[DE] BILD live streams require broadcasting licence

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In a ruling of 26 September 2019 (VG 27 K 365.18), the Verwaltungsgericht Berlin (Berlin Administrative Court) decided that BILD, Germany's best-selling daily newspaper, could no longer operate at least some of its live streams without a licence.In April 2018, BILD began organising and distributing online videos entitled "Die richtigen Fragen", "BILD live" and "BILD-Sport – Talk mit Thorsten Kinhöfer", which can be streamed live. In July 2018, the Medienanstalt Berlin-Brandenburg (Berlin-Brandenburg media authority – mabb), applying a decision of the Kommission für Zulassung und Aufsicht (Commission on Licensing and Supervision – ZAK) of the Landesmedienanstalten (regional media authorities), held that BILD was therefore broadcasting without a licence and filed an objection. It ruled that the live streams should be classified as broadcasting because they were linear audiovisual information and communication services aimed at the general public and designed for simultaneous reception. Since they were the result of negligent practice at the very least, they could be punished as administrative offences. The mabb also prohibited the organisation and distribution of the disputed live streams unless a licence application was submitted before 3 September 2018. BILD lodged an appeal against this decision with the Verwaltungsgericht Berlin (Berlin Administrative Court), arguing in particular that its live streams should not be classified as broadcasting and therefore did not require a licence because they were not provided within a schedule.The Verwaltungsgericht Berlin largely rejected the appeal. It ruled that the decision was lawful in substance and did not infringe the rights of the appellant. The mabb had correctly classified the live streams as broadcasting, for which a licence was required. The services were aimed at the general public and designed for simultaneous reception. They were also provided within a schedule, not least on account of their regularity or frequency. However, the court quashed the part of the disputed decision relating to the defendant's claim that broadcasting negligently without a licence could be punished as an administrative offence, since the defendant was not authorised to issue such an administrative decision.On account of the case's fundamental importance, the Verwaltungsgericht allowed an appeal to the Oberverwaltungsgericht Berlin-Brandenburg (Berlin-Brandenburg Administrative Appeal Court).

Pressemitteilung des Verwaltungsgerichts Berlin vom 26. September 2019

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https://www.berlin.de/gerichte/verwaltungsgericht/presse/pressemitteilungen/2019/pressemitteilung.850121.php

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