Court of First Instance of the European Communities: Case brought by Endemol Entertainment and others against the European Commission

IRIS 1996-3:1/5

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By lodging their case on 4 December 1995 with the Court of First Instance of the European Communities, the companies Endemol Entertainment Holding BV, Veronica Omroep Organisatie, CLT, RTL 4 and others decided to challenge the European Commission on legal grounds in order to protest against the Commission's decision of 20 September 1995 (see: IRIS 1995-9: 5) in which it refused to authorise - in that form - the joint-venture Holland Media Groep SA (HMG), acting as an umbrella for these companies.

The purpose of the proceedings is therefore firstly for the aforementioned Commission decision taken on the basis of Council Regulation (EEC) No.4064/89 of 21 December 1989 on the control of concentrations between undertakings to be set aside, and secondly for the Commission to be ordered to pay the expenses of the applicants. The applicants are to base their argument firstly on the Commission's lack of jurisdiction; the Dutch Government had applied to the Commission under Article 22(3) of the aforementioned Regulation for an examination of concentration as regards the television advertising market, and the Commission should have limited its analysis to the new situation as regards competition in respect of that small segment alone, without extending it to other markets. They are also claiming that the Commission violated the rights of the defence by hindering access to files and failing to communicate certain essential documents. Lastly, they are also claiming that the Commission assessed the situation wrongly in finding that HMG and Endemol both occupied a dominant position each in its own area, and that their partnership would thereby bring about a significant change in actual competition in the production market.

Court of First Instance of the European Communities. Case lodged on 4 December 1995 by Endemol Entertainment Holding BV, Veronica Omroep Organisatie, Compagnie Luxembourgeoise de Télédiffusion SA, NV Verenigd Bezit VNU and RTL 4 SA against the Commission of the European Communities, OJEC of 2 March 1996 no.C 64, p.14.

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