Case 352/85 Bond van Adverteerders v Netherlands [1988] ECR -02085

Fact: National law prevented the distribution of programmes supplied from abroad which contained advertisements aimed at the public of the Member State where those programmes were being received. The question was whether this constituted a restriction under Art. 56 TFEU. Importantly, domestic broadcasting corporations were also not permitted to broadcast advertisements, as this was reserved to an organisation with statutory advertising monopoly.

Held: The ban on advertising constituted a two-fold restriction: firstly, on cable network operators within the Member State from being able to relay programmes from broadcasters in other Member States, and secondly, on broadcasters scheduling for advertisers established in the Member State where the programmes were received advertisements intended especially for the public in that Member State. This was found to contradict, therefore, Art. 56 TFEU. Furthermore, restrictions on subtitling could also not be justified on the basis of public policy, but were also found to fall foul of Art. 56 TFEU.

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