[NL] Radio-frequency Policy under Fire

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On 22 March 1995 the Dutch administrative court College van Beroep voor het bedrijfsleven ('board of appeal for trade and industry') set aside the Ministry of Transport and Public Works's decision to assign other broadcasters than Sky Radio an FM frequency. The court found that the Ministry in determining and assessing the criteria for the assignment of AM and FM frequencies to private commercial radio stations, has overstepped its competence. The consideration whether the programme of a private commercial radio station was an addition to the programming of the existing public and private broadcasters - claimed to be the justifiable desire for "diversity" - was ruled to lack basis in the governing law (the Wet op de Telecommunicatievoorzieningen - "Law on telecommunications facilities'". Secondly, the court found that the Ministry's decision showed insufficient consideration for the interests of Sky Radio. The result of this ruling is that the Ministry will have to issue a new ordinance, having regard to the court's ruling. Since all the remaining AM and FM frequencies have already been assigned to other private commercial radio stations. Sky Radio's chances of obtaining an FM frequency should - in spite of the ruling of 22 March - not be overestimated.

College van Beroep voor het bedrijfsleven, 22 March 1995, No 94/2533/090/195, Sky Radio Ltd. vs. Minister van Verkeer en Waterstaat and others.

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