[NL] Bill to Amend the Media Act 2008

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On 8 October 2012, the Dutch Minister of Education, Culture and Science introduced a bill to amend the Media Act 2008, with regard to “the distribution of television and radio programme channels through broadcasting networks and broadcasting transmitters and the determination of the minimum size of the standard package television and radio programme channels”.

By changing the Media Act 2008, the government aims to achieve a broader and technology neutral foundation. The draft law contains a more modern regulation, since the rules of the current Media Act no longer fit the technical and economic reality, which has been changed significantly for television distribution by changes in the market.

With the bill, the government aims to adjust the minimum size of the digital standard package. The bill sets out that the digital standard package cannot be less than 30 television programme services. Only when the number of television programme services exceeds this number, the package providers may spread channels over plus packages. For the standard package, distribution of public broadcasters is also required (must-carry). It is therefore mandatory to include the most important public radio and television programme services in the standard package. For the rest, the package providers themselves determine the composition of the standard package. For radio there is, apart from the compulsory distribution of public radio programme services, no minimum number of channels.

Furthermore, cable companies, commercial broadcasters and municipalities have objections to the system of local program councils. The latter now advise about the analog cable package. The cable companies, commercial broadcasters and municipalities characterise this advice by program councils as cumbersome and sometimes opaque, consider that it is no longer in line with the supra-regional exploitation of cable networks and think that it increasingly leads to disputes. When the amendments of the Media Act 2008 take effect, the local program councils therefore disappear.

The bill determines which existing rules of the Media Act 2008, as well as of the Telecommunications Act, will change. Concerning the Media Act 2008, it is intended that Article 1.1 of chapter 1, “Definitions and scope”, and Article 2.146

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of section 2.6.1, “General financing entitlement”, will be amended. Also section 6.3.1, "Use broadcasting transmitters and broadcasting networks", including paragraph 6.3.1.1, "Dissemination program service", paragraph 6.3.1.2, "Must-carry obligations of broadcasting networks" and paragraph 6.3.1.3, "Program councils", will be subject to changes. Concerning the Telecommunications Act, Article III, part B, will expire.

The bill even contains transitional provisions with regard to the offered programmes and objections and appeals. Finally, the amendments will, aside from some exceptions, enter into force with effect from a date to be determined by Royal Decree, which may be determined differently for the various articles or parts thereof.

Voorstel van wet, 8 October 2012, Kamerstuk 33426 nr. 2

https://zoek.officielebekendmakingen.nl/dossier/33426/kst-33426-2?resultIndex=4&sorttype=1&sortorder=4

Bill to amend the Media Act 2008, 8 October 2012, Kamerstuk 33426 nr. 2

Memorie van Toelichting, 8 October 2012, Kamerstuk 33426 nr. 3

https://zoek.officielebekendmakingen.nl/dossier/33426/kst-33426-3?resultIndex=5&sorttype=1&sortorder=4

Explanatory Memorandum, 8 October 2012, Kamerstuk 33426 nr. 3

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