[DE] Structural Aid for Cinema Operators Aimed at Full Digitisation

IRIS 2009-8:1/13

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On 19 June 2009, the Board of the Filmförderungsanstalt (Film Support Office - FFA) declared itself in favour of complete digitisation of cinemas in Germany.

The decision follows an initiative by the Federal Commissioner for Culture and Media and is also designed to help settle the legal dispute between the FFA and representatives of the cinema and video industry over the fairness of tax contributions (see IRIS 2009-4:7). It provides for financial support for cinema operators worth up to EUR 40 million over a five-year period. In return, the cinema operators must withdraw their complaints and pay their contributions to the FFA unconditionally. The FFA Board now has until 1 October 2009 to submit a plan for the financing and implementation of the adopted measures. A review of the Filmförderungsgesetz (Film Support Act - FFG) in relation to the fairness of the disputed contributions is also expected.

In this context, a decision was also taken by the Verwaltungsgericht Berlin (Berlin Administrative Court - VG), in which a cinema operator was refused temporary legal protection. On account of the aforementioned pending legal dispute, during which the Bundesverwaltungsgericht (Federal Administrative Court) asked the Bundesverfassungsgericht (Federal Constitutional Court - case no. 1 BvL 8/09) to examine the constitutionality of the FFG's provisions, the cinema operator had asked to be temporarily exempted from the obligation to pay the contributions in question. The VG Berlin rejected the request, referring to the predominant public interests of the FFA and the basic guarantee that the State would reimburse any unlawful payments it received.

On 6 August 2009, the FFA also announced that the companies belonging to the Verband Privater Rundfunk und Telemedien (association of private broadcasters and telemedia - VPRT) had promised to the FFA film support worth a total of EUR 13.5 million (cash and media services) for this year. This sum, which is higher than in previous years, will in future also be available for first video productions and video-on-demand services.

Pressemitteilung der FFA vom 19. Juni 2009

http://www.ffa.de/index.php?page=presse_detail&news=776

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FFA press release of 19 June 2009

Beschluss des VG Berlin vom 27. Juli 2009 (Az.: VG 22 L 147.09)

http://www.berlin.de/imperia/md/content/senatsverwaltungen/justiz/gerichte/vg2/entscheidungen/vg_22_l_147.09.pdf

VG Berlin decision of 27 July 2009 (case no. VG 22 L 147.09)

Pressemitteilung der FFA vom 6. August 2009

http://www.ffa.de/index.php?page=presse_detail&news=784

FFA press release of 6 August 2009

Pressemitteilung des VPRT vom 6. August 2009

http://www.vprt.de/index.html/de/press/article/id/201/or/2/

VPRT press release of 6 August 2009

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