[CH] Legitimisation for the Contesting of a Decision by the Independent Appeals Committee for Radio and Television

IRIS 1999-1:1/13

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An appeal of the Independent Appeals Committee for Radio and Television (Unabhängige Beschwerdeinstanz für Radio und Fernsehen - UBI) with regard to the conformity to the broadcasting law of a programme may be entered by anyone having a particularly close relation to the programme (individual complaint) or by anyone taking action with at least 20 co-signers (popular complaint). Decisions of the UBI can be contested by way of an administrative court complaint at the federal court. Only persons affected by the disputed decision and having an interest worthy of protection in changing or revoking the decision are entitled to take such action. The complainant needs to be affected more than the general public and he must be connected to the issue in a particular, noteworthy, and close way. In addition, it is required that the complainant - whether as affected individual or as so-called popular complainant - was involved in the procedure of the independent appeals committee and was entirely or partially unsuccessful with his appeals.

If the popular complainant is lacking the close connection to the issue, it is not possible to legitimately argue at the federal court that the UBI wrongfully did not comply with motions to receive evidence, that it did not sufficiently clarify the issue, or that it restricted its examination procedure in an illegal way regarding the federal law. His only legal claim is in ensuring that the UBI does not violate the federal law by not acting on a procedure which, though initiated by the complainant, is exclusively of public interest.

Bundesgerichtsentscheid vom 29. September 1998 (2A.47/1998).

Decision of the Federal Court given 29 September 1998 (2A.47/1998).

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