[NL] Dutch Media Authority adopts new policy rule on classification of on-demand commercial media services

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On 28 May 2025, the Dutch Media Authority published a new policy rule on the classification of on-demand commercial media services (2025 Policy Rule). It replaces the previous policy rule adopted in 2022, which covered a narrower group of video uploaders subject to the active supervision of the Media Authority. The final version of the 2025 Policy Rule reflects the outcomes of public consultation that followed the publication of the draft in March 2025 (IRIS 2025-4:1/15).

The 2025 Policy Rule aims to put into effect the provisions of the Dutch Media Act of 2008. This act was amended in 2020 in the course of the implementation of revised Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in member states concerning the provision of audiovisual media services (Audiovisual Media Services Directive). A service qualifies as an on-demand commercial media service and is subject to active supervision if, in addition to falling within the definition of Article 3.29a of the act, it also meets the criteria set out under the policy rule. The previous policy rule determined that audiovisual media made available through the use of a video platform service offered by a third party, for which the video uploader bears editorial responsibility, can constitute an on-demand commercial media service under certain circumstances. In order to clarify which video uploaders are subject to Dutch media law, the policy rule included a decision tree featuring five cumulative criteria. However, the scope of the Media Authority's active supervision was limited to video uploaders with at least 500 000 followers. This criterion has now been revised. The new criteria under the 2025 Policy Rule are as follows:

1. a video uploader has an account on YouTube, TikTok and/or Instagram;

2. a video uploader has posted at least 24 videos in the past 12 months;

3. a video uploader benefits from making or publishing videos on their account;

4. the benefit gained by the video uploader from making or publishing videos accrues to a business registered with the Chamber of Commerce.

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Importantly, the 2025 Policy Rule exempts video uploaders with less than 100 000 followers from the obligations to report to the Media Authority regularly and to pay a supervision fee. At the same time, they must comply with other provisions under the Media Act, including rules on advertising, sponsorship, product placement and the protection of minors against harmful audiovisual media content. In the event of an infringement, the Media Authority may take enforcement action.

The adoption of the new policy rule was prompted by the latest developments within the online media environment, such as the growing popularity of micro-influencers. It also contributes to one of the commitments under the Media Authority's multi-year strategy, namely, to promote a safe online environment for young people.

Policy Rule of the Dutch Media Authority for the classification of on-demand commercial media services (Policy Rule for the classification of on-demand commercial media services of 2025)

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