[NL] Football broadcasting rights sold to new sports channel RTL5 will not be shut down after all

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The Dutch Football Federation (KNVB) sold the broadcasting rights for its leagues to a new commercial broadcasting channel, Sport 7, which will specialise in sports. The new station is set to start this August. The channel is jointly owned by several investors, under which Philips, ING Bank, production company EndeMol and the Dutch Football Federation, KNVB (10% share). The public broadcasters that lost out by this decision, represented by the coordinator NOS, have threatened to ask for a judicial review to sell the broadcasting rights to a third party, but the NOS has not yet taken any action in that direction.

The Government has given the new sports channel the go ahead, under the condition that it does not prevent the public broadcasters from making their own commentaries of the matches. Exclusive reports on the games are prohibited by the Dutch Media Act, which gives public broadcasters the right to cover current sports events. The NOS is expected to get a sub-licence from the sports channel to broadcast highlights from the football matches. In the mean time, premier division football club Feyenoord has legally challenged the authority of the Football Federation to sell the exclusive rights to cover the matches of the clubs.

Feyenoord, as well as Ajax and two other clubs, holds the opinion that the clubs themselves should have control as to how to exploit its matches. In a judgment of 19 March 1996 the president of the District Court of Utrecht has denied Feyenoord, one of the premier league football clubs and member of the Dutch Football Federation, its demand that the Football Federation be ordered to stop its activities in the new Sports Channel, as far as this concerns the exploitation of the matches played by Feyenoord. Feyenoord claimed that only she is entitled to exploit the broadcasting rights of their matches.

The President reached the preliminary conclusion that the Football Federation's articles of association gave the Federation the right to grant the Sports Channel an exclusive broadcasting licence.

Feyenoord' s reference to Articles 85 and 86 of the EC-treaty also failed. The football club plans to appeal against the verdict.

Pres. Rb. Utrecht 19 maart 1996, Stichting Feyenoord vs. KNVB.

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Judgment of 19 March 1996 of the president of the District Court of Utrecht, Stichting Feyenoord vs. KNVB.

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