[NL] Further liberalisation of Media Act

IRIS 1996-10:1/22

Marcel Dellebeke
Institute for Information Law (IViR), University of Amsterdam

In IRIS 1996-8: 11 we published an article on the further liberalisation of the Dutch Media Act. Unfortunately, the text of the article was not complete. Therefore, please find below the full text version of the article: The Dutch Government has introduced a Bill in Parliament containing the second stage of the liberalisation of the Media Act (Mediawet) , which also entails changes in the laws concerning the telecommunications infrastructure (Wet op de telecommunicatievoorzieningen and Radio-Omroep-Zender-Wet 1935). The first stage of the relaxation of the Mediawet was completed by a Law of 4 April 1996, which introduced the possibility of local and regional commercial broadcasting (see IRIS 1995-8: 12 and IRIS 1996-5: 12). The second stage is set to increase the possibilities for the provision of services through cable networks, satellite and ether. To this end, the strict partition between providing radio- and television services and operating the infrastructure will be cancelled. This means that the operator of a cable network (in the USA: cable systems) will be allowed to provide services like subscription television and interactive services.

The Government foresees that this liberalisation could lead to a shift in the offer of programmes from varied and low-priced to special commercial channels. To prevent such an undesired development, the Government proposes to extend the must-carry obligation (now the national and Flemish public service broadcasts) with six European public service channels, with a minimum of one German-language, one English-language and one French-language programme. As well as maintaining the quality of the standard package of offered programmes (basispakket , which has to include the must-carry broadcasts), the Government wants to guarantee its low price. Therefore it has reserved the right to set a maximum price for the standard package if there is a significant rise in the subscription rate. The Government also suggests that all forms of pay-TV are not included in the standard package, but are offered in a premium package(s) with the use of decoder technology. The proposal also entails an extension of the possibilities for merchandising for the public service broadcasters. At the same time, the Government proposes to let only the coordinating organisation of public broadcasters, the Nederlandse Omroep Stichting (NOS) , decide if, and under what conditions, other bodies than the public service broadcasters may publish programme guides containing the public service programme schedules. At present, the NOS may only put these schedules (protected by a pseudo-copyright) at the disposal of public broadcasters, who each publish their own programme

© European Audiovisual Observatory (Council of Europe) 2026

guide, and foreign broadcasters and only in summary form at the disposal of newspapers and weekly magazines.

Lastly, the Government proposes to sell frequencies for private commercial radio broadcasting by auction. After determining the frequency-range which is necessary for the public service broadcasters, the remaining frequencies will be auctioned. The highest bidder will obtain the frequency for a period of five years. The Government proposes to reserve the right to set aside part of the available capacity for broadcasters that aim at a specific target group. Also built in in the proposal is the possibility to determine by Decree a maximum of frequencies that may be held by one party.

Wijziging van bepalingen van de Mediawet, de Wet op de telecommunicatievoorzieningen en de Radio-Omroep-Zender-Wet 1935 in verband met de liberalisering van de mediawetgeving.

Bill containing the second stage of the liberalisation of the Media Act (Mediawet), which also entails changes in the laws concerning the telecommunications infrastructure.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026