[NL] Consumers lose legal action for continuation of analogue satellite transmission

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The President of the District Court of Amsterdam decided on 16 August 1996against the claim of the Dutch consumer interests' organisation (Consumentenbond) that the Dutch-language commercial broadcasters should be forced to continue the analogue transmissions of their television programmes on the ASTRA-satellite system. Since 1 July 1996, RTL (CLT), Veronica, SBS6 and MultiChoice (NetHold) transmit their programme signals in digital format and as a consequence they decided to stop their analogue transmissions on 19 August to cut costs. The broadcasters have offered the various cable companies, free of charge, digital decoding equipment, but have not made such a provision for individual consumers that rely on a private satellite dish for the reception of the broadcasts. Their Luxcrypt-decoder can only decode analogue signals, and is therefore rendered useless. A digital decoder is difficult to obtain and costs the consumer up to 2000 guilders excluding installation costs. The representative of the Dutch consumers' association, the Consumentenbond , asked the President of the District Court to instruct the broadcasters to either continue their analogue transmissions, to provide digital decoders or to reimburse the consumers for their expenses. The President decided in favour of the broadcasters, because they have no special legal obligation towards the consumers to guarantee the usefulness of the (analogue) decoders that they purchased. The cutting of costs was deemed not to be an unreasonable consideration from the part of the private commercial broadcasters. There was also no evidence of a breach of Article 86 of the EC-Treaty, which prohibits the abuse of a dominant position.

Pres. Rb. Amsterdam 16 augustus 1996, Consumentenbond c.s. vs. RTL/HMG/CLT/Veronica/SBS6/MultiChoice.

Decision of the District Court of Amsterdam of 16 August 1996, Consumentenbond c.s. vs. RTL/HMG/CLT/Veronica/SBS6/MultiChoice.

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