[DE] Administrative Appeal Court Rules on Film Contributions Obligation

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The *Oberverwaltungsgericht* (Administrative Appeal Court - OVG) of Berlin-Brandenburg has decided in several procedures concerning temporary legal protection that the plaintiffs, multiplex cinema operators, are, for the time being, not obliged to pay film contributions to the *Filmförderungsanstalt* (Film Support Office) under the *Filmförderungsgesetz* (Film Support Act - FFG).

The OVG granted the cinema operators' applications with reference to the 2009 decision of the *Bundesverwaltungsgericht* (Federal Administrative Court - BVerwG), which found that the different systems for contributions paid by cinema operators and the video industry on the one hand and television companies on the other, as defined in Arts. 66 and 67 FFG, violated the principle of equal contributions derived from Art. 3 of the *Grundgesetz* (Basic Law - GG), and asked the *Bundesverfassungsgericht* (Federal Constitutional Court - BVerfG) to look into the matter (see IRIS 2009-4: 7). This gave rise to "serious doubts over the legality" of decisions requiring cinema operators to pay the contributions, which is why the OVG granted them temporary legal protection.

Following planned interim arrangements for previously signed agreements with television companies, the government's proposed amendment of the FFG (see IRIS 2009-3: 7) - in the absence of a "retrospective remedy of the constitutional violation" - does nothing to change this assessment.

Pressemitteilung des OVG Berlin-Brandenburg zu den Beschlüssen vom 22. Februar 2010 (Az. OVG 10 S 37.09 u. a.)

http://www.berlin.de/sen/justiz/gerichte/ovg/presse/archiv/20100224.1755.156860.html

Press release of the Administrative Appeal Court of Berlin-Brandenburg on the decisions of 22 February 2010 (case no. OVG 10 S 37.09 et al.)

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