



## Press Release

### **BEITEN BURKHARDT assists Bavarian Private Radio Stations with Filing an Appeal Against the Bavarian Broadcaster Bayerischer Rundfunk in the "PULS" Proceedings**

Munich, 1 August 2016 – On 7 June 2016, the Regional Court of Munich I had dismissed the action launched by 40 local and regional radio stations as well as Antenne Bayern against Bayerischer Rundfunk (BR) for sending the youth programme PULS on the analogue frequencies, to date used by BR-Klassik (channel for classical music). The German press had comprehensively reported.

BEITEN BURKHARDT represents the 40 private radio stations in the proceedings on appeal before the Higher Regional Court of Munich.

#### Background:

The change from BR-Klassik to PULS shall be carried out in 2018. It will then be possible to receive PULS not only digitally but also with customary VHF radio sets. BR-Klassik, in fact, shall disappear from its historical frequency and can, in future, only be received via digital radio (DAB+), cable, internet and satellite.

The private radio stations feared that through such exchange BR would further strengthen its position as broadcaster on the radio market, massively luring away listeners from the private radio stations which is why they they lodged the legal action. The Regional declared in its judgment that although BR infringes the German Interstate Treaty on Broadcasting (*Rundfunkstaatsvertrag*) by the intended exchange of frequencies, yet does not view this as a violation of competition of BR due to the fact that the provisions of the Interstate Treaty on Broadcasting are not set forth to regulate competitive behaviour. This assessment, among other things, is the reason why the 40 private radio stations have lodged the appeal.

**Representatives of the 40 private radio stations:**



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BEITEN BURKHARDT: The Partners Dr. Axel von Walter (in charge; Litigation; Competition Law), Dr. Stephen Lampert (Public Media Law) and Dr. Christian Heinichen (Antitrust Law, all Munich)

STOLZENBERG Rechtsanwälte Partnerschaft: Dr. Christoph von Hutten

### **Contact**

Dr. Axel von Walter

Phone: +49 89 35065-1321

E-mail: [Axel.Walter@bblaw.com](mailto:Axel.Walter@bblaw.com)

### **Public Relations:**

Frauke Reuther

Phone: +49 69 75 60 95 – 570

E-mail: [Frauke.Reuther@bblaw.com](mailto:Frauke.Reuther@bblaw.com)

### **Information on BEITEN BURKHARDT**

- BEITEN BURKHARDT is an independent international commercial law firm with a focused range of services and some 280 lawyers working in 9 locations.
- Through our long-established offices in Germany, Brussels, China and Russia we advise large and mid-sized companies and corporate groups from various industries, banks and financial institutions as well as the public sector.