[DE] Hearing on "Television without Frontiers" Directive

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On 8th November, 1994 the Federal Constitutional Court (Bundesverfassungsgericht) held a Hearing on the constitutional applicability of the European Television Directive of 1989. A ruling on this is expected at the beginning of this year. The case is especially important in the light of the expected revision of this Directive.

In this case, known as the Federal Länder Lawsuit (Az 2 BvG 1/89), Bavaria and 7 other Länder are protesting against interference in their legal responsibility towards radio broadcasting. In April 1989, Bavaria had already tried to stop Bonn's participation in voting the Directive using temporary legal protection proceedings.

It is rather unlikely that the European Court in Luxembourg will be called in in the first instance because of case issues and also because of the attempts of the Federal Constitutional Court to create a co-operative relationship with the EC Court of Justice following the "Maastricht ruling" (NJW 1993: 3047). What might be important to consider, however, is whether the European rules constitute an encroachment on programme planning and whether the Federal Constitutional Court agrees with the basic responsibility of the European Union in television broadcasting, as it has already been defined in a number of rulings by the EC Court of Justice.

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