

PM 22/20

**Google cooperation with the Federal Ministry of Health:  
MA HSH initiates media law proceedings**

Norderstedt, 17 December 2020 - The Media Authority Hamburg/Schleswig-Holstein (MA HSH) has today initiated legal proceedings against Google Ireland Ltd. (Dublin) pursuant to section 94 of the State Media Treaty (MStV). These proceedings will examine whether the contents of the internet site [gesund.bund.de](https://gesund.bund.de) were favoured during health-related searches in Google search, while health-related content from other journalistic and editorial providers was unlawfully discriminated against.

Behind the prosecution lies a public cooperation between the Federal Ministry of Health (BMG) and Google on 10 November 2020. Out of 160 search keywords for illnesses such as “asthma” or “migraine”, content by the BMG-issued healthcare site [gesund.bund.de](https://gesund.bund.de) is favoured in the search results. The portal contains numerous journalistic and editorial texts on various illnesses. When entering the search terms in Google search, content from [gesund.bund.de](https://gesund.bund.de) is preferentially highlighted in a so-called Knowledge Panel on the right-hand side of the screen. When displaying search results on mobile devices, the text and a link to this portal is displayed before other journalistic or editorial content. VALID Digitalagentur GmbH is responsible for the content of the portal.

To ensure diversity of opinion, section 94 MStV prohibits media intermediaries that have a particularly high influence on the perceptibility of journalistic and editorial offers from discriminating against such content. Discrimination includes in particular a certain offering that systematically deviates from the algorithm-based selec-

tion criteria without objectively justified reasons, or if criteria directly, unreasonably and systematically impede offerings.

The potential violation will be prosecuted by the MA HSH as a competent regulatory authority and shall act ex officio. These are the first proceedings against a media intermediary based on the State Media Treaty which entered into force on 7 November 2020.

Thomas Fuchs, Director of MA HSH: “The new State Media Treaty is a response to the growing importance of media intermediaries such as search engines or social networks on diversity of opinion. It promotes fair treatment of journalistic and editorial offers. It must now be reviewed and ascertained in the form of legal proceedings as to whether these rules were violated here.”

Google Ireland Ltd. was notified of a hearing through authorised representative Google Germany GmbH based in Hamburg. After reviewing and analysing the statement, the media authorities will determine the presence of any statutory violation through the Commission on Licensing and Supervision (ZAK).

*For any questions regarding this press release, please contact Medienanstalt Hamburg/Schleswig-Holstein (MA HSH), press spokeswoman Simone Bielfeld, telephone +49 (0)40 / 36 90 05-28, email [bielfeld@ma-hsh.de](mailto:bielfeld@ma-hsh.de) Further information about MA HSH is available at [www.ma-hsh.de](http://www.ma-hsh.de). If you do not wish to receive further press releases from MA HSH, please let us know by emailing [presse@ma-hsh.de](mailto:presse@ma-hsh.de).*