[DE] TV broadcaster tm3 must cease broadcasting after licence is withdrawn

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In a decision of 12 February 2019, the Verwaltungsgericht Stuttgart (Stuttgart administrative court) rejected a request from TV broadcaster tm3 for a temporary injunction against the suspension of its broadcasting licence. The court therefore confirmed the immediate enforceability of the decision to withdraw the broadcaster's licence to organise and distribute the channel, which had been broadcast under the name "Family TV" until January.

In July 2017, the Landesanstalt für Kommunikation (LFK), the regulatory body for broadcasting and telemedia services in Baden-Württemberg, had withdrawn tm3's licence on the basis of a unanimous ruling of the Kommission für Zulassung und Aufsicht (Commission on Licensing and Supervision - ZAK) of the regional media authorities. It was the first time it had ever withdrawn the licence of an operating broadcaster. Its decision had been based on the unreliabilityof the broadcaster which, according to the LFK, had repeatedly breached copyright and media law provisions. For example, it had broadcast the film "Grand Hotel Budapest" or parts of it without a licence. As well as the licence for the channel "Family TV", the company's licence for its second channel, "blizz", was withdrawn.

After the regulator's ruling that the licence should be withdrawn with immediate effect, the broadcaster had appealed to the courts for emergency legal protection. In January 2019, it had celebrated its 10th anniversary and changed its name. After a temporary injunction was refused, the broadcaster had initially taken further legal action before finally ceasing its broadcasting operations on 31 March 2019. At the beginning of March, the broadcaster's CEO had been convicted in a separate criminal procedure. However, the company claimed that this case had nothing to do with the decision to cease broadcasting, which had been taken primarily because of the CEO's health problems. According to media reports, the broadcaster is also deeply in debt.

Pressemitteilung der Landesanstalt für Kommunikation (LFK), 18. Februar 2019

https://www.lfk.de/aktuelles/pressecenter/pressemitteilungen/detail/artikel/tm3-vormals-family-tv-muss-sendebetrieb-einstellen.html

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