European Commission: Treaty Violation Proceedings against Germany Discontinued

IRIS 2007-10:1/4

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The European Commission announced on 17 October 2007, that it has suspended the breach of contract proceedings pending against Germany since April 2006. At issue in these proceedings were the provisions concerning the issue of broadcasting licences outlined in the Schleswig-Holstein broadcasting law and the Lower Saxony media law, according to which the appraisals on the issue of broadcasting licences should additionally include whether the studio production of a programme should be carried out in the actual state concerned, and to what extent the application should contain the requirement to produce, or have produced, programme components in that state. According to the European Commission, both states had, thus, in the law given preference to candidates from their own state if, in the issue of licences, the transmission frequencies were insufficient. Accordingly, it was the opinion of the European Commission that such regulations were contrary to the principles of freedom of establishment and free movement of services (see IRIS 2004-6: 9).

The obstacles to the issue of broadcasting licences in Lower Saxony and Schleswig-Holstein have now, however, been removed by amendments to the law, according to the Commission, and hence the treaty violation proceedings have been terminated.

The amendment to the Schleswig-Holstein provisions is based on the regional treaty on media law that came into effect on 1 March 2007 in Hamburg and Schleswig-Holstein (Media Treaty HSH, see IRIS 2006-7: 10). In Lower Saxony an amendment to the regional media law was brought in on 7 June 2007.

Staatsvertrag über das Medienrecht in Hamburg und Schleswig-Holstein (Medienstaatsvertrag HSH) vom 13. Juni 2006 in der Fassung des Ersten Staatsvertrags zur Änderung des Staatsvertrages über das Medienrecht in Hamburg und Schleswig-Holstein (Erster Medienänderungsstaatsvertrag) vom 13. Februar 2007

http://www.ma-hsh.de/cms/upload/Medienstaatsvertraginternet.pdf

Regional Treaty on Media Law in Hamburg and Schleswig-Holstein dated 13 June 2006 as First Regional Treaty amending the Regional Media Law in Hamburg and Schleswig-Holstein

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Niedersächsisches Mediengesetz vom 1. November 2001, zuletzt geändert durch Gesetz vom 7. Juni 2007

Lower Saxony Media Law of 1 November 2001, as amended on 7 June 2007

Pressemitteilung der Kommission vom 17. Oktober 2007

http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1519&format=HTML&aged=1&language=DE&guiLanguage=en

Commission press release of 17 October 2007

http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1519&format=HTML&aged=1&language=EN&guiLanguage=en

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