[NL] NPO withdraws two fines issued against broadcaster Ongehoord Nederland

IRIS 2024-4:1/9

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On 28 March 2024, the *Stichting Nederlandse Publieke Omroep* (Dutch Public Broadcasting Foundation – NPO) issued a significant decision, withdrawing two fines previously imposed on the broadcaster Ongehoord Nederland. This follows a high-profile decision by the Secretary of State for Culture and Media in December 2023, refusing the NPO's request to withdraw the recognition of Ongehoord Nederland as a public broadcaster (see IRIS 2024-3/13). The two fines had been imposed on the broadcaster for "systematic violation" of the NPO Journalistic Code, and for a "lack of cooperation" with the NPO (IRIS 2023-6/16). The NPO stated that, in order to give the broadcaster "more room to meet" the requirements of the NPO Journalistic Code and thereby "achieve improved cooperation", the NPO decided to revoke the sanctions imposed on the broadcaster.

The procedure began in 2023, when the NPO imposed three separate fines on the broadcaster, including a EUR 131 000 fine in April 2023 for "systemic violation" of the NPO Journalistic Code in relation to the broadcaster's news programme, a EUR 84 000 fine in July 2022 for an earlier systematic violation of the NPO Journalistic Code, and a EUR 56 000 fine in December 2022 for a "lack of cooperation" (IRIS 2023-6/16). Crucially, in April 2023, the NPO's board of directors formally requested that the Secretary of State for Culture and Media withdraw the recognition of the broadcaster, based on a "lack of willingness to cooperate" on the part of the broadcaster. However, in the decision issued in December 2023, the Secretary of State noted that it had "never happened that a minister had to consider a request for withdrawal", that revoking the permit was a "very serious measure" and that the government "must therefore be particularly cautious in doing so". The Secretary of State refused the NPO's request and also noted in the decision that the "journalistic code is not about collaboration, but about quality requirements that a broadcaster must meet" adding, "I have not observed such a manifest and structural lack of willingness to cooperate that this justifies the severe remedy of withdrawal." Crucially, the Secretary of State noted that during the oral hearings, Ongehoord Nederland "explicitly expressed its willingness to restore relations" and collaborate within the public broadcasting system. The Secretary of State expected Ongehoord Nederland "to demonstrate this willingness in practice".

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As such, in its March 2024 decision withdrawing the second and third fines, the NPO explicitly emphasised that it expects the broadcaster to continue to “adhere to the journalistic code and continue to implement improvement plans” and “choose an attitude that contributes to cooperation with all other parties within public broadcasting”. Finally, the NPO announced that the first fine will remain, and that it has initiated court proceedings, so the courts can determine the “scope of the NPO's authority when making decisions" under the Media Act.

NPO trekt twee opgelegde boetes aan Ongehoord Nederland in, 29 maart 2024

https://www.villamedia.nl/artikel/npo-trekt-twee-opgelegde-boetes-aan-ongehoord-nederland-in

NPO withdraws two fines imposed on Ongehoord Nederland, 29 March 2024

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