[BE] VT4 Access to the Flemish Cable Networks - Part 2

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On the basis of the Cable Decree of 4 May 1994, the Flemish Minister of Cultural Affairs, Mr. H. Weck has, by Ministerial Order (Ministerieel Besluit) of 16 January 1995, banned the distribution of VT4 by Flemish cable networks.

VT4 is a private commercial broadcasting organisation, which broadcasts from the United Kingdom television programmes which are specifically aimed at Vlaanderen (the Flemish Community of Belgium) since 1 February of this year.

The Minister refused VT4 access to the Flemish cable networks, firstly, because he considers VT4 to be a Flemish broadcasting organisation which established itself in the UK to circumvent Flemish law. Secondly, the Minister argued that the British authorities are not able to effectively supervise VT4's Dutch-language broadcasts.

In the meantime, Minister Weckx's Order has been suspended provisionally by a decision of the President of the `Administration' Department of the State Council. According to the decision, the Ministerial Order is contrary to the EEC's `Television without Frontiers' Directive of 3 October 1989 as well as to the provisions concerning the freedom of movement of services in the EEC Treaty (Article 59 jo. 56). On 14 February 1995, the State Council in plenary session was to assess the suspension of the Ministerial Order of 16 January. The result will be reported in IRIS 1995-3. The cable networks started to distribute VT4 on 1 February.

In the meantime, the Commission of the European Communities has, in accordance with Article 169 of the EEC Treaty, brought before the Court of Justice of the EC an action against the Kingdom of Belgium to have a number of provisions in the Flemish Cable Decree of 4 May 1994 declared contrary to the provisions of the `Television without Frontiers' Directive.

President of the `Administration' Department of the State Council (Voorzitter van de IVde kamer van de Raad van State, afdeling Administratie), decision of 24 January 1995, Nr. 51.274 in Case A.61.900/IV-14.939.

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