Court of Justice of the European Union: BKS Withdraws Question on Interpretation of TWF Directive

IRIS 2011-9:1/5

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As is now public knowledge, the Austrian *Bundeskommunikationssenat* (Federal Communications Board - BKS) wrote to the Court of Justice of the European Union (ECJ) on 6 July 2011, withdrawing its reference for a preliminary ruling on the interpretation of the Television Without Frontiers Directive (89/552/EEC) after the *Publikumsrat* (Viewers' Council) of *Österreichischer Rundfunk* (Austrian public service broadcaster - ORF) had, in turn, withdrawn the complaint it had filed with the BKS against ORF.

The original case before the BKS concerned the depiction of a couple dancing from the left to the centre of the bottom third of the screen, together with the caption "*Dancing Stars ab Freitag 20:15*" (Dancing Stars starts Friday 8.15 p.m.) during a feature film shown on public service television. The BKS held that this raised the legal question as to whether programming elements in which the TV broadcaster referred to its own programmes were covered by advertising rules and, if so, whether they should be separated from other programme material and whether the rules on the insertion of advertising applied (see IRIS 2011-6/6).

In its recently published decision of 26 July 2011, the ECJ ordered case C-162/11 to be removed from the court register, as a result of which the European court will not clarify the issue for the time being.

Beschluss des EuGH vom 26.7.2011 (Rs. C-162/11)

http://curia.europa.eu/jurisp/cgi-bin/gettext.pl?where=&lang=de&num=79889273C19110162_1&doc=T&ouvert=T&seance=ORD

ECJ decision of 26 July 2011 (case C-162/11)

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