[NL] Dutch Court Denies Ryanair Access to Raw Source Material of TV Interviews with Employees

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On 15 May 2013, the District Court in Amsterdam denied Ryanair access to the raw source material of television interviews with its employees. In two television broadcasts - one at the end of 2012 and one at the beginning of 2013 - the Dutch public broadcaster KRO addressed the business practices of the airline, which, according to anonymous pilots, could lead to dangerous situations. Based on the interviews, KRO reported that sick and overtired pilots regularly had to fly and that Ryanair's policy to fly with a minimal amount of fuel is contrary to airline regulations. Ryanair, suspecting that KRO presented the pilots' statements out of context, brought a case before the court, arguing that the broadcasts were unlawful. During the proceedings, the airline applied for an interlocutory injunction to require KRO to hand over the unedited interview footage to them.

The Court refused to grant the injunction, stating that it would amount to an interference with freedom of expression, as protected by Article 10 of the European Convention on Human Rights. The Court reasoned that if Ryanair was granted access to the raw source material of the interviews, the airline might be able to determine the identities of the anonymous pilots, which would lead to the disclosure of KRO's sources. According to ECHR jurisprudence, the judge continued, an interference with the protection of sources can only be justified by an overriding general or public interest. The judge stated there was no such public interest justification in this instance and explicitly held that the protection of Ryanair's public reputation was not enough to merit granting the injunction. Furthermore, the airline could determine whether the statements from its employees were taken out of context without obtaining an injunction.

The Court has not yet decided on whether or not the television broadcasts were unlawful.

Rechtbank Amsterdam, Vonnis in incident van 15 mei 2013

http://www.mediareport.nl/wp-content/uploads/2013/05/Vonnis-d-d-15-mei-2013.pdf

Interlocutory judgment of the Amsterdam court, 15 May 2013

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