[NL] The Future of the Public Broadcasting Service

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Cathelijne Kolthof
Institute for Information Law (IViR), University of Amsterdam

On 5 September 2005, during the `round-table discussion' with the Lower Chamber committee for Culture, the Commissariaat voor de Media (Dutch Media Authority), gave its opinion on the Dutch Cabinet's point of view, regarding the future of the Public Broadcasting Service.

The Dutch Media Authority endorses the Cabinet's viewpoint that sweeping changes within the public broadcasting system are necessary in order to keep up with technological and cultural developments. The Cabinet's view on a new type of public service has been laid down in a provisional draft on which to build further. It calls for technology-neutral formulations and for a focus on the functionsfulfilled by the media.

The Dutch Media Authority upholds the rules that are formulated in the Dutch Media Act as well as the regulations deriving from it. In its supervisory role, the Authority has contributed several remarks to the ongoing discussions.

Firstly, the Authority welcomes the proposed strengthening of the position of the Board of Directors that affords it a sharper centralised role. However, it alerts to the danger that this may have negative implications for the autonomous creativity of broadcasters and programme makers. These potential consequences should therefore be looked into.

In the Cabinet's view, the task of the Public Service will remain to serve and to reach all sections of the population. To that end, three public functions will be concentrated on and, according to the Authority, their definitions should be widened in order to enable smooth supervision. It proposes the following formulations: 1) “news, current events and background information” instead of the Cabinet's original formulation “news”, 2) “identity programming” instead of “opinion-formation and public debate” and 3) “culture, education and other information “ as initially proposed by the Cabinet.

The Cabinet's draft underlines the importance of the public service being firmly rooted in society. Beside the current accessibility of non-profit associations to the public service, the same should apply to non-profit foundations. According to the Cabinet's plans all these non-profit broadcasting organisations should become `licensees'. The Media Authority, however, argues that the number of existing licensees should not increase and believes that more bureaucracy could be

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prevented by encouraging these organisations to merge with one another.

In terms of financing, the Cabinet plans to link the number of members these licensees have to the allocated budget for “opinion-making and public debate”. The Media Authority points out that determining budgets in this manner has caused difficulties in the past because of its labour-intensive character and these difficulties would only be exacerbated by the new plans.

As for the budgets allocated to the functions “News” and “Opinion-formation and debate”, a minimum is guaranteed which is, on the contrary withheld from that of “Culture, education and other information”. According to the Authority, this will undoubtedly have an eroding effect on the public task relating to this category.

The Cabinet's plans allow the licensees to develop not only public activities, but also commercial activities. Profits resulting from public activities should flow back to the same public tasks, whereas gains resulting from commercial activities can be spent in a commercial context. The Authority underlines the difficulty of making a transparent distinction between these activities and warns of the risk of a cross-subsidizing effect. It will be important to take into account the interpretation of the European Commission as to “commercial activities” and use made of the profits flowing therefrom must be monitored.

The Authority advises against exposure to full-fledged competition regarding the third function. Not only could tendering lead to the same bureaucratic pitfalls as have been experienced in the distribution of frequencies, but competition should also be safeguarded and distortion of it prevented.

The Dutch Media Authority concludes by underlining that the proposed fundamental changes within the Public Service should be meticulously considered and special attention should be paid to the question as to whether they are in accordance with European law.

“Inbreng van het Commissariaat voor de Media ten behoeve van het rondetafelgesprek met de vaste Tweede-Kamercommissie voor cultuur op maandag 5 september 2005 inzake de Kabinetsvisie op de toekomst van de Publieke Omroep”

http://www.cvdm.nl/documents/rondetafel.pdf

Contribution of the Dutch Media Authority to the Round-Table discussions held on 5 September with the lower chamber's committee on culture relating to the Cabinet's views on the future of the public service, Commissariaat voor de Media

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