[BE] Request for a Preliminary Ruling of the EC Court of Justice in Case against TNT/Cartoon Network

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On 29 November 1994, the President of the Tribunal de Commerce of Brussels decided to request a preliminary ruling from the Court of Justice of the European Communities in an appeal by the Belgian State against a court decision of 26 October 1993, allowing the Belgian cable operator, Coditel Brabant, to distribute the programmes of TNT and Cartoon Network.

The Tribunal asks the Court of Justice the following questions: 1. Is the non-domestic satellite licence granted by the United Kingdom to TNT/Cartoon Network in line with the requirements of the "Television without Frontiers" Directive and does this mean that such a licence is subject to the system established by the Directive according to which the Member State from which broadcasts emanate is responsible for ensuring compliance with the provisions of the Directive? 2. If not, to which extent can a Member State in which the programmes of broadcasters, broadcasting on the basis of a non-domestic satellite licence are recceived, impose certain conditions on the retransmission of their signals by cable? What are the limits of this competence under EC law? 3. In case of an affirmative response to the first question, can the Member State in which programmes broadcast from the United Kingdom on the basis of a non-domestic satellite licence are received, refuse to authorise retransmission by cable in case the programmes do not comply with Articles 4 and 5 of the "Television without Frontiers" Directive?

Ordonnance du Tribunal de Commerce du 29 novembre 1994, R.K. 310/94, Belgique v Turner Inter13 Sales Ltd. et Coditel Brabant.

Order of the “Tribunal de Commerce” of 29 November 1994, R.K. 310/94, Belgium v. Turner International Sales Ltd. and Coditel Brabant.

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