[NL] Court grants preliminary relief in a dispute between the public broadcaster and the Dutch Media Authority

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On 16 June 2025, the District Court of Central Netherlands issued a preliminary relief ruling, holding that the Dutch public broadcaster AVROTROS does not have to grant the Dutch Media Authority (*Commissariaat voor de Media*) access to two confidential research reports concerning workplace safety.

The request for preliminary relief was brought by AVROTROS following the Media Authority's request to inspect the reports regarding social safety and governance within the organisation drawn up by external parties in 2023. These reports formed the basis for AVROTROS's action plan, which was developed in view of the findings of the research committee investigating the work environment at public broadcasters, chaired by former minister Martin van Rijn. In 2024, the committee established that broadcasters had failed to combat widespread physical and verbal harassment of their staff members. The Media Authority argued that access to AVROTROS's reports outlining the outcomes of these investigations is essential for it to be able to exercise its supervisory role. To that end, it referred to its Supervision Approach 2024, under which the Media Authority committed to a closer scrutiny of the quality of the establishment and the proper functioning of the risk management processes for promoting a safer work environment. While AVROTROS shared the recommendations of both reports with the Media Authority, it refused to disclose the reports due to concerns regarding the privacy of its employees, who had cooperated on the reports on condition that their input remained confidential. AVROTROS also believes the issue of workplace safety at public broadcasters to be outside of the Media Authority's competence. As AVROTROS had failed to provide access to the reports, the Media Authority proceeded to impose a penalty.

In granting preliminary relief, the court established that AVROTROS had an urgent interest in preserving the confidentiality of its reports due to the irreversible consequences of their publication and inspection. However, the court avoided ruling on the scope of the Media Authority's powers. This matter will be addressed in the substantive proceedings by a multi-member chamber. Until then, AVROTROS is not obliged to hand over the reports, and the Media Authority may not impose a fine on AVROTROS for refusing to comply with its request.

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District Court of Central Netherlands, preliminary relief ruling of 16 June 2025, ECLI:NL:RBMNE:2025:2849

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