[DE] Federal Administrative Court Asks ECJ for Preliminary Ruling in Roj TV Dispute

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The *Bundesverwaltungsgericht* (Federal Administrative Court - BVerwG) has asked the Court of Justice of the European Union (ECJ) for a preliminary ruling in the legal dispute concerning the broadcasting ban imposed on television broadcaster Roj TV.

The TV channel, operated by two Danish public limited companies under a Danish licence, broadcasts mainly Kurdish-language programmes all over Europe. The German *Bundesministerium des Inneren* (Federal Ministry of Home Affairs) banned the broadcaster's activities in Germany in 2008 under German association law on the grounds that Roj TV propagated violence as a means of achieving the objectives of the Kurdish Workers' Party (PKK), which was banned in Germany (see IRIS 2008-8: 10). Urgent applications filed by Roj TV against this ban were granted by the BVerwG (see IRIS 2009-7:8).

The BVerwG has now announced that, from a material point of view, it considers the conditions for banning the broadcaster's activities to be met under German law. However, it first needs to clarify whether the ban imposed by a German authority against a broadcaster based in a different country where its activities are permitted, is compatible with Community law, in particular the "broadcasting State principle" enshrined in the Television Without Frontiers Directive. It has asked the ECJ to clarify this.

Pressemitteilung des BVerwG zur Entscheidung vom 24. Februar 2010 (Az. 6 A 6.08 und 7.08)

http://www.bverwg.de/enid/418408b0760c52382cb5b9c047f9776c,ab8cc77365617263685f646973706c6179436f6e7461696e6572092d093132383831093a095f7472636964092d0931393535/Pressemitteilungen/Pressemitteilungen_9d.html

Press release of the Federal Administrative Court on the decision of 24 February 2010 (case nos. 6 A 6.08 and 7.08)

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