# [IT] Two Court Decisions Concerning Horizontal Application of the "Television without Frontiers" Directive

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*Roberto Mastroianni*
*RTS Radio Télévision Suisse, Geneva*

With decisions issued respectively on 4 June and 11 October 1996 the Tribunals of Rome and Milan have replied negatively to the request of two different Consumer Associations to impose the broadcasters the respect of the directive. In the first case, the Tribunal of Rome, although considering that the Association had locus standi before the Court, decided that the Directive was not directly applicable in the case at hand, because it had no "horizontal effects' (i.e. it could not be enforced against a private entity if not correctly implemented). In the second case the Tribunal of Milan reached the same conclusion, although using the opposite line of reasoning. The Tribunal said that the Directive was directly applicable even in litigation between private parties but that the Consumer Association (Comitato di difesa dei Consumatori) and a consumer in proprio had no locus standi before the civil Courts in order to ask for a summary judgement against broadcasters. According to the judge, the consumers had no "rights" since the Directive only mentions the protection of interests of consumers as one of the aims of the rules of the Directive concerning the use of television advertising. Both the decisions have been appealed. IRIS will keep you informed on the results.

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*Tribunale di Roma, Cerniglia et al. vs. R.T.I., decision of 4 June 1996*

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*Tribunale di Milano, Comitato difesa consumatori et al. vs. R.T.I., Order of 11 October 1996*

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