disseminates or makes available offers which are liable to impair the development of children or adolescents into independent and socially competent personalities, without ensuring that children or adolescents of the age groups concerned do not normally see them, unless he negligently identifies his offer with a too low age category contrary to § 5(3), first sentence, point 2;
 - 4a. contrary to § 5a does not take appropriate measures to protect children and adolescents from offers that are detrimental to development;
 - 4b. contrary to § 5b, does not hold, does not correctly or does not fully maintain a procedure referred to therein;

- 4c. contrary to § 5c(1), as a provider pursuant to § 3 point 2, distributes announcements of broadcasts with moving images outside the appropriate transmission time and unencrypted;
- 4d. contrary to § 5c(2), as a provider pursuant to § 3 point 2, distributes broadcasts without identifying their broadcast by acoustic signals or by optical means;
- 4e. as a provider of telemedia distributes an offer without the notice required under § 5c(3) sentence 1,
5. contrary to the first sentence of § 6(1), distributes or makes accessible advertising for indexed offers;
6. contrary to the third sentence of § 6(1), distributes or makes accessible the list of media harmful to young people;
7. contrary to the fourth sentence of § 6(1), makes a reference as specified therein,
8. contrary to § 7, does not appoint a protection of young persons officer;
9. disseminates transmission formats contrary to broadcast time restrictions pursuant to § 8(2);
10. distributes broadcasts. the suitability of which is presumed to impair the development pursuant to § 5(2), without the KJM or a voluntary self-monitoring institution recognised by it having departed from the presumption pursuant to § 9(1) sentence 1;
11. as the provider of an operating system, provide an operating system which, contrary to § 12(1) sentence 1, does not have a child protection system in accordance with the requirements of § 12;
12. as a third party, contrary to the second sentence of § 12(1), adapt an operating system and provide it in such a way that it does not have a child protection system in accordance with the requirements of § 12;
13. contrary to the first sentence of § 12(2), fails to enable corresponding activation, deactivation and adaptation of the child protection system;
14. contrary to the second sentence of § 12(2), does not refer to the corresponding activation or adaptation at the aforementioned dates, or does not make these possible;
15. contrary to the first sentence of § 12(3), does not allow an indication of age to be set;
16. contrary to point 1 of the second sentence of § 12(3), if the age is set, does not ensure that browsers that open access to the Internet are only possible if they use online search engines that have a secure search function, unless their unsecured access has been unlocked individually and in a secure manner;
17. contrary to point 2 of the second sentence of § 12(3), it is not ensured that the installation of apps is only possible via distribution platforms that take into account the age indication and provide an automated evaluation system pursuant to § 12(3);
18. contrary to the second sentence of § 12(3), point 3, does not ensure that only apps that correspond to the age indication are usable; unless apps have been unlocked individually and in a secure manner;
19. contrary to the second sentence of § 12(3), point 4, if the age is set, does not ensure that the use of browsers and apps can be excluded individually and in a secure manner;
20. contrary to § 12(4) in the native app distribution platforms, does not ensure that apps with an age rating are provided with an automated evaluation system recognised by the KJM from a recognised voluntary self-monitoring institution, which can be read by the operating system;
21. contrary to the first sentence of § 12a(1), in the event of an age indication having been set, does not ensure that apps that have a recognised protection of young persons programme pursuant to § 11(2) or an appropriate technical or other means pursuant to § 5(3) point 1 are accessible and usable regardless of the age indication set by the child protection system;
22. contrary to § 12a(2), as a provider of apps pursuant to § 12a(1), does not ensure that the age indication set in the protection of young persons is adequately taken into account;
23. contrary to § 12a(3), if the age statement is discontinued, does not ensure that apps containing exclusively offers pursuant to § 5(6) are accessible and usable regardless of the age indication set by the child protection system;

24. contrary to § 12b, if a child protection system is activated, processes data read for purposes other than for the fulfilment of its obligations under §§ 5, 12 and 12a are processed or does not immediately delete them after each access, in accordance with the requirement of § 12b sentence 2;
25. does not act in accordance with an enforceable order by the competent supervisory authority pursuant to § 20(1),
26. contrary to § 21(1), fails to comply with its obligation to provide information,
27. contrary to § 21(2), does not designate an authorised representative, or
28. contrary to § 21(3) sentence 3, blocks offers against retrieval by the competent supervisory authority.

(2) Furthermore, it is an administrative offence intentionally:

1. contrary to § 11(5), to mislabel telemedia as suitable for children or adolescents of the age category concerned, or
2. to provide false information in the context of a procedure for recognition by a voluntary self-monitoring institution pursuant to § 19(3).

(3) In the cases referred to in points 11 to 24 of paragraph 1, the administrative offence may be punishable by a fine of up to EUR 2 million and, in the other cases, a fine of up to EUR 500,000.

(4) The competent administrative authority within the meaning of § 36(1)(1) of the Act on Administrative Offences is the competent Land media institution. In the cases referred to in paragraph 1 and paragraph 2 point 1, the competent authority is the Land media authority of the Land in which the broadcaster has been granted authorisation or the provider of telemedia has its registered office, domicile or, failing that, its permanent residence. If this does not establish responsibility, the Land media authority shall be responsible in whose district the occasion for the official action arises. In the case of paragraph 2 point 2, the competent authority is the Land media authority of the Land in which the voluntary self-monitoring institution is located. If this does not establish responsibility, the Land media authority for which the application for recognition has been submitted is responsible. The competent Land media authority makes the decisions through the KJM.

(5) The competent Land media authority shall inform the other Land media authorities without delay of the initiation of proceedings. To the extent that proceedings under this provision have been initiated in several Länder, the authorities concerned shall vote on which authority will continue the procedure.

(6) The competent Land media authority may determine that complaints following an infringement of the provisions of this State Treaty as well as final decisions in an administrative offence procedure pursuant to paragraphs 1 or 2 shall be disseminated or made accessible by the provider concerned in its offer. The content and timing of the announcement shall be determined by the competent Land media institution at its reasonable discretion.

(7) The prosecution of the administrative offences referred to in paragraphs 1 and 2 shall be time-barred in six months.

Part VII Final provisions

§ 25 Transitional provisions

(1) §§ 12 and 12a shall not be applied until one year after the notification of the KJM's decision to determine the operating systems normally used by children and adolescents pursuant to § 16(1)(3)(6).

(2) The period referred to in paragraph 1 shall be extended to a maximum of three years for operating systems in the current or completed production cycle.

(3) For operating systems that cannot be updated on terminals that have already been placed on the market at the time of entry into force of this State Treaty, §§ 12 and 12a shall not apply.

(4) § 5c(3) shall not apply until six months after the entry into force of this State Treaty.

§ 26 Evaluation

This State Treaty shall be evaluated three years after entry into force in order to examine to what extent the stated protection objectives of this State Treaty have been achieved by the adjustments to §§ 5c, 12 and 12a. The contracting Länder shall prepare a report on this with the involvement of the KJM, jugendschutz.net, the Federal Department for Media Harmful to Young Persons and other experts.

§ 27 Period of validity, cancellation

This State Treaty shall apply for an indefinite period of time. It may be terminated by any of the Contracting Länder at the end of the calendar year with a notice period of one year. If the State Treaty is not terminated at that time, the termination may take place with the same notice respectively two years later. The termination must be declared to the chairman of the Conference of Ministers-President in written form. The termination by a Land shall be without prejudice to the contractual relationship between the other Länder, but each of the other Länder may terminate the contractual relationship at the same time within a period of three months after receipt of the notice of termination.

§ 28 Notification

Amendments to this State Treaty are subject to the notification requirement laid down in Directive 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and rules on information society services.

Article 2 Amendment to the Media State Treaty

The Media State Treaty of 14 to 28 April 2020, as last amended by the Fifth State Amendment Treaty from xx to xx Month 2024, is amended as follows:

In § 109(3), the second sentence is replaced by the following sentences 2 and 3:

'The same applies to offers which are wholly or substantially identical in content with offers already ordered to be blocked. Article 8 of Regulation (EU) 2022/2065 is unaffected.'

Article 3 Termination, entry into force, re-announcement

- (1) The termination of the State treaties as amended in Articles 1 and 2 shall be governed by the provisions on termination provided for therein.
- (2) This State Treaty shall enter into force on xx.xx.xxxx. If not all instruments of ratification are deposited with the Chairperson of the Conference of Heads of Government of the Länder by xx.xx.xxxx, the State Treaty shall be null and void.
- (3) The Chairperson of the Conference of Heads of Government of the Länder shall notify the Länder of the deposit of the instruments of ratification.
- (4) The Länder are authorised to publish the text of the Media State Treaty and the State Treaty on the protection of minors in the media, as set out in Articles 1 and 2, with the new date.