APPENDIX M
LAW CONCERNING THE PROTECTION OF YOUTH (*JUGENDSCHUTZGESETZ* (JuSchG))

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PART I
GENERAL

SECTION 1. DEFINITION OF TERMS

(1) Within the meaning of this law—

1. Children are persons, who are not yet 14 years old,

2. Juveniles are persons, who are over 14 but not yet 18 years old,

3. A person having the care and custody of a child is a person, who alone or together with another person is entitled to the care and custody of a child in accordance with the provisions of the Civil Code (*Bürgerliches Gesetzbuch*),

4. A person entrusted with the education and upbringing of a child is any person over 18 years of age who, based on an agreement with the person having the care and custody of the child, permanently or temporarily is in charge of the education and upbringing of a child, or takes care of the child or juvenile within the scope of professional training and education or of youth welfare.

(2) Carrier media within the meaning of this law are media with texts, images or sounds on physical carriers that can be passed on and are intended for immediate perception, or are built into a playing or game decive. The physical dissemination, making available, offering or making accessible of carrier media is equal to the electronic dissemination, making available, offering or making accessible, unless it is radio broadcasting within the meaning of section 2 of the State Treaty on Radio Broadcasting (*Rundfunkstaatsvertrag*).

(3) Telemedia within the meaning of this law are media which are transmitted or made accessible pursuant to the Law on Telemedia. Transmitting or making available within the meaning of sentence 1 means keeping available of internal or external information.

(4) Mail order service within the meaning of this law is each business transaction against payment which is performed by way of ordering and mailing of goods by postal service or electronic mailing without personal contact between supplier and person placing the order or without technical or other precautions to ensure that mailing to children and juveniles is avoided.

(5) The provisions of sections 2 through 14 of this law do not apply to married juveniles.

SECTION 2. OBLIGATION TO CHECK AND TO FURNISH PROOF

(1) As far as this law provides that the child or juvenile be accompanied by a person entrusted with his upbringing and education, the persons mentioned in section 1, paragraph (1), number 4, must prove their authorization upon request. In cases of doubt organizers of events and businessmen shall check such authorization.

(2) Persons who must observe age limits according to this law shall, upon request, properly furnish proof of their age. In cases of doubt organizers of events and businessmen shall check the age.

SECTION 3. ANNOUNCEMENT OF PROVISIONS

(1) Organizers of events and businessmen shall announce the provisions applicable to their operation facilities and events pursuant to sections 4 through 13, and, in case of public movie shows, post the age restrictions for motion pictures or their labeling by the supplier pursuant to section 14, paragraph (7), by a clearly visible and legible public notice.

(2) The organizers and businessmen may only use the labeling designated in section 14, paragraph (2), for the announcement of the age restrictions on motion pictures and film and game programs. A person who makes available a motion picture for public movie shows is obliged to point out to the organizer the age restriction or the labeling by the supplier pursuant to section 14, paragraph (7), when making it available to him. In case of motion pictures, film and game programs which are labeled pursuant to section 14, paragraph (2), by the highest *Land* authority or an organization of voluntary control within the scope of the procedure pursuant to section 14, paragraph (6), in their announcement or advertising there may be no reference to contents which is harmful to young people, nor may the announcement or advertising be presented in a manner having a negative effect on juveniles.

PART II
PROTECTION OF YOUTH IN PUBLIC

SECTION 4. RESTAURANTS

(1) The presence in restaurants may only be permitted to children and juveniles under 16 years of age if they are accompanied by a person having the care and custody, or a person entrusted with the education and upbringing, or if they consume a meal or beverage in the time between 0500 p.m. and 1100 p.m. Juveniles over 16 years of age may not be present in restaurants between midnight and 0500 a.m. unless they are accompanied by a person having care and custody or a person entrusted with the education and upbringing.

(2) Paragraph (1) does not apply if children or juveniles participate in an event of a recognized organization of a youth welfare service or if they are traveling.

(3) Presence in restaurants which are run as night bars or nightclubs and in similar places of public entertainment is prohibited for children and juveniles.

(4) The responsible authority may grant exceptions from paragraph (1).

SECTION 5. DANCES

(1) The presence of children and juveniles under 16 at public dances without being accompanied by a person having the care and custody or a person entrusted with the education and upbringing of the child is not permitted; juveniles at age 16 and above are permitted to be present until midnight.

(2) Notwithstanding paragraph (1), children may be present until 10.00 p.m., juveniles under 16 until midnight, if the dance is organized by a recognized youth welfare organization or serves artistic activities, or the preservation of traditions.

(3) The responsible authority may grant exceptions.

SECTION 6. GAMBLING HALLS, GAMES OF CHANCE

(1) The presence of children and juveniles at public gambling halls or similar rooms predominantly serving gambling purposes shall not be permitted.

(2) Children and juveniles shall be permitted to participate in games providing an opportunity to win a prize only at public festivals, traditional shooting festivals, fairs, special fairs, or similar festivities and only if the prize consists of goods of low value.

SECTION 7. EVENTS AND ENTERPRISES HARMFUL TO JUVENILES
If the physical, mental or emotional well-being of children or juveniles is endangered by a public event or a commercial enterprise, the competent authority may order that the organizer or businessman prohibit the presence of children or juveniles. The order may impose age or time restrictions or other conditions if harm is precluded or substantially reduced thereby.

SECTION 8. LOCATIONS HARMFUL TO JUVENILES
If a child or a young person stays at a location where there is an immediate danger to his physical, mental or emotional well-being, the competent authority or agency shall take the appropriate measures to avert the danger. If necessary, it shall—

1. Make the child or young person leave the place,

2. Put the child in charge of a parent or legal guardian within the meaning of section 7, paragraph (1), number 6, of the Eighth Book of the Code of Social Law (*Sozialgesetzbuch)* or, if such person cannot be reached, in charge of the youth office.

In difficult cases the responsible authority or agency shall inform the youth office of the location harmful to juveniles.

SECTION 9. ALCOHOLIC BEVERAGES

(1) In restaurants, sales facilities or at other public places the sale of—

1. Liquor, beverages containing liquor or food containing liquor in higher than just very smalll quantities to children or juveniles,

2. Other alcoholic beverages to children and juveniles under 16 years of age

is prohibited; the same applies to their consumption.

(2) Paragraph (1), number 2, does not apply if juveniles are accompanied by a person having care and custody.

(3) In public, alcoholic beverages may not be offered in vending machines. This does not apply if the vending machine is put up—

1. At a location not accessible to children and juveniles, or

2. In a room used for commercial purposes and it is ensured by technical devices or permanent monitoring that children or juveniles cannot retrieve alcoholic beverages from the vending machine.

Section 20, number 1, of the Law Concerning the Management of Restaurants and Hotels (*Gaststättengesetz)* remains unaffected.

(4) Sweetened alcoholic beverages within the meaning of section 1, paragraphs (2) and (3), of the Alco Pop Tax Law (*Alkopopsteuergesetz*) may only be commercially offered for sale with the notice: ”Not for

sale to persons under 18 years of age, section 9 of the Law Concerning the Protection of Youth". This note shall be fixed on the prepackage in the same lettering style and the same size and color as the brand or fanciful names or, if those do not exist, as the trade name and, in case of bottles, it shall be fixed to the front label.

SECTION 10. SMOKING IN PUBLIC, TOBACCO PRODUCTS

(1) In restaurants, sales facilities, or in other public places, tobacco products may neither be sold to children or juveniles nor may children be allowed to smoke.

(2) Tobacco products may not be offered in vending machines in public. This does not apply if —

1. A machine is put up at a location not accessible to children or juveniles, or

2. It is ensured by technical devices or permanent monitoring that children and juveniles cannot retrieve tobacco products.

PART III
PROTECTION OF YOUTH IN THE FIELD OF MEDIA

SUBPART 1
CARRIER MEDIA

SECTION 11. MOVIE SHOWS

(1) The presence at public movie shows may only be permitted to children and juveniles if the movies have been released for presentation to them by the superior *Land* authority or an organization of voluntary control within the scope of the procedure pursuant to section 14, paragraph (6), or if they are informative, instructive and educating films which are labeled by the supplier as "info program" or "pedagogic program".

(2) Notwithstanding paragraph (1), the presence at public movie shows, which have been released and labeled for children and juveniles from age twelve, may also be permitted to children from age six if they are accompanied by a person having the care and custody of the child.

(3) Notwithstanding the prerequisites of paragraph (1), the presence at public movie shows may only be permitted in company of a person having the care and custody, or a person entrusted with the education and upbringing of the child to—

1. Children under 6 years of age,

2. Children from 6 years of age if the show ends after 08.00 p.m.,

3. Juveniles under 16 years of age if the show ends after 10.00 p.m.,

4. Juveniles from 16 years of age if the show ends after midnight.

(4) Paragraphs (1) through (3) apply to the public presentation of movies regardless of the type of recording and presentation. They also apply to commercial trailers and supporting programs. They do not apply to films produced for non-commercial purposes, as long as they are not used for commercial purposes.

(5) Notwithstanding the prerequisites of paragraphs (1) through (4), commercials or commercial programs advertising tobacco products or alcoholic beverages may only be shown after 06.00 p.m.

SECTION 12. PICTURE CARRIERS OF MOVIES OR GAMES

(1) Prerecorded video tapes and other data carriers (picture carriers) programmed with films or games to be played back or played at video display terminals which can be passed on may only be made accessible to a child or a juvenile in public, if the programs were released and labeled for his age group by the highest *Land* authority or an organization of voluntary control in accordance with the procedure pursuant to section 14, paragraph (6), or if they are informative, instructive or pedagogic programs, which were labeled by the supplier as "info program" or "pedagogic program".

(2) The labeling pursuant to paragraph (1) must be clearly pointed out on the picture carrier and the casing by a clearly visible label. The highest *Land* authority may—

1. Order specifics regarding contents, size, shape, color and method of attachment of the labels, and

2. Approve exceptions for the attachment on the picture carrier or the casing.

The label must be affixed on the bottom left corner of the front side of the case on a surface of at least 1,200 square millimeters and on the picture carrier on a surface of at least 250 square millimeters. Suppliers of telemedia who distribute movies, film and game programs must clearly indicate any existing labeling in their offer.

(3) Picture carriers which are not labeled at all or labeled "no release to juveniles" pursuant to section 14, paragraph (2), by the highest *Land* authority or an organization of voluntary control within the scope of the procedure pursuant to section 14, paragraph (6), or are labeled by the supplier according to section 14, paragraph (7), may—

1. Not be offered, made available or otherwise made accessible to a child or juvenile,

2. Neither be offered nor made available in retail stores outside of the sales rooms, at newsstands, or other sales facilities, which are usually not entered by customers, or through mail order service.

(4) Vending machines for pre-recorded picture carriers may only be set up—

1. At public places accessible to children and juveniles,

2. Outside of rooms used for commercial purposes or used professionally or for business in any other way, or

3. In unmonitored entrance ways, lobbies, or hallways of the above

if only picture carriers which are labeled pursuant to section 14, paragraph (2), numbers 1 through 4, are offered, and it is ensured by technical precautions that they cannot be operated by children and juveniles if these programs were not released for their age group pursuant to section 14, paragraph (2), numbers 1 through 4.

(5) Picture carriers with extracts of film and game programs may, in deviation from paragraphs (1) and (3), only be sold in connection with periodicals if they bear a note of the supplier pointing out that an organization of voluntary control has determined that these extracts do not contain anything that has an unfavorable effect on juveniles. Prior to the sale, this note shall be attached to the periodical as well as to the picture carrier with a clearly visible label. Section 12, paragraph (2), sentences 1 through 3, applies accordingly. The highest *Land* authority may exclude the authorization pursuant to sentence 1 for individual suppliers.

SECTION 13. VIDEO-GAME MACHINES

(1) Playing at electronic video game machines not providing an opportunity to win a prize, which are set up in public may only be permitted to children and juveniles not accompanied by a person having the

care and custody or entrusted with the education and upbringing of the child, if the programs were released for their age group and labeled by the highest *Land* authority or an organization of voluntary control within the scope of the procedure pursuant to section 14, paragraph (6), or if they are informative, instructive or pedagogic programs, which are labeled by the supplier as "info program" or "pedagogic program".

(2) Electronic video game machines may only be set up—

1. In public areas accessible to children or juveniles,

2. Outside of rooms used for commercial purposes or used professionally or for business in any other way, or

3. In unmonitored entrance ways, lobbies or hallways of the above

if their programs are released and labeled for children from the age of six or are labeled as "info program" or "pedagogic program" in accordance with section 14, paragraph (7).

(3) Section 12, paragraph (2), sentences 1 through 3, apply accordingly to the attachment of labels on video-game machines.

SECTION 14. LABELING OF MOVIES AND FILM AND GAME PROGRAMS

(1) Movies as well as film and game programs which may have a negative effect on the development of children and juveniles or on their upbringing to become a responsible and social personality, may not be released for their age group.

(2) The highest *Land* authority or an organization of voluntary control within the scope of the procedure pursuant to paragraph (6) labels the movies and the film and game programs as:

1. "Released without age limit" ("*Freigegeben ohne Altersbeschränkung"*),

2. "Released for the age of six" ("*Freigegeben ab sechs Jahren")*,

3. "Released for the age of twelve" ("*Freigegeben ab zwölf Jahren"),*

4. "Released for the age of sixteen" (*"Freigegeben ab sechzehn Jahren")*,

5. "Not released for juveniles" (*"Keine Jugendfreigabe")*.

(3) Carrier media that, based on a determination made by the highest *Land* authority or an organization of voluntary control within the scope of the procedure pursuant to paragraph (6), do not contain topics listed in section 15, paragraph (2), numbers 1 through 5, or are placed on the list pursuant to section 18 will not be labeled. The highest *Land* authority shall inform the responsible prosecuting authority of facts which might indicate a violation of section 15, paragraph (1).

(4) If a program for picture carriers or video game machines is entirely or in essential parts of its contents identical with a carrier medium entered on the list under section 18, it will not be labeled. The same applies if the conditions to place it on the list exist. In case of doubt, the highest *Land* authority or an organization of voluntary control will, within the scope of the procedure pursuant to paragraph (6), bring about a decision by the Federal Review Board for Media Harmful to Young People (*Bundesprüfstelle für jugendgefährdende Medien*).

(5) Labeling of film programs for picture carriers and video game machines also applies to the presentation in public movie shows and for the films intended for such shows which are of identical

contents. Labeling of movies for public movie shows may be transferred to film programs of identical contents for picture carriers and video game machines; paragraph (4) applies accordingly.

(6) The highest *Land* authorities may agree upon a joint procedure for the release and labeling of movies as well as film and game programs based on the results of a review by organizations of voluntary control funded or supported by trade associations. Within the scope of such an agreement it may be determined that the releases and labeling issued by an organization of voluntary control become the releases and labeling of the highest *Land* authorities of all *Länder* unless one highest *Land* authority makes a different decision for its area of responsibility.

(7) Movies, film and game programs for information, instruction, or pedagogic purposes may only be labeled by the provider as "Info program" or "Pedagogic Program" if they have absolutely no negative effect on the development or education of the child or juvenile. Paragraphs (1) through (5) do not apply. For individual providers or for special film and game programs the highest *Land* authority may exclude the right of labeling and cancel labeling determined by the provider.

(8) If movies, picture carriers or video game machines, in addition to the film and game programs which are subject to labeling, contain titles, additions or other text, picture or sound demonstrations, which are likely to have a negative effect on the development and education of children or juveniles, they shall be taken into consideration when a decision on labeling is made.

SECTION 15. CARRIER MEDIA HARMFUL TO YOUNG PEOPLE

(1) Carrier media whose placement on the list of media harmful to young people pursuant to section 24, paragraph (3), sentence 1, has been announced may not be—

1. Offered, made available or otherwise made accessible to a child or a young person,

2. Displayed, posted, shown or otherwise made accessible at a place which is accessible to children or juveniles or which can be seen by them from the outside,

3. Offered or made available to another person in retail stores outside of the sales room, at news stands or other sales facilities, which are normally not entered by customers, by mail order service agencies, or rental libraries, or circulating magazines,

4. Offered or made available to another person by way of commercial renting or similar commercial granting of use, except in stores not accessible to children or juveniles which cannot be seen by them from the outside,

5. Imported by mail order service,

6. Offered, announced or commended in public at a place which is accessible to children or juveniles or can be seen by them from the outside, or by dissemination of carrier media or telemedia outside the normal business transactions with the specialized trade,

7. Produced, purchased, delivered, kept in storage, or imported, in order to use them or parts of them as described under numbers 1 through 6 above or to enable another person such use.

(2) Without being placed on the list and without requiring an announcement, the limitations of paragraph (1) are applicable to those carrier media particularly harmful to young people that—

1. Deal with subject matters described in sections 86, 130, 130a, 131, 184, 184a, 184b, or 184c of the Criminal Code,

2. Glorify war,

3. Depict human beings who are dying or are or were exposed to severe bodily or mental suffering in a manner which violates human dignity and show actual occurrences, without an overriding legitimate interest in this specific form of reporting,

3a. Contain especially realistic, cruel, and sensational scenes of autotelic violence, which dominate the action,

4. Depict children or juveniles in an unnatural, sex-conscious posture, or

5. Are obviously able to severely harm the development of children or juveniles or their upbringing to become responsible and social personalities.

(3) Carrier media that, regarding their contents, are entirely or in essential parts identical to a carrier medium whose placement on the list has been announced, are also subject to the limitations of paragraph (1) without the requirement to place them on the list and announcement of such placement.

(4) The list of media harmful to young people may not be printed or published for commercial advertising.

(5) In commercial advertising it may not be pointed out that a procedure to place the carrier medium or a telemedium of identical contents on the list is or was pending.

(6) If delivery is authorized, businessmen shall advise the retailers of the sales limitations stipulated in paragraphs (1) through (6) before they are delivered to them.

SUBPART 2
TELEMEDIA

SECTION 16. SPECIAL PROVISIONS FOR TELEMEDIA
Regulations on telemedia which are included in the list of media harmful to young people pursuant to section 18 are subject to legislation by the *Länder*.

PART IV
FEDERAL REVIEW BOARD FOR MEDIA HARMFUL TO YOUNG PEOPLE

SECTION 17. NAME AND COMPETENCE

(1) The Federal Review Board will be established at the Federal level. It is named “Federal Review Board for Media Harmful to Young People”.

(2) The Federal Review Board for Media Harmful to Young People shall decide which media are placed on the list of media harmful to young people and which are to be deleted from the list.

SECTION 18. LIST OF MEDIA HARMFUL TO YOUNG PEOPLE

(1) Carrier media and telemedia which may endanger the development of children or juveniles or their upbringing to become responsible and social personalities shall be put on a list of media harmful to young people by the Federal Review Board for Media Harmful to Young People. Those include mainly media that are immoral, brutalizing, inciting violence, crimes, or race hatred as well as media in which—

1. Violent acts such as murder and massacre scenes are shown in full detail and for the sake of showing them, or

2. Taking the law into one’s own hands is suggested to be the only successful means to enforce the supposed justice.

(2) The list shall be divided into four parts:

1. In Part A (public list of carrier media) all carrier media shall be listed, unless they must be listed under Parts B, C or D;

2. In Part B (public list of carrier media whose dissemination is completely prohibited) carrier media shall be listed which, according to the evaluation by the Federal Review Board for Media Harmful to Young People, contain a subject matter designated in sections 86, 130, 130a, 131, 184a, 184b, or 184c of the Criminal Code, unless they must be listed under Part D;

3. In Part C (unpublished list of carrier media) those carrier media shall be listed which are not to be listed in Part A only because a publication of their placement on the list shall be refrained from pursuant to section 24, paragraph (3), sentence 2, as well as all telemedia, unless they must be listed under Part D;

4. In Part D (unpublished list of media whose dissemination is completely prohibited) those carrier media shall be listed which are not listed in Part B only because publication of their placement on the list shall be refrained from in accordance with section 24, paragraph (3), sentence 2, as well as those telemedia which, based on the evaluation by the Federal Review Board for Media Harmful to Young People, are of such contents as designated in sections 86, 130, 130a, 131, 184a, 184b, or 184 c of the Criminal Code.

(3) A medium may not be placed on the list—

1. Only because of its political, social, religious or ideological contents,

2. If it serves art, or science, research or teaching,

3. If it is of public interest, unless the way it is depicted is objectionable.

(4) In cases of low importance a placement on the list may be refrained from.

(5) Media must be entered on the list if a court has ruled in a final decision that the medium is of such contents as designated in sections 86, 130, 130a, 131, 184, 184a, 184b, or 184c of the Criminal Code.

(6) Telemedia shall be placed on the list if the central control agency for the protection of young people against harmful media of the *Länder* has requested their placement on the list; this does not apply if the request is obviously unfounded or unacceptable in light of the general decision practice of the Federal Review Board for Media Harmful to Young People.

(7) Media shall be deleted from the list if the prerequisites for their inclusion no longer exist. Upon expiry of 25 years, the entry on the list becomes ineffective.

(8) Paragraph (1) does not apply to movies, film, and game programs which are labeled pursuant to section 14, paragraph (2), numbers 1 through 5. Paragraph (1) shall also not apply if the central control agency for the protection of young people against harmful media of the *Länder* has made a prior decision about the telemedium to the effect that the prerequisites for a placement on the list of media harmful to young people pursuant to paragraph (1) are not fulfilled. If a recognized agency for voluntary control has previously reviewed the telemedium, paragraph (1) shall only apply if the central control agency for the protection of young people against harmful media of the *Länder* decides that the prerequisites for a placement on the list of media harmful to young people pursuant to paragraph (1) are fulfilled.

SECTION 19. COMPOSITION OF THE BOARD

(1) The Federal Review Board for Media Harmful to Young People consists of one chairperson appointed by the Federal Ministry for Family, Senior Citizens, Women, and Young People *(Bundesministerium für Familie, Senioren, Frauen und Jugend)*, one board member appointed by each *Land* government, and additional board members appointed by the Federal Ministry for Family, Senior

Citizens, Women, and Young People. At least one alternate shall be appointed for the chairperson and each board member. The *Land* governments may assign their right to appoint a member pursuant to paragraph (1) to one of their highest *Land* authorities.

(2) The board members to be appointed by the Federal Ministry for Family, Senior Citizens, Women, and Young People shall be selected from the fields of—

1. Art,

2. Literature,

3. Book trade and editors,

4. Provides picture carriers and of telemedia

5. Independent youth welfare organizations

6. Public youth welfare organizations

7. Teachers, and

8. Churches, Jewish cultural communities, and other religious groups, which are corporations under public law,

upon proposal from the listed groups. The book trade and editors as well as the providers of picture carriers and telemedia are equal to those circles which perform a similar function for the evaluation and sale of media independent of the type of recording or playing.

(3) The chairperson and the board members shall be appointed for a period of three years. They may be recalled prematurely by the group which appointed them, if they fail to comply with the obligation to work with the Federal Review Board for Media Harmful to Young People.

(4) The members of the Federal Review Board for Media Harmful to Young People are not bound by directions.

(5) When taking its decisions, the Federal Review Board for Media Harmful to Young People is composed of twelve members to include the chairperson, three board members from the *Länder*, and one board member from each of the groups listed in paragraph (2). If board members called in for the meeting or their alternates fail to attend, the Federal Review Board for Media Harmful to Young People also constitutes a quorum with at least nine members, at least two of which must belong to the groups designated in paragraph (2), numbers 1 through 4.

(6) A two-third majority of the members of the Federal Review Board for Media Harmful to Young People participating in the decision is required to determine that a medium is placed on the list. In case of a composition as described in paragraph (5), sentence 2, a minimum of 7 votes is necessary in order to put a medium on the list.

SECTION 20. ASSOCIATIONS HAVING THE RIGHT TO MAKE PROPOSALS

(1) The right to make a proposal pursuant to section 19, paragraph (2), for one board member each and one alternate will be exercised within below fields by the following organizations:

1. For the field of art by—
   Deutscher Kulturrat,
   Bund Deutscher Kunsterzieher e.V.,
   Künstlergilde e.V.

Bund Deutscher Grafik-Designer

2. For the field of literature by—
Verband deutscher Schriftsteller
Freier Deutscher Autorenverband
Deutscher Autorenverband e.V.
PEN-Zentrum,

3. For the field of book trading and editors by—
Börsenverein des Deutschen Buchhandels e.V.,
Verband Deutscher Bahnhofsbuchhändler,
Bundesverband Deutscher Buch-, Zeitungs- und Zeitschriftengrossisten e.V.,
Bundesverband Deutscher Zeitungsverleger e.V.,
Verband Deutscher Zeitschriftenverleger e.V.,
Börsenverein des Deutschen Buchhandels e.V. – Verlegerausschuss,
Arbeitsgemeinschaft der Zeitschriftenverlage (AGZV)
im Börsenverein des Deutschen Buchhandels,

4. For the field of suppliers of picture carriers and of telemedia by—
Bundesverband Video,
Verband der Unterhaltungssoftware Deutschland e.V.,
Spitzenorganisation der Filmwirtschaft e.V.,
Bundesverband Informationswirtschaft, Telekommunikation und neue Medien e.V.,
Deutscher Multimedia Verband e.V.,
Electronic Commerce Organisation e.V.,
Verband der Deutschen Automatenindustrie e.V.,
IVD Interressengemeinschaft der Videothekare Deutschlands e.V.,

5. For the field of independent youth welfare organizations by—
Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege,
Deutscher Bundesjugendring,
Deutsche Sportjugend,
Bundesarbeitsgemeinschaft Kinder- und Jugendschutz (BAJ) e.V.,

6. For the field of public youth welfare organizations by—
Deutscher Landkreistag,
Deutscher Städtetag,
Deutscher Städte- und Gemeindebund,

7. For the field of teachers by—
Gewerkschaft Erziehung und Wissenschaft im Deutschen Gewerkschaftsbund,
Deutscher Lehrerverband
Verband Bildung und Erziehung
Verein Katholischer deutscher Lehrerinnen, and

8. For the field of the corporations under public law designated in section 19, paragraph (2), number 8, by—
Bevollmächtigter des Rates der EKD am Sitz der Bundesrepublik Deutschland
Kommissariat der deutschen Bischöfe – Katholisches Büro in Berlin,
Zentralrat der Juden in Deutschland.

For each organization exercising its right of proposal one board member and one alternate shall be appointed. If one of the organizations listed in sentence 1 above submits more than one proposal, the Federal Ministry for Family, Senior Citizens, Women, and Young People shall select one board member.

(2) For the organizations designated in section 19, paragraph (2), board members and alternates may also be proposed by organizations which are not listed by name. In January of each year the Federal Ministry for Family, Senior Citizens, Women, and Young People publishes a request in the Federal Bulletin (*Bundesanzeiger*) to submit such proposals within six weeks. Out of the proposals submitted in due time, the ministry shall appoint one additional board member and one alternate per group. Proposals from organizations which are not significant as associations and from whom a permanent activity cannot be expected shall not be taken into consideration. In case of proposals by several interested persons the decision will be made by drawing lots, if they cannot agree on one person; paragraph (1), sentence 3, applies accordingly. If it appears necessary, in regard of the work load to be handled by the Federal Review Board for Media Harmful to Young People, and if the number of proposals within one field of designated organizations is insufficient, the Federal Ministry for Family, Senior Citizens, Women, and Young People may also appoint several board members and their alternates; sentence 5 applies accordingly.

SECTION 21. PROCEDURE

(1) In general, the Federal Review Board for Media Harmful to Young People will act upon request.

(2) The Federal Ministry for Family, Senior Citizens, Women, and Young People, the highest *Land* youth authorities, the Central Control Agency of the *Länder* for the Protection of Young People against Harmful Media, the *Land* youth offices, and the youth offices are entitled to submit a request. The persons designated in paragraph (7) are also entitled to request a deletion from the list as well as a request to determine that a medium is not entirely or in parts identical in its contents with a medium already placed on the list.

(3) If a placement on the list or a deletion from it is obviously not likely the chairperson may discontinue the procedure.

(4) The Federal Review Board for Media Harmful to Young People will take action ex officio upon suggestion by an authority not designated in paragraph (2), or a recognized independent youth welfare organization, and if the chairperson of the Federal Review Board for Media Harmful to Young People considers it necessary to conduct the procedure in the interest of the protection of young people.

(5) The Federal Review Board for Media Harmful to Young People will act ex officio upon initiative of the chairperson if—

1. It is uncertain whether a medium is completely or in its essential parts identical in contents with a medium already placed on the list,

2. It becomes known that the conditions for placing a medium on the list no longer exist pursuant to section 18, paragraph (7), sentence 1, or

3. A placement on the list becomes ineffective pursuant to section 18, paragraph (7), sentence 2, and the conditions for a placement on the list continue to exist.

(6) Prior to deciding whether a telemedium must be placed on the list, the Federal Review Board for Media Harmful to Young People shall give the Central Control Agency of the *Länder* for the Protection of Young People against Harmful Media an opportunity to immediately provide its opinion on the telemedium. When rendering its decision, the Federal Review Board for Media Harmful to Young People shall seriously consider this opinion. If the Federal Review Board for Media Harmful to Young People has not received a statement from the Central Control Agency of the *Länder* for the Protection of Young People against Harmful Media within 5 working days upon request, it may take a decision without this statement.

(7) The author, the holder of a license and, in case of telemedia, the provider shall be given the opportunity to state their opinion.

(8) The decisions shall be served on the—

1. Originator as well as the holder of the license in case of carrier media,

2. Originator as well as the provider in case of telemedia,

3. Requesting authority,

4. Federal Ministry for Family, Senior Citizens, Women, and Young People, the highest *Land* youth authorities, and the Central Control Agency of the *Länder* for the Protection of Young People against Harmful Media.

A detailed list of the restrictions on dissemination and advertising resulting from the decision shall be provided. The reasons shall be attached or provided subsequently by service within one week.

(9) The Federal Review Board for Media Harmful to Young People shall cooperate with the Central Control Agency of the *Länder* for the Protection of Young People and maintain a regular exchange of views.

(10) From 1 January 2004, the Federal Review Board for Media Harmful to Young People may charge costs (fees and expenses) for procedures initiated upon request of the persons designated in paragraph (7) to determine by decision that a medium—

1. Is not entirely or in parts identical in contents with a medium already included on the list of media harmful to young people, or

2. Must be deleted from the list of media harmful to young people.

The Federal Ministry for Family, Senior Citizens, Women, and Young People is authorized to specify the actions which are subject to a fee and the rates by statutory order requiring the consent of the Federal Council. The Law on Administrative Costs (*Verwaltungskostengesetz*) applies.

SECTION 22. ENTRY OF PERIODICALLY PUBLISHED CARRIER MEDIA AND TELEMEDIA ON THE LIST

(1) Periodically published carrier media may be entered on the list of media harmful to young people for a period of 3 to 12 months if, within 12 months, more than two of their editions were placed on the list. This does not apply to daily newspapers and political magazines.

(2) Telemedia may be put on the list of media harmful to young people for a period of 3 through 12 months if, within 12 months, more than two of their offered media were put on the list. Paragraph (1), sentence 2, applies accordingly.

SECTION 23. SIMPLIFIED PROCEDURE

(1) The Federal Review Board for Media Harmful to Young People may decide unanimously in a simplified procedure with the board being composed of the chairperson and two other board members, one of whom must belong to the groups designated in section 19, paragraph (2), numbers 1 through 4, if the medium has a clearly negative effect on the development of children or young people or their upbringing to become responsible and social personalities. If no unanimous decision is reached, the Federal Review Board for Media Harmful to Young People will decide with all board members (sec 19, para (5)).

(2) Entry on the list pursuant to section 22 is not possible by simplified procedure.

(3) Within one month after service of the decision the parties concerned (sec 21, para (7)) may request a decision to be rendered by all board members of the Federal Review Board for Media Harmful to Young People.

(4) If 10 years have expired after a medium was put on the list, the Federal Review Board for Media Harmful to Young People may decide by simplified procedure to delete it from the list under the prerequisite of section 21, paragraph (5), number 2.

(5) If there is a risk that a carrier or telemedium will be sold, disseminated or made accessible within a short period of time and in large numbers and there is no doubt that it will eventually be placed on the list, entry on the list may be ordered temporarily by simplified procedure. Paragraph (2) applies accordingly.

(6) The temporary order shall be deleted from the list when the Federal Review Board for Media Harmful to Young People renders its final decision, however, at the latest after a period of 1 month. The period stipulated in sentence 1 may be extended by a maximum of 1 month prior to its expiration. Paragraph (1) applies accordingly. In case the temporary order must be published in the Federal Bulletin, the same applies to the extension.

SECTION 24. KEEPING OF THE LIST OF MEDIA HARMFUL TO YOUNG PEOPLE

(1) The list of media harmful to young people is kept by the chairperson of the Federal Review Board for Media Harmful to Young People.

(2) Decisions on the entry on or deletion from the list shall be implemented immediately. The list shall be corrected immediately if the decisions of the Federal Review Board for Media Harmful to Young People are revoked or become ineffective.

(3) If a carrier medium is entered on the list or deleted from it, this shall be published in the Federal Bulletin with reference to the decision on which this action is based. The publication shall be dispensed with if the carrier medium is only disseminated by telemedia or if it must be expected that a publication would have a negative effect on the protection of young people.

(4) If a medium is entered in part B or D of the list of media harmful to young people, the chairperson shall inform the responsible prosecuting authority thereof. If it is ruled by final judgment that its contents does not constitute the relevant facts of a criminal act stipulated in the Criminal Code which were considered, the medium will be included in part A or C of the list. The chairperson shall bring about a new decision of the Federal Review Board for Media Harmful to Young People if it is likely that the medium should be deleted from the list.

(5) If a telemedium is put on the list of media harmful to young people and if the act was committed outside Germany, the chairperson shall inform those organizations of self-control which are recognized in the field of telemedia so that they can include it in user-autonomous filtering programs. The information may only be used for the purpose of integration in user-autonomous filtering programs.

SECTION 25. LEGAL RECOURSE

(1) The administrative courts are competent in case a decision by the Federal Review Board for Media Harmful to Young People to enter a medium on the list of media harmful to young people or to reject a request for deletion from the list is appealed.

(2) A decision by the Federal Review Board for Media Harmful to Young People not to enter a medium on the list of media harmful to young people, and a decision to discontinue the procedure can be appealed by the requesting authority to the administrative courts.

(3) The appeal shall be filed against the Federation represented by the Federal Review Board for Media Harmful toYoung People.

(4) The appeal does not have a delaying effect. Prior to the filing of an appeal a review in a preliminary procedure is not required, however, in case of a decision that was made by simplified procedure pursuant to section 23, the Federal Review Board for Media Harmful to Young People shall first decide in its composition pursuant to section 19, paragraph (5).

PART V
AUTHORITY TO ISSUE STATUTORY ORDERS

SECTION 26. AUTHORITY TO ISSUE STATUTORY ORDERS

The Federal Government is authorized to regulate the specifics regarding the official residence and the procedure to be implemented by the Federal Review Board for Media Harmful to Young People and keeping of the list of media harmful to young people by statutory order requiring the consent of the Federal Council (*Bundesrat*).

PART VI
PUNISHMENT OF VIOLATIONS

SECTION 27. CRIMINAL PROVISIONS

(1) Imprisonment up to 1 year or a fine will be imposed on a person who—

1. In violation of section 15, paragraph (1), numbers 1 through 5 or 6, also in conjunction with paragraph (2), offers, makes available, makes accessible, displays, posts, shows, imports, announces, or advertises a carrier medium;

2. In violation of section 15, paragraph (1), number 7, also in conjunction with paragraph (2), produces, procures, supplies, keeps in storage, or imports a carrier medium;

3. In violation of section 15, paragraph (4), prints or publishes the list of media harmful to young people;

4. In violation of section 15, paragraph (5), in connection with business advertising, provides information designated in that paragraph, or

5. Acts in violation of an enforceable decision pursuant to section 21, paragraph (8), sentence 1, number 1.

(2) There will also be punished who, as an organizer or businessman—

1. Commits a willful act designated in section 28, paragraph (1), numbers 4 through 18, or 19, thereby negligently causing serious harm to a child or young person regarding his physical, mental, or moral development, or

2. Commits or persistently repeats for the purpose of gain a willful act designated in section 28, paragraph (1), numbers 4 through 18, or 19.

(3) If, in the cases of—

1. Paragraph (1), number 1, or

2. Paragraph (1), number 3, 4, or 5

the act is committed negligently punishment shall be imprisonment up to 6 months or a fine up to 180 daily rates.

(4) Paragraph (1), numbers 1 and 2, and paragraph (3), number 1, shall not be applied if a person having the care and custody of a child offers, makes available or makes the medium accessible to a child or young person. This does not apply if the person having the care and custody of a child seriously violates his duty of care by offering the medium, making it available, or making it accessible.

SECTION 28. ADMINISTRATIVE FINE PROVISIONS

(1) An organizer of an event or a tradesman commits an administrative offense if he, intentionally or negligently—

1. In violation of section 3, paragraph (1), fails to announce the regulations in effect for his business or event, or fails to announce them properly or in the required form;

2. Uses a label in violation of section 3, paragraph (2), sentence 1;

3. In violation of section 3, paragraph (2), sentence 2, fails to provide information, provide it properly or in due time;

4. In violation of section 3, paragraph (2), sentence 3, provides information, announces a movie, or a film or game program, or advertises a movie or a film or game program;

5. In violation of section 4, paragraph (1) or (3), permits a child or a young person to stay in a restaurant;

6. In violation of section 5, paragraph (1), permits the presence of a child or young person at a public dance;

7. In violation of section 6, paragraph (1), permits the presence of a child or young person in a public gambling hall or in one of the rooms described under that paragraph;

8. In violation of section 6, paragraph (2), permits a child or young person to participate in a game with an opportunity to win a prize;

9. Acts in violation of an executable order pursuant to section 7, sentence 1;

10. In violation of section 9, paragraph (1), hands an alcoholic beverage to a child or young person or permits him to consume it;

11. In violation of section 9, paragraph (3), sentence 1, offers an alcoholic beverage in a vending machine;

11a. In violation of section 9, paragraph (4), offers sweetened alcoholic beverages for sale;

12. In violation of section 10, paragraph (1), gives out tobacco products or permits a child or young person to smoke;

13. In violation of section 10, paragraph (2), sentence 1, offers tobacco products in a vending machine;

14. In violation of section 11, paragraph (1) or (3), both in conjunction with paragraph (4), sentence 2, permits a child or a young person to be present at a public movie show, a trailer of commercials, or a supporting program;

14a. In violation of section 11, paragraph (5), shows a commercial film or commercial program;

15. In violation of section 12, paragraph (1), makes a picture carrier available to a child or young person;

16. In violation of section 12, paragraph (3), number 2, offers a picture carrier or makes it available;

17. In violation of section 12, paragraph (4), or section 13, paragraph (2), puts up a vending machine or a video game machine;

18. In violation of section 12, paragraph (5), sentence 1, sells a video recording;

19. In violation of section 13, paragraph (1), permits a child or young person to play at a video game machine, or

20. In violation of section 15, paragraph (6), fails to provide information at all, to provide it properly or in due time.

(2) A supplier commits an administrative offense if he, intentionally or negligently—

1. In violation of section 12, paragraph (2), sentences 1 and 2, also in conjunction with paragraph (5), sentence 3, or section 13, paragraph (3), fails to provide information, fails to provide it properly or in the prescribed manner,

2. Acts in violation of an enforceable order pursuant to section 12, paragraph (2), sentence 3, number 1, also in conjunction with paragraph (5), sentence 3, or section 13, paragraph (3), or pursuant to section 14, paragraph (7), sentence 3,

3. In violation of section 12, paragraph (5), sentence 2, fails to post information at all, fails to post it in the prescribed manner or in due time, or

4. In violation of section 14, paragraph (7), sentence 1, labels a movie or film or game program as "info program" or "pedagogic program".

(3) A person commits an administrative offense if he intentionally or negligently –

1. In violation of section 12, paragraph (2), sentence 4, fails to provide information, provide it properly or in the prescribed manner, or

2. In violation of section 24, paragraph (5), sentence 2, makes use of a notification of an entry on the list.

(4) A person over 18 years of age commits an administrative offense if he causes or encourages a child or juvenile to act in a way which is to be prevented by a prohibition designated in paragraph (1), numbers 5 through 8, 10, 12, 14 through 16, or 19; or in section 27, paragraph (1), number 1 or 2; or contained in section 12, paragraph (3), number 1; or by an enforceable order pursuant to section 7, sentence 1. Regarding the prohibition in section 12, paragraph (3), number 1, this does not apply to the person having the care and custody of the child or to a person acting with the approval of the person having the care and custody of the child.

(5) The administrative offence may be punished by a fine up to 50,000 euros.

PART VII
FINAL PROVISIONS

SECTION 29. TEMPORARY PROVISIONS

Section 18, paragraph (8), sentence 1, shall apply to the film programs for picture carriers under previous law labeled as "released from the age of 18" under the prerequisite that the reference "section 14,

paragraph (2), numbers 1 through 5" is replaced by the reference "section 14, paragraph (2), numbers 1 through 4".

SECTION 29A. FURTHER TEMPORARY PROVISION

Picture carriers that are labeled pursuant to section 12, paragraph (1), and show labels that comply with the requirements established in section 12, paragraph (2), sentence 1, but not with the requirements established in section 12, paragraph (2), sentence 2, may be put on the market until 31 August 2008.

SECTION 30. ENTRY INTO FORCE, EXPIRATION

(1) This law shall enter into force on the day when the State Treaty of the *Länder* on the Protection of Human Dignity and the Protection of Young People in Radio Broadcasting and in Telemedia enters into force. At the same time, the Law on the Protection of Young People in Public *(Gesetz zum Schutze der Jugend in der Öffentlichkeit)* of 25 February 1985 (Federal Law Gazette I, p. 425), last amended by Article 8a of the Law of 15 December 2001 (Federal Law Gazette I, p. 3762) and the Law on the Dissemination of Publications and the Contents of Media Harmful to Young People *(Gesetz über die Verbreitung jugendgefährdender Schriften und Medieninhalte)* in the version of the publication of 12 July 1985 (Federal Law Gazette. I, p. 1502), last amended by Article 8b of the Law of 15 December 2001 (Federal Law Gazette. I, p. 3762) cease to be in effect. The Federal Ministry for Family, Senior Citizens, Women, and Young People will publish the date this law enters into force in the Federal Law Gazette.

(2) In deviation from paragraph (1), sentence 1; section 10, paragraph (2); and section 28, paragraph (1), number 13, shall enter into force on 1 January 2007.