[NL] Modification of the Dutch Media Act

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On 22 December 2004 an amendment of the Mediawet (Dutch Media Act) entered into force. The change makes it easier for broadcasting associations to enter the public broadcasting system.

Broadcasting associations in the Netherlands have to be accredited by the Minister of Education, Culture and Science. The accreditation gives them the right to broadcasting time throughout the accreditation period. Accreditations are granted once every five years for a period of five years. Whether a broadcasting association obtains an accreditation depends on its policy plan and the number of members it has.

Under former legislation applicant broadcasting associations obtained a provisional accreditation for five years when they had 50.000 members (members are defined as those who support a broadcasting association with a contribution of at least EUR 5,72 per year). To subsequently obtain a definite accreditation the associations needed 300.000 members. Pursuant to the amendment, applicant broadcasting associations can now qualify for a definite accreditation when they have 150.000 members. Besides that, they must provide an actual contribution in terms of novelty and diversity to the broadcasting system. The purpose of the change is to improve the openness and continuity of the national public broadcasting system. The law has a temporary status until 1 September 2008.

The legislative proposal met with several objections before it was adopted. Members of the Eerste Kamer (the Dutch Senate) in particular were critical. Opponents stated that basing accreditations on the number of members broadcasting associations have is outdated. Also, critics found the proposal to be a piece of occasional legislation meant only to keep BNN in the public broadcasting system. BNN is a candidate-broadcasting association, aimed at young people, which benefited from a temporary accreditation. On 1 March 2004 BNN had only 216.446 members, which meant that it would not have obtained a subsequent definite accreditation and would have lost its broadcasting time. To meet the objections of the Senate, the Government proposed an amending act which gave the new law a temporary status until 1 September 2008.

The cabinet has also proposed to shorten the duration of the accreditations to three years instead of the usual five years. The government wants to revise the public broadcasting system in the short term, and by shortening the period of the

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accreditations changes can be realized sooner. Both the new law that reduces the required number of members and the amending act that gives the law a temporary status enter into force with retroactive effect from 1 March 2004.

Wet van 9 december 2004 tot wijziging van de Mediawet met het oog op verbetering van de openheid en continuïteit van de landelijke publieke omroep, Staatsblad 2004 668

http://www.overheid.nl/op/index.html

Act of 9 December 2004 amending the Media Act, Official Gazette 2004 668

Wet van 9 december 2004 tot wijziging van de Wet van 9 december 2004 tot wijziging van de Mediawet met het oog op verbetering van de openheid en de continuïteit van de landelijke publieke omroep, teneinde aan die wet een tijdelijk karakter te geven, Staatsblad 2004 669

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