[GB] ITC responds to EC Court of Justice Ruling on satellite services

IRIS 1997-3:1/31

Stefaan Verhulst
PCMLP University of Oxford

The Independent Television Commission (ITC) has decided that, as a result of the ruling of the Court of Justice of the EC (Case C-222/94, see IRIS 1996-10: 5-6), it will not in future license satellite services transmitted from the UK, by or on behalf of EU persons, unless the service provider is 'established' in the UK.

When considering the "establishment" of a service provider, the ITC will look at the principal place of business of the licensee or applicant and where editorial decisions about programmes and programme schedules are made The Broadcasting Act 1990 required the ITC to exercise jurisdiction over satellite services if they were 'uplinked' from facilities located in the UK. The Ruling of the Court of Justice of the EC, delivered last September, indicated that this was not conform to EC law, and that the place of 'establishment', rather than the location of the 'uplink' was the appropriate basis for the exercise of jurisdiction over EU persons.

Non-EU persons not established in any Member States of the EU will remain licensable by the ITC if they make an uplink situated in the UK. The ITC has contacted those licensees who may be affected by the change, seeking further information from them.

News Release 20/97 of the ITC, 25 February 1997.

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