[NL] Court refuses to order injunction over broadcaster’s news programme

IRIS 2025-5:1/6

Ronan Ó Fathaigh
Institute for Information Law (IViR)

On 17 April 2025, the Rechtbank Amsterdam (District Court of Amsterdam) delivered a significant ruling on broadcast journalism reporting on serious allegations against commercial companies. Notably, the Court refused to order a “publication ban” against a well-known Dutch news programme reporting on serious fraud allegations against an employment agency, holding that such a journalistic programme must enjoy wide freedom of expression to address matters of public interest, even where the allegations would have very damaging consequences for the commercial company.

The case arose on 27 February 2025, when the well-known Dutch news programme, RTL Nieuws, informed a Dutch-based employment agency that it intended to broadcast a programme on 1 March 2025, reporting on serious allegations against the company. The employment agency connected self-employed healthcare workers with major healthcare providers via secondment, and RTL Nieuws intended to report that an investigation by the Dutch Health and Youth Care Inspectorate had shown that the agency had allowed self-employed persons to work in healthcare, with numerous self-employed persons “not having the correct diploma” qualification, and some had a “forged” diploma. The employment agency replied to the broadcaster, saying the response period was “very short”, and it could only respond by 3 March 2025. On 1 March, RTL Nieuws broadcast a news item on the employment agency, reporting on the allegations against the company, and published an online article, headlined “Employment agency sent self-employed people with false diplomas into healthcare”.

Following the broadcast, the employment agency initiated legal proceedings against RTL Nieuws, seeking an order prohibiting the re-broadcasting of the news item, removal of the online report; and an order for a correction. In its judgment, the Court first set out that the requested “publication ban” and rectification were intended to “restrict” the freedom of expression of RTL Nieuws, which is protected by Article 10 of the European Convention on Human Rights. However, the employment agency also enjoyed a right to protection of reputation under Article 8, and as such, the Court had to balance both these rights. Crucially, the Court emphasised the “importance" of RTL Nieuws being able to express itself “critically, informatively and opinionatedly” on matters of public interest, and was entitled to a “wide” freedom of expression on matters of public interest. However,

© European Audiovisual Observatory (Council of Europe) 2026

journalists must ensure “accurate and reliable reporting”, in particular when serious “accusations are made”.

In this regard, the Court noted that the RTL Nieuws report was on a serious matter of public interest; but the Court also recognised the reporting was “very damaging” for the employment agency. And given the seriousness of the (expected) consequences for employment, the Court held RTL Nieuws’s accusations must have a “sufficient factual basis”. Importantly, it had not been publicly stated by the authorities that the employment agency had been the company targeted by the Health and Youth Care Inspectorate investigation. Crucially, the Court held that RTL Nieuws had “sufficiently” explained from which “factual material” it derived these accusations, including by establishing that the police had searched the company’s offices in December 2024; and RTL Nieuws had an “off-the-record” comment from an employee of the Health and Youth Care Inspectorate. As such, the Court concluded that RTL Nieuws had not acted unlawfully in publishing the allegations against the company, refused to order the publication ban and rectification; while ordering the company to pay the costs of the proceedings, including those of RTL Nieuws.

Rechtbank Amsterdam, ECLI:NL:RBAMS:2025:2543, 17 april 2025

https://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2025:2543

District Court of Amsterdam, ECLI:NL:RBAMS:2025:2543, 17 April 2025

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026