[NL] New Legal Regime for Public Broadcasting Service's Side Tasks

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As of 6 October 2006, the rules concerning side tasks and sideline activities in the Media Act and the Media Decree have changed. Side tasks, such as internet sites and thematic channels, have to be in service of the public broadcasting mission. According to the Media Act, public broadcasting programme services shall provide a balanced picture of society and of people's current interests and reflect views pertaining to society, culture, religion and belief. The old regime for side tasks, in particular, had to be adapted because it did not comply with European regulation and did not provide adequate regulation for new media developments.

Sideline activities need to meet three criteria. Firstly, they do not or cannot have a detrimental effect on the performance of the core mission. Secondly, they need to be connected with or in support of the main tasks of the broadcasters. Thirdly, they must not or cannot lead to unfair competition in relation to other parties offering the same or comparable goods or services. Under the new regime, these criteria no longer also apply to side tasks. According to the new Articles 32c to 32h of the Media Decree, side tasks of the national public broadcasting service have to be approved by the Minister of Education, Culture and Science. The public broadcasting service will therefore report side tasks in their long-range estimate. This is necessary because the European Commission requires transparency with regard to government funding.

The new regime is based on the idea that the public broadcasting service is able to decide for itself which distribution channels should be used in order to fulfil its public mission. As was previously the case, local and regional broadcasters report to the Dutch Media Authority the side tasks they want to undertake, prior to their commencement. The Media Authority will give its consent on the basis of new examination rules. These rules will feature in the new policy guidelines for side tasks of public local and regional broadcasting due at the beginning of 2007. The current guidelines on side tasks and sideline activities will remain in force, its provisions still apply to sideline activities.

Besluit van 28 september 2006 tot wijziging van het Mediabesluit in verband met nadere regels inzake het verrichten van neventaken door publieke omroepinstellingen

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http://cdn.ikregeer.nl/pdf/stb-2006-448.pdf

Decision of 28 September 2006 amending the media provisions relating to side tasks of public broadcasting organisations

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