[NL] RTL4 and RTL5 Submitted to Dutch Media Act

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Holland Media Groep (Holland Media Group HMG) is a commercial broadcasting corporation, which broadcasts television programs on channels RTL4 and RTL5. By a decree dated 20 November 1997 the Commissariaat voor de Media (Dutch Media Authority) decided that:

- HMG must be seen as the broadcasting corporation that is responsible for the programs broadcast by RTL4 an RTL5;

- HMG is subject to the authority of the Netherlands and thereby to the supervision of the Commissariaat voor de media;

- The Commissariaat voor de Media allows the making of television programs by HMG and broadcast of these programs by cable operators under certain conditions and for a certain period of time.

HMG registered a complaint against this decree that was dismissed by the Commissariaat voor de Media.

On 27 April 2000,

HMG lodged an appeal against this decision and asked for an annulment. HMG claims that Luxembourg has jurisdiction since HMG's headquarters are based in that country. According to the District Court of Amsterdam, HMG is the broadcasting corporation which is responsible for the programs of RTL4 and RTL5 as prescribed by the "Television without Frontiers" Directive and the Dutch Mediawet (Media Act) and therefore HMG is considered to have its seat in the Netherlands. According to the Directive, a broadcasting company that has its seat in a certain country is submitted to the jurisdiction of that country. Hence, HMG is subject to the supervision of the Netherlands and the Mediawet applies. The appeal of the HMG was dismissed.

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District Court Amsterdam, judgment of 7 September 2000, case 98/3461, Holland Media Groep (Holland Media Group) v. Commissariaat voor de Media (Dutch Media Authority)

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