# [DE] Kassel Administrative Court declares supervisory measure against “Big Brother” programme unlawful

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In a ruling of 7 May 2015 - 8 A 254/14 - the Verwaltungsgerichtshof Kassel (Kassel Administrative Court) decided that the supervisory measure imposed by the Hessische Landesanstalt für privaten Rundfunk und neue Medien (Hessian Private Broadcasting and New Media Office - LPR Hessen) against the broadcast of an episode of the “Big Brother” programme was unlawful.

The LPR Hessen had classified a “Big Brother” daily highlights show as harmful for the development of children and young people and therefore ordered the broadcaster RTL 2 not to broadcast future episodes of the programme between 7pm and 8pm.

RTL 2 appealed against the media authority’s decision.

The VGH Kassel found that the “Big Brother” format was characterised by its coverage of current events and could not therefore be presented for assessment prior to transmission. Under Article 20(3)(2) of the Jugendmedienschutz-Staatsvertrag (Inter-State Agreement on the Protection of Young People in the Media - JMStV), when a programme could not be presented for assessment prior to transmission, the Land media authority should refer the matter to a certified organisation of voluntary self-regulation for a decision.

According to the court, this meant that the Land media authority could not intervene by imposing a supervisory measure itself.

The VGH Kassel therefore quashed the Hessian authority’s decision, including all supervisory measures, and upheld the appeal.

### *Pressemitteilung des VGH Kassel, 7. May 2015*

https://vgh-kassel-justiz.hessen.de/irj/VGH_Kassel_Internet?rid=HMdJ_15/VGH_Kassel_Internet/sub/197/1970ca2d-cd22-d417-9cda-a2b417c0cf46,,,11111111-2222-3333-4444-100000005003%252526overview=true.htm

*VGH Kassel press release, 7 May 2015*

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