



Bundesverwaltungsgericht

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Press release

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Federal Administrative Court partially sets out immediate execution of the COMPACT ban

The Federal Administrative Court has today granted the application of COMPACT-Magazin GmbH, which has suspended effect of its action against the prohibition decree of the Federal Ministry of the Interior and Homeland (BMI). In contrast, the court rejected the applications of further applicants.

With prohibition order of 5. June 2024 - completed on 16 June July 2024 - submitted the BMI to section 3 para. 1 set 1 Var. 2, Section 17 No. 1 Var. 1 Club Gi. V. m. Art. 9 para. 2 Var. 2 GG, that the applicant for 1 - COMPACT-Magazin GmbH - and their sub-organisation, the applicant on 2, were therefore banned and dissolved. The applicants 3 to 10 are mentioned as members in the prohibition order. The Founding cited the establishment that the unification rejects the constitutional order according to its purposes and its activity and wisely a fundamental attitude of constitutionality. This is expressed, among other things, in numerous contributions from the monthly "COMPACT magazine for sovereignty". On the other hand, the applicants have 1 to 10 on the 24th of October. July 2024, a lawsuit, on which the Senate has not yet decided. At the same time, they have submitted applications for provisional legal protection, which primarily aim to be able to continue the operation of the press and media company for the duration of the pending legal proceedings.

In the summary examination of the prohibition order required by urgent procedure, the prospects of success of the claimant 1 prove to be open. Admittedly, there are no concerns about the applicability of the combined legislation on the applicant for 1. organised in the legal form of a limited liability company and active as a press and media company. Everything also suggests that the banal decree is formally legal. In material terms, there is no doubt that the applicant 1 is an association i.S.d. Section 2 para. 1 VereinsG acts, which has to have the applicant's activities attributable to 2 as its partial organisation. However, whether this union is the - as all reasons for section 3 para. 1 set 1 VereinsG, Art. 9 para. 2 GG narrow - the reason for asserting himself fulfils the constitutional order, cannot be conclusively judged at present.

Individual statements in the print and online publications disseminated by the applicant for 1 leave clues, especially for a violation of human dignity (Art. 1 para. 1 GG). It also suggests the majority that the applicant for 1 with her own rhetoric occupies a militant-aggressive attitude towards elementary constitutional principles in many contributions. There are doubts, however, whether, in view of the freedom of expression in view of freedom of expression and freedom of the press, there are largely non-related contributions in the editions of the "COMPACT magazine for sovereignty" the article. 1 para. 1 passages infringing the GG for the orientation of the unification as a whole are so formative that the prohibition is justified under points of proportionality. As possible, more lenient means must be taken into consideration as possible measures under media law, bans on events, location- and event-related bans on expressions, as well as restrictions and prohibitions of assemblies.

In the case of the consideration in the Federal Administrative Court in the urgent proceedings, the applicant's interest in suspension prevails over the public interest in immediate execution. Since the enforcement of the association's ban leads to the immediate cessation of the entire print and online offer, which represents the focus of the applicant's activities to 1, her interest in the suspensive effect of her complaint with regard to the fundamental rights of freedom of expression and freedom of the press comes from Art. 5 para. 1 GG a special weight too. The respondent's concern to permanently prevent the continuation of the association's activities may be taken into account sufficiently by the conditions specified in the decision. These primarily serve to further evaluate the confiscated evidence for the main proceedings pending.

In contrast, the complaints of the other applicants to 2 to 10 are unlikely to be successful. Your urgent requests were therefore to be rejected.

BVerwG 6 VR 1.24 - Decision of 14. August 2024 (/140824B6VR1.24.0)