[DE] Administrative Court Rules on Filming Public City Council Meetings

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On 25 March 2011, the *Verwaltungsgericht des Saarlandes* ((Saarland Administrative Court) ruled that broadcasters must normally be allowed to film public city council meetings and may only be prohibited from doing so in exceptional circumstances.

The mayor of the City of Saarbrücken had turned down an application by the private broadcaster Funkhaus Saar GmbH to film the city council's public meetings exclusively for reporting purposes (see IRIS 2010-10/23). She gave as her reason for the ban her fear that the city council's ability to function properly could be adversely affected if its meetings were filmed on video. The council members could "lose their spontaneity" if they were aware of sound and video recordings being made of them and be more restrained in the exercise of their right to speak.

The Administrative Court took a different view, stating that the public nature of city council meetings was not limited to public admission to the chamber but extended to media access. The freedom to broadcast was, it said, protected by Article 5(1) of the Basic Law and played a very important role in a democracy, so that broadcasters could not generally be refused permission to film city council meetings. Rather, an individual decision had to be taken before each such meeting on whether the exclusion of the media was, by way of exception, justified, but the mayor had not provided sufficient grounds for such an exclusion.

An appeal has been lodged against this decision.

Verwaltungsgericht des Saarlandes, Urteil vom 25. März 2011 (Az. 3 K 501/10)

http://www.rechtsprechung.saarland.de/cgi-bin/rechtsprechung/document.py?Gericht=sl&Art=en&Datum=2011&nr=3354&pos=4&anz=91

Saarland Administrative Court, Judgment of 25 March 2011 (case no. 3 K 501/10)

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