[DE] ZDF Joins ARD's Constitutional Court Appeal

IRIS 2006-4:1/18

Thorsten Ader
Institute of European Media Law (EMR), Saarbrücken/Brussels

In the so-called "licence fee dispute", *Zweites Deutsches Fernsehen* (ZDF) has now turned to the *Bundesverfassungsgericht* (Federal Constitutional Court) and, on 6 March 2006, joined the appeal that was submitted to the Court by the first German public TV channel, ARD, in October 2005 (case no. 1 BvR 2270/05; see IRIS 2005-10: 10). The deadline for appeals in this matter is 31 March 2006. The appeal concerns the adoption of the *8. Rundfunkänderungsstaatsvertrag* (8th Amendment to the Inter-State Broadcasting Agreement), through which the Minister-Presidents of the *Länder* increased the broadcasting licence fee by a sum different from the figure proposed by the *Kommission zur Ermittlung des Finanzbedarfs der Rundfunkanstalten* (Committee for the Establishment of the Financial Needs of the Broadcasting Authorities - *KEF*). According to the *ZDF* Director General, this latest decision was triggered by the unwillingness of the Broadcasting Commission of the *Länder* to discuss *ZDF's* proposal for a new procedure for fixing the licence fee. As a result, a consensual, constructive solution would not be possible before the deadline for appeals expired. Furthermore, there were reasons to suggest that, during the appeal proceedings, the *Bundesverfassungsgericht* would consider not just the issue of the fixing of the licence fee, but also the basic functions and financing of public service broadcasting. For this reason, it was important that *ZDF* should be able to voice its opinions as a legitimate party in the proceedings. According to the Director-General, *ZDF* was taking this step not in order to have the decision on the licence fee changed, but in order to create legal clarity and certainty for all parties - *Länder* and broadcasters - in the future.

The press reported that, on 13 March 2006, *DeutschlandRadio* were also joined in the appeal to the Constitutional Court.

Pressemitteilung des ZDF vom 6. März 2006

http://www.zdf.de/ZDFde/inhalt/20/0,1872,3907476,00.html

ZDF press release of 6 March 2006

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026