[NL] media authority decision suspended

IRIS 1998-7:1/8

Mediaforum
Media Forum

In summary proceedings before the Amsterdam Court, the Dutch Media Group (Holland Media Groep - HMG) and others contested the decision of the Dutch Media Authority (Commissariaat voor de Media) which held that on the basis of the revised Television without Frontiers Directive (Directive 97/36/EC, article 1 and 2, paragraph 2 and 3) programmes broadcast by commercial channels RTL 4 and RTL 5 should be regarded as programmes of a domestic broadcasting organisation. According to the Media Authority, decisions regarding programming on RTL 4 and RTL 5 are taken in the Netherlands. In accordance with the Media Authority's decision, these channels would be subject to the competence of the Media Authority and therefore, among other things, would have to ask the Media Authority for permission to broadcast. The Court suspended the decision of the Media Authority.

The judge held that summary proceedings are not the adequate procedure for the examination of facts required in this case. Furthermore, the judge ruled that since the programmes of RTL 4 and RTL 5 are in fact being controlled to at least some extent by Luxembourg authorities, the Media Authority does not have a pressing interest in assuming direct control over RTL 4 and RTL 5.

President arrondissementsrechtbank Amsterdam, 20 May 1998

District Court of Amsterdam, 20 May 1998.

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