



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY

Media Policy  
Audiovisual and Media Services Policy

Brussels, 18/12/2019

CNECT.I.1/ [redacted]

**Subject: Your letter dated 14 November 2019 concerning the initiation of legal proceedings against media content providers targeting german audiences with audiovisual content allegedly illegal under national law**

Dear [redacted],

Thank you for informing the European Commission about the intention of the media authority of North Rhine-Westphalia to launch legal proceedings against certain video-sharing platforms targeting German audience with adult content without respecting the applicable requirements related to the protection of minors.

In your letter you state that the services concerned “are primarily to be classified as video-sharing platforms”. Video-sharing platforms constitute a particular category of information society services within the meaning of Directive 2000/31/EC (e-Commerce Directive).

Article 3(2) of the e-Commerce Directive, which is applicable to video-sharing platforms established in the territory of a Member State, provides that Member States may not, for reasons falling within the coordinated field, restrict the freedom to provide information society services from another Member State. Pursuant to Article 3(4), Member States may derogate from the above principle only under specific conditions and following a specific procedure laid down in Article 3(4) of the that Directive. Therefore, taking into consideration the nature of the services concerned, we consider that any derogation procedure should be launched in conformity with this Article.

In the view of the above, I would like to inform you that I forwarded your letter to my colleagues responsible for the e-Commerce Directive (DG CNECT Unit F2), who will follow up on this matter as appropriate.

Please note that this letter has a merely informative nature and it should not be treated as the official acknowledgment of the launching of the derogation procedure.

Should you have any further questions, I remain at your disposal.

Yours sincerely,

(e-signed)

[redacted signature block]

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