

[BE] TF1 to stay on Flemish cable

IRIS 1996-3:1/12

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Early in 1995, TF1 successfully applied to the Tribunal de Commerce (the Commercial Court) in Brussels for an interim order recognising its right to remain on the Flemish Community's cable networks, which had threatened to remove it unless it agreed to pay the copyright fees due on retransmission itself. Previously, these had been covered from the overall sum paid by subscribers under the general "cable contract". The appeal against this order is still pending, but the Tribunal de Commerce confirmed it in a judgment on the merits given on 12 January 1996, in which it forbade the cable networks to stop or suspend distribution of TF1's programmes and imposed a fine of 1 million Belgian francs for every day of non-compliance.

The court pointed out that copyright fees were a part of cable distributors' normal running costs and might not be charged to programme-makers, and stressed that it was the absence of competition in their own area which allowed the former to try to compel TV channels to pay them. Since this additional charge served their own financial interests alone, and not the public service objectives on which their monopoly was founded, the court considered it totally unjustified and ruled that the cable operators might not take TF1's refusal to pay as a reason for ceasing to retransmit its programmes.

Ruling of the Brussels Tribunal de Commerce of 12 January 1996, R.G. 917/95.

