[DE] Amendments Made to Press Legislation in Saarland Now the Object of Two Constitutional Appeals.

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On 11 May 1994 the local government of Saarland passed an Act to amend press legislation and broadcasting laws in their region. The Act was, however, a greatly toned down version of the original Bill. The aim of the amendment was to create a greater balance between the media and those concerned by giving them the right to reply as a means of protecting their private life, as defined under constitutional law, against media attacks.

Under press legislation, such reply statements should be printed in an equivalent place on the same page as the first publication, using the same font and layout and with neither insertions nor additions. This is considered by critics as a serious infringement on editors' freedom to choose layouts. After re-editing, no appendices are permitted, while replies may not be printed on the same page and should be limited to actual fact if they are issued in the same edition of the publication or on the same day.

The ban on appendices includes also the so-called "editor's comment" i.e. the footnote stating that the editor is obliged to print the document irrespective of whether the content is true or not. The law is understood to mean that the observation can be printed in another position in the reply statement without having to add a cross-reference at the end of the document. In the opinion of the law critic, this would effectively do away with any coherence in the document and infringe, in a totally unacceptable way, upon the reader's right to information as well as upon the freedom of the press. The provisions for the validation of reply statements have also been amended in cases concerning exemption from temporary publication as well as the provisions concerning distribution obligations of broadcasting stations.

At the end of October 1994 the Saarbrücker Zeitung lodged a complaint with the constitutional courts which mainly concerned the tightening of reply statement legislation. At the beginning of December 1994 the principle editors of the Saarbrücker Zeitung also lodged a complaint with the constitutional courts.

It remains to be seen quite what decision will be taken by them.

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Gesetz Nr. 1335 zur Änderung des Saarländischen Pressegesetzes (SPresseG) und des Rundfunkgesetzes für das Saarland (Landesrundfunkgesetz) vom 11. Mai 1994, Abl. des Saarlandes vom 23. Juni 1994: 834.

Gesetz Nr. 1335 zur Änderung des Saarländischen Pressegesetzes (SPresseG) und des Rundfunkgesetzes für das Saarland (Landesrundfunkgesetz) (Act Nr. 1335 to amend the Saarlandic Press Act and the Broadcasting Act of the Saarland), 11 May 1994, Abl. des Saarlandes of 23 June 1994: 834.

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