[DE] Film Contributions Unconstitutional in Current Form

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The *Bundesverwaltungsgericht* (Federal Administrative Court - BVerwG) has decided that the contributions paid by the film, video and television industries to the *Filmförderungsanstalt* (Film Support Office - FFA) are unconstitutional in their current form.

It suspended proceedings arising from complaints by nine cinema operators and referred them to the *Bundesverfassungsgericht* (Federal Constitutional Court - BVerfG). It acknowledged that contributions by cinema operators, video companies and TV providers to support film promotion were, in principle, justified. However, under the current rules, the principle of equality of contributions derived from Art. 3.1 of the *Grundgesetz* (Basic Law - GG) was not being upheld. Whereas under Art. 66 f. of the *Filmfördergesetz* (Film Support Act - FFG) cinema operators and video companies had to pay a fixed percentage of their turnover, television companies were free to negotiate the size of their contributions (Art. 67 FFG). However, in order to adhere to the fair contributions principle, television companies should also be required by law to pay a level of contributions laid down by law. If television companies were to continue paying contributions on a contractual basis, the law would need to lay down certain criteria for calculating the level of their contributions.

The BVerfG must now decide whether the film contributions system is constitutional.

Pressemitteilung des BVerwG vom 26. Februar 2009

http://www.bundesverwaltungsgericht.de/enid/52a2902f023792539f7be56c93e69024,38a0937365617263685f646973706c6179436f6e7461696e6572092d093131343238093a095f7472636964092d09353737/Pressemitteilungen/Pressemitteilungen_9d.html

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