# [NL] Recommendations to Level the Dutch Commercial Television Playing Field

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In May 2006, the Dutch Media Authority published its report on the regulation of the Dutch commercial television market. In this report, the Media Authority analyses the current highly competitive commercial television market and concludes that there is no level playing field as not all competitors are judged by the same standards. The reason for this is that one of the three competitors, RTL Nederland, operates under a Luxembourg broadcasting licence and as such falls under the jurisdiction of the Grand Duchy of Luxembourg, whereas the others are subject to Dutch regulation.

Even though both the Netherlands and Luxembourg have implemented the Television without Frontiers Directive, the Dutch authorities have set stricter rules with regards to some areas. This has led to a situation in which RTL, which exclusively targets the Dutch audience, can evade some of the obligations that are imposed on the Dutch competitors SBS and Talpa. An example of this is that RTL is not bound by the quota rules for Dutch-language programmes. Another important consequence of this difference in jurisdiction is that RTL has more options when it comes to advertising. Unlike the others, it can offer advertisers slogans on billboards within its programmes and can show more commercials during films. This gives RTL an economic advantage over its competitors.

In an attempt to level the playing field, the Media Authority recommends the inclusion of a number of provisions to ease the constraints in the Media Act for commercial broadcasters. By removing the stricter regulations on some points, the Act will reach the minimum standards of the Directive and will consequently be more like the system in Luxembourg. However, the Media Authority realises that adjusting the media legislation will not remove the differences in interpreting this legislation. Therefore, the Media Authority stresses the importance of revising the criteria relating to jurisdiction in the forthcoming revision of the Directive. As this problem exists in more than thirteen European countries, the Media Authority states that: “the European legislator could possibly see the necessity of adjusting the jurisdiction criteria now that it [is] increasingly clear that the matter at hand is not an isolated issue in Europe”.

***Rapport van het Commissariaat voor de Media***

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*Report of the Dutch Media Authority*

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