[NL] Decision on Lowering Funding for Regional Broadcasters Annulled

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On 26 January 2012, the Court of Hertogenbosch annulled a decision by the Province of Noord-Brabant regarding the lowering or funding to the regional broadcaster 'Omroep Brabant'.

Under the Dutch Media Act (Mediawet) each Province is obliged to financially enable at least one regional broadcaster. Specifically Article 2.170 of the Dutch Media Act states that a Province has to enable a media-offer of high quality and has to guarantee continuity of funding, maintaining the quality and quantity that was the standard in 2004.

On 2 July 2010 the Province of Noord-Brabant adopted a decision to lower its funding to the regional broadcaster 'Omroep Brabant' by EUR 400.000,- and in 2012 to EUR 1.700.000,- in 2015. It qualified the decision by stating that even though this would result in limiting the current number of programme units, this number would not decrease below the qualitative level of 2004: the qualitative and quantitative level of 2004 as mentioned in the provision above would be maintained.

The Court ruled that the decision of the Province did not provide sufficient grounding for the limitation of regional funding. Amongst other things it stated that the Province did not take into account the actual costs of the broadcaster, also bearing in mind the adjustments that have to be made as a result of the changing demands of media-users. As a result it annulled the decision as it was not made in line with the Province's duty of care and was not based on proper grounds (Articles 3:2 and 7:12 Dutch General Administrative Law Act).

The decision being reversed, the Province now has to take a new decision on the funding of the regional broadcaster.

BV1954, Rechtbank 's-Hertogenbosch, AWB 11/176

http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=true&searchtype=kenmerken&vrije_tekst=BV1954

Decision BV1954 of the Court of Hertogenbosch, AWB 11/176

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