[NL] Liberalisation and Clarification of Sponsorship Rules for Commercial and Public Service Broadcasters

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The Dutch Media Authority is *inter alia* responsible for the practical implementation of broadcasting legislation. It fulfils this duty by means of instruments such as “policy rules”. It has recently amended existing policy rules concerning sponsorship of both commercial and public service broadcasters.

Where commercial broadcasters are concerned, the Media Authority is seeking to create and promote a level playing field for the commercial television market. A number of innovations include the following:

- The inclusion of the name or trademark (the latter includes logos) of a sponsor in the title of a sponsored programme is permitted provided the broadcaster can prove that editorial and commercial material are separated. It is now also permissible to display the sponsor’s products and services if this is done in a neutral manner.

- In order to facilitate cross-media cooperation between companies that produce and distribute media content, the Media Authority is allowing commercial channels to incorporate the name of, for example, a magazine in the commercial channel’s name provided the magazine is the broadcaster’s own publication.

- Slogans may now also be displayed on billboards carrying the name of the sponsor. Such slogans should only serve to popularise the sponsor’s name and may not serve to encourage the purchase of products. With regard to sporting events, the billboards may be displayed at the beginning of three different stages of programmes reporting sports matches: during the introduction session, the actual reporting of the match and the summary session.

Where public service broadcasters are concerned, the interpretation of the definition of “cultural programmes” has been clarified. The confusion surrounding the definition has spurred the Media Authority to step in. In practice, it was not clear whether informational programmes about museums, exhibitions, books etc. could lawfully benefit from sponsoring as they fall under the category “cultural programmes”. Article 52 (2) of the Media Act allows cultural programmes to be sponsored, purely informational programmes are however excluded from this possibility. The Media Authority has issued a list of programmes and descriptions of programmes intended to illustrate what can be considered as a “cultural

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programme”.

Commissariaat voor de Media, „Liberalisering regels commerciële omroep“

http://www.cvdm.nl/content.jsp?objectid=883

“Rules for commercial broadcasters liberalised”, press release of 31 May 2007

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http://www.cvdm.nl/dsresource?objectid=5251&type=org

Letter of 3 May 2007 clarifying the definition of “cultural programme”

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