# [DE] Advertising for Private Betting Services

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The question as to the admissibility of advertising for private betting agencies in Germany is still not completely resolved. Even after the decision handed down by the Federal Constitutional Court (see IRIS 2006-6: 8), court rulings on the consequences that flow from the decision still differ.

The regional court of Hamburg (LG Hamburg), for instance, issued an injunction on 14 June 2006 preventing the broadcasting company RTL from continuing to broadcast advertisements for a private sports betting agency. This was followed on 19 June 2006 by a decision of the first regional court of Munich (LG München I) against the broadcasting company Live TV. The case before the Munich court had been brought by the State Lotteries Office of Bavaria and resulted in a decision banning the broadcasting of advertisements for any betting services that had not been officially approved by the government of the Free State of Bavaria or the government of one of the other German federal states.

There is still some dispute, however, as to whether the betting agencies are in fact to be considered illegal. In over 100 summary proceedings, the administrative court (VG) of Gelsenkirchen failed to grant sports betting agents temporary relief against the enforcement of injunctions that had been issued against them. A different position was adopted, however, in the ruling made on 26 May 2006 by the administrative court of Minden and the ruling made on 23 May 2006 by the administrative court of Arnsberg, which reestablished the suspensive effect of appeals against such administrative orders.

By its decision of 21 June 2006 the Federal Constitutional Court has now once again upheld an injunction issued in 2002 against a betting office to prohibit it from offering sports betting services. Due to the lack of clarity of the situation the Directors' Conference of the German State Regulatory Authorities for Broadcasting (DLM) has announced that it will hold discussions at the end of June with representatives of the private broadcasting stations on what conclusions should be drawn, and will coordinate any possible measures with public service broadcasters. Germany's second public sector broadcasting network, ZDF, has already announced that it will not broadcast any more advertisements for betting services.

***Pressemitteilung der DLM vom 23. Juni 2006***

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http://www.alm.de/index.php?id=34&backPid=1&tt_news=355&cHash=045fb6200c

*Press release of the DLM of 23 June 2006*

### *Pressemitteilung des BVerwG vom 22. Juni 2006*

http://www.bundesverwaltungsgericht.de/enid/f5b14fd0b86ccaf7acc03b6590776c44,612f7d7365617263685f646973706c6179436f6e7461696e6572092d0936363739/Pressemitteilungen/Pressemitteilungen_9d.html

*Press release of the Federal Administrative Court (BVerwG) of 22 June 2006*

### *Pressemitteilung des Verwaltungsgericht Gelsenkirchen vom 1. Juni 2006*

http://www.vg-gelsenkirchen.nrw.de/

*Press release of the Administrative Court of Gelsenkirchen of 1 June 2006*

### *Entscheidungen des VG Minden vom 26. Mai 2006 und des VG Arnsberg vom 23. Mai 2006*

http://www.justiz.nrw.de/RB/nrwe2/index.php

*Ruling of the Administrative Court of Minden of 26 May 2006 and of the Administrative Court of Arnsberg of 23 May 2006*

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