[NL] Minister of Education, Culture and Science Responds to Three Reports

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In an explanatory letter to Parliament, the minister of Education, Culture and Science has responded to the findings of three different studies that have recently been completed. The first of these studies is a report by TNO (an independent research organisation) about the future of commercials in a digital television landscape. This report concludes that in order to retain their current position and influence, commercial and public broadcasters should expand their activities toward digital services such as on-demand video and search machines. TNO predicts that traditional television commercials will remain the most important source of income for a few years, but that they will lose ground to internet commercials in the long run. However, public broadcasting advertising revenues will remain stable.

The minister has reacted to these findings with optimism. The stable advertising revenues contribute to the continuity of the public broadcasting service. TNO' s advice will be heeded and a share of the annual public broadcasting budget will be reserved to develop and strengthen new activities on the internet.

The second study was conducted by the Dutch Media Authority and deals with regulating the Dutch commercial television market. The Media Authority mainly reports on the position of commercial broadcasters with regard to international regulations. It addresses the current situation in which one of the broadcasters (RTL) operates from Luxembourg, where it is subject to less strict regulations, and the other two broadcasters (SBS and TALPA) operate from the Netherlands, and are thus subject to the stricter Dutch laws. This results in a better negotiating position for RTL and thus gives it an economic advantage over its competitors. The Media Authority advises the removal of some of the stricter regulations so that the Media Act will reach the minimum standards of the Luxembourg legal system (see IRIS 2006-9: 18).

The minister's response is that steps have already been taken to resolve this problem. A draft amendment is being worked on and talks with the broadcasters about expanding advertising possibilities are in progress. More changes can be introduced once the revision of the European TWF Directive has been completed.

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The final study deals with cooperation between public broadcasters and private publishers. One of the recommendations in this report by the *Centrum voor Intellectueel Eigendomsrecht* (Centre for Intellectual Property Law - CIER) is to create regulations concerning side tasks for public broadcasters. Most of the recommendations deal with the application of the Media Act by the Media Authority. The researchers are reluctant to change the Media Act because changing the policy guidelines of the Media Authority can lead to the same results, albeit faster. These changes should mainly concern the possibilities of title sponsoring and merchandising. Finally, public-private cooperation can lead to more income for public broadcasting and should therefore be encouraged.

The minister's response to this is that the Media Authority is willing to change its policies in order to be able to expand the possibilities for public-private cooperation. The Media Act only allows sponsoring of public broadcasting on strict conditions. According to the minister, commercial broadcasters are not bound by any such rules and are thus free to cooperate with other private parties. Currently, public broadcasters are not allowed to carry out merchandising activities. However, the minister feels that since merchandising not only generates income, but can also strengthen a programme, it should be allowed with regard to programmes about sport, culture or charity. The Media Authority will revise policy guidelines in order to allow this.

BRIEF VAN DE MINISTER VAN ONDERWIJS, CULTUUR EN WETENSCHAP Aan de Voorzitter van de Tweede Kamer der Staten-Generaal. Den Haag, 6 oktober 2006

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