[NL] New Rules Regarding the Programme Quota System

IRIS 2005-10:1/31

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

On 31 December 2003, the new Dutch Media Act came into force. One of the modifications had been the incorporation of some rules of the Mediabesluit (Dutch Media Decree), concerning commercial broadcasters, by the Mediawet (Dutch Media Act). Given these changes, the Commissariaat voor de Media (Dutch Media Authority) had to modify its policy rules, providing for enforcement as well as exemption rules, regarding the assessment of European, independent, recent, Dutch- or Frisian-language programme items (Beleidsregels programmaquota). These rules are applicable to public broadcasting services as well as commercial broadcasters, with the exception of local public broadcasting services and commercial broadcasters, providing for television programmes which can only be received by one municipality or a small group of connected municipalities. Having a closer look at the previous policy rules of 18 December 2001 compared to the new policy rules which came into force on 1 October 2005, the following changes are the most eye-catching.

The definition of “news” has been formulated more precisely. “News” is one of the five categories mentioned in article 7, explicitly not to be taken into account when assessing the percentage of European programme items. The previous policy rules define “news” as “daily news programmes and current affairs programmes with news background”. The new policy rules define “news” as “professionally edited, topical and universal content that is focused on a Dutch audience”. The result of these more restricted formulations is that some programmes will no longer be regarded as “news programmes” and can therefore from now on be taken into account when assessing the European programme items percentage.

The new policy rules have created the possibility of reducing, in certain cases, the percentage of programme items that have to be in Dutch or Frisian to 0 %. An important condition is that the requesting broadcaster can demonstrate that the programme is almost entirely focused on countries outside the Netherlands. The fact that the programme is receivable in the Netherlands would not be a counter-argument in this context.

Furthermore the policy rules, in some respects, have been modified as a means of clarifying the previous rules and as a means of bringing the new rules into accordance with practice. An example of the latter can be found in a new article 13 para. 3. When a broadcasting service is providing a programme that is almost

© European Audiovisual Observatory (Council of Europe) 2026

entirely made up of non-stop video clips, the latter can from now on individually be counted as independent productions unless they are clustered into for example a hitlist.

"Regeling van het Commissariaat voor de Media van 30 augustus 2005 houdende beleidsregels omtrent Europese, onafhankelijke, recente, Nederlandstalige, of Friestalige programmaonderdelen (Beleidsregels programmaquota)",

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

Media Authority provision of 30 August 2005 establishing policy rules concerning European, independent, recent, Dutch- or Frisian-language programme items)

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026